

A DIFFERENT STATE OF MIND: BEN TILLMAN AND THE TRANSFORMATION
OF STATE GOVERNMENT IN SOUTH CAROLINA, 1885-1895

by

KEVIN MICHAEL KRAUSE

(Under the Direction of Stephen W. Berry)

ABSTRACT

This dissertation examines Benjamin Ryan Tillman's political activity in the late 1880s, and governorship in South Carolina from 1890 to 1894. While many historians have focused primarily on Tillman's white supremacy and class-based demagoguery, this project, through a series of case studies focusing on prominent political issues, suggests that Tillman's administration understood the role of state government in a dramatically different manner than his Conservative, or "Bourbon," predecessors, who exhibited reluctance to employ the power of state in most cases. Where Conservatives preferred a minimalist state and elite rule, Tillman and his lieutenants attempted to bolster the power of the state government to empower white agricultural "producers." The chapters include analyses of the agricultural college debate, reforms to the penitentiary and lunatic asylum, governmental approaches to railroad and phosphate monopolies, the state alcohol dispensary, and the constitutional disfranchisement of African Americans. Despite the reality that many of Tillman's objectives were not realized by his vision of a sovereign and active state government—such as widespread landownership and prosperity for

white, small farmers—his overall philosophy of the active and energetic state, which was in line with many Progressive-era conceptions of government, is worth taking seriously.

INDEX WORDS: Benjamin Ryan Tillman, South Carolina, Disfranchisement, Prohibition, Dispensary, Railroad Regulation, Monopoly, State Government, Conservative, Wade Hampton, Phosphate, Southern Race Relations, Producerism, Reform, Clemson College, Agriculture

A DIFFERENT STATE OF MIND: BEN TILLMAN AND THE TRANSFORMATION
OF STATE GOVERNMENT IN SOUTH CAROLINA, 1885-1895

by

KEVIN MICHAEL KRAUSE

BA, University of South Carolina Upstate, 2006

MA, Clemson University, 2008

A Dissertation Submitted to the Graduate Faculty of The University of Georgia in Partial
Fulfillment of the Requirements for the Degree

DOCTOR OF PHILOSOPHY

ATHENS, GEORGIA

2014

© 2014

Kevin Michael Krause

All Rights Reserved

A DIFFERENT STATE OF MIND: BEN TILLMAN AND THE TRANSFORMATION
OF STATE GOVERNMENT IN SOUTH CAROLINA, 1885-1895

by

KEVIN MICHAEL KRAUSE

Major Professor: Stephen W. Berry

Committee: John C. Inscoe
James C. Cobb
Rod Andrew, Jr.

Electronic Version Approved:

Julie Coffield
Interim Dean of the Graduate School
The University of Georgia
December 2014

DEDICATION

I dedicate this dissertation to my parents, Maxie and Linda Krause. I would have never reached this point without their tireless support. Their love is unconditional and unwavering, and I am blessed to be their son. It was, however, not simply abstract love that helped me; it was also their tireless efforts of driving me to school and research facilities, making copies, taking pictures of dusty documents and books, and simply waiting on me for countless hours. I hope they know that my love for them, and appreciation of them, is inexpressible.

Secondly, I must also dedicate this in part to Dr. Rob McCormick, my first history professor at the University of South Carolina Upstate. I enrolled in his class only to fill a requirement, but his passion for teaching history inspired me and set me on the path to becoming a scholar and teacher. Without knowing, he essentially helped me find direction and purpose at the time that I needed it most. He has since become a mentor and a wonderful friend to my family and me.

ACKNOWLEDGEMENTS

Anyone who has ever taken on a project of this magnitude understands that one person does not accomplish it alone. At least, for us mere mortals, throughout the process of questioning, researching, and writing, we repeatedly find that our work improves substantially when we benefit from the invaluable experience and guidance of those who have trod the path before. Therefore, I would like to thank Dr. Stephen Berry, my major professor (and valued friend) who has guided me through each step, from conceiving the embryonic idea, to forming and honing this final product. He continually challenged me to avoid complacency, to ask more probing questions, and to seek truth more deeply.

The other members of my committee have also provided crucial help, counsel, constructive criticism, and friendship. Dr. Rod Andrew, in addition to providing keen insight into South Carolina society and politics, was a great help in developing my Master's thesis and applying for the Ph.D. program at the University of Georgia. Dr. James Cobb has, more than any professor I have ever worked with, forced me to become a more rigorous and careful writer. Earlier in my career as a graduate student, I found it difficult to accept criticism of my work, but Dr. Cobb's frank assessment of problematic issues has helped, I believe, to improve my research and writing skills immeasurably.

Finally, Dr. John Inscoe has encouraged and supported me since my first visit to the department in 2009. I have benefited from his knowledge and scholarly guidance, and like Dr. Cobb, he has helped improve my writing as well. It is, however, his character that has benefited me more than anything. His kindness, optimism, and genuine concern

for the well-being of others has made a lasting impression on me, and many other students, I am sure. He and his wife have become cherished friends of my family, and we appreciate their friendship immensely.

TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS	v
INTRODUCTION	1
CHAPTER	
1 A GLASS FULL OF “BOURBON”: CONSERVATIVE RULE	17
2 SCHOOL DAYS: OPPOSING CONCEPTIONS OF STATE COLLEGES ..	54
3 WITHIN THESE WALLS: THE LUNATIC ASYLUM AND PENITENTIARY	101
4 DOWN BY THE COOSAW: THE PHOSPHATE INDUSTRY AND MONOPOLY	133
5 RIDING RAILS: CONSERVATIVES AND REFORMERS ON RAILROADS AND THE STATE	172
6 RUM DEMONS AND WHISKEY RINGS: PROHIBITION TO THE STATE DISPENSARY	206
7 WHITE MEN, BLACK LAWS: A WHITE SUPREMACIST STATE.....	243
EPILOGUE.....	287
BIBLIOGRAPHY	293

INTRODUCTION

On a sweltering afternoon in the middle of August, 1892, a farmer from the upcountry of South Carolina hitched up his team of mules and drove a wagon full of produce to the nearest store in Clifton, a tiny, rural town eight miles east of the larger railroad junction of Spartanburg. Upon reaching the country store, the farmer—a white man, most likely of modest means—remained perched on the driver’s seat and yelled towards the store. He wanted to know if the storekeeper was interested in purchasing his wagonload of melons. The proprietor stepped out the front door, briefly perused the contents of the wagon, looked at the farmer and asked, “What sort of melons have you?”

The farmer, perplexed because the melons were in plain sight, answered that of course they were watermelons. Then the storeowner sternly replied, “I don’t mean that. Are they *Tillman* melons?” The farmer then clearly understood the implications of the merchant’s question, but insisted that, “they [the melons] have nothing to do with that question,” and then honestly added, “but I’m not a Tillman man.” The storeowner eyed the farmer sternly; his curt reply was: “Drive on. We don’t want you, nor your melons.”¹

The brief encounter described above is illustrative of the caustic sociopolitical polarization that consumed South Carolina in the 1880s and 1890s, as white citizens squared off against each other in political camps with seemingly zero chance of compromise or reconciliation. From a national perspective, since the end of Reconstruction—and the end of so-called “Negro domination”—the Palmetto State had

¹This story is recounted in “Outcome of Tillmanism,” *Anderson Intelligencer*, August 17, 1892.

been a solid one-party bastion, Democratic and devoted to a paternalistic, yet unquestionable white supremacy. By 1890, however, Benjamin Ryan Tillman's ascendancy to the governor's chair had sundered the fragile bonds that had held together whites of disparate economic interests and classes. With little exception, South Carolinians were either "Tillmanites" or "Anti-Tillmanites"—also known respectively as Reformers or Conservatives. Evidently, so entrenched was the dichotomy that even watermelons were not immune from inheriting the stigma of their producer's politics.

"Pitchfork" Ben Tillman launched his political career in 1885 by verbally assaulting those wealthy and influential businessmen, lowcountry planters, and effete "dandies" that he insisted bent the state government against the interest of "simon-pure" farmers. According to Tillman, Conservative leaders—elites who succeeded former Confederate general and governor, Wade Hampton, after "Redemption" in 1876—had encouraged corporate greed and kept a stranglehold on political offices for their own benefit, all at the expense of common farmers. Despite the fact that Tillman was a wealthy owner of more acreage than most *farmers* could ever dream of, and that his closest advisors were often businessmen and lawyers, his greatest electoral support came from the economically burdened white farmers of the upcountry. Throughout the late 1880s and 1890s, small farmers across the region struggled with scarce credit, falling crop prices, rising shipping rates, and periodic droughts and infestations. Accordingly, many latched on to the Tillman train, possibly because he focused the blame for their situation on someone other than themselves.²

² For description of Ben Tillman and his administration, see Francis Butler Simkins, *Pitchfork Ben Tillman: South Carolinian* with a new Introduction by Orville Vernon Burton (Columbia, SC: University of South Carolina Press, 2002), original text 1944, Louisiana State University Press; Stephen Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy* (Chapel Hill: University of North Carolina Press,

Many farmers across the South and West sought to alleviate these strains through economic cooperation, and then through political activity. In South Carolina, Tillman effectively co-opted the agricultural reform momentum—embodied in the Farmers’ Alliance and Populist Party—sweeping other southern and western states. Instead of flocking to the ranks of the Populists, the overwhelming majority of white farmers in South Carolina rested their hopes not on a third party, but on Tillman and his “Reform” Democrats. Conservative critics lamented Tillman’s exploitation of class divisions within white society. An Anderson newspaper editor bemoaned³:

Factory hands are taught to distrust their employers; that they are dishonest, oppressive, cruel, tyrannical. Laborers are taught that employers will cheat and defraud them. Country people are taught that their greatest enemies are town people, whether they live in a large or a small town. It is a fearful campaign of education, and it will require years of patient and conservative work to efface the evil that is being accomplished.⁴

Many of Tillman’s political foes considered him little more than a demagogue, and modern scholars generally agree that he was a fanatical racist, lower-class agitator, and political opportunist—one whose only effective “reform” was entrenching white supremacy in South Carolina for the better part of the twentieth century. To a great degree, these assessments are valid. Tillman earned those labels through his violent rhetoric and tireless efforts to disfranchise African Americans. He also called for reforms

2000); Stephen Kantrowitz, “Ben Tillman and Hendrix McLane, Agrarian Rebels: White Manhood, “The Farmers,” and the Limits of Southern Populism,” *The Journal of Southern History* 66:3 (2000); Walter Edgar, *South Carolina: A History*, (Columbia, SC: University of South Carolina Press, 1998) 430-452; William J. Cooper, *The Conservative Regime, South Carolina, 1887-1890* (Baltimore, MD: The Johns Hopkins Press, 1968), David Duncan Wallace, *The History of South Carolina* (New York: American Historical Society, Inc., 1934), Volume 3; William Watts Ball, *The State that Forgot: South Carolina’s Surrender to Democracy* (Indianapolis: The Bobbs-Merrill Company, 1932).

³ For detailed examinations of Populism and the Farmer’s Alliance see: John D. Hicks, *The Populist Revolt: A History of the Farmers’ Alliance and the People’s Party* (Minneapolis: The University of Minnesota Press, 1931); Lawrence Goodwyn, *The Populist Moment: A Short History of the Agrarian Revolt in America* (New York: Oxford University Press, 1978); Robert C. McMath, *Populist Vanguard: A History of the Southern Farmer’s Alliance* (Chapel Hill: University of North Carolina Press, 1975); Charles Postel, *The Populist Vision* (New York: Oxford University Press, 2009).

⁴ *Anderson Intelligencer*, August 17, 1892

that many of his contemporaries and modern historians have deemed insufficient to meet the needs of the farmers he supposedly represented. Nevertheless, while scholars have skillfully examined the so-called “Agricultural Moses” to reveal critical motivations and strategies of class-driven political movements and New South white supremacy, another fundamental element of the Tillman movement—the conception of the strategically active state government—remains essentially unexamined.

The Tillman movement in South Carolina represented a belief that leaders should exercise the power and machinery of the state government to enforce particular social, economic, and political objectives. Whereas Conservatives balked at expanding the reach of state influence, Tillmanites wielded an empowered state machinery to achieve their desired goals. For example, the creation of state-funded Clemson College, and Winthrop College for women, introduced scientific agricultural education and industrial training meant to ensure prosperity for a broader number white “producing” families. Conservatives, on the other hand, thought that higher education was best suited for an elite few. Tillman also turned the power of the state against monopolistic business practices—he successfully challenged a monopoly in the phosphate mining industry, and increased taxes on railroads—whereas Conservatives generally shied from saddling corporations with taxes and regulations.

Tillmanites also addressed fundamental faults and patterns of abuse in state institutions like the penitentiary and lunatic asylum, which they understood as important symbols of the state’s efficiency and moral authority. And on the “moral” issue of alcohol, where Conservatives showed little initiative in the debates over prohibition, Tillman implemented an ambitious system of state-controlled liquor distribution that

sought to preserve individual freedoms while mitigating the social ills of unchecked saloon life. Finally, in contrast to the Conservative preference for customs, traditional paternalism, and expedient legislation to ensure white supremacy, Tillman insisted that racial subjugation be embedded within the very framework of the state—the constitution.

Although Tillman and his supporters shared many basic ideas with Conservatives about a “proper” society (the necessity of racial hierarchy and patriarchy, for example), they sharply disagreed on the appropriate methods by which to ensure that vision. Thus, the heated discord that consumed South Carolina in the 1880s and 1890s signified much more than a self-serving scramble for the spoils of political power; it represented an ideologically driven contest to define and determine the future relationship between the state and the citizenry. The degrees of “success” or “failure” of either strategy is irrelevant to the present discussion. Tillman did not succeed in creating a society defined by white independent producer-landowners; nevertheless his operation of the state machinery, and the concepts that informed actions, are worth examining and taking seriously.

Scholars have too often presumed that mainstream American political ideologies fall into two camps around opposite poles—that of minimalist, conservative government on one end, and something akin to progressive modern liberalism on the other. But in the 1890s, Tillmanism represented a middle road, a “forgotten alternative,” between *laissez-faire* and the type of progressivism that developed in the early twentieth century. While Tillman likely would have recoiled in horror at the New Deal and Great Society, federal programs that Democrats instituted in the 1930s and 1960s, his understanding of “states’ rights” did not equate to an aversion to governmental activism in any form. Tillmanites

viewed the state government, not the national government or even the people, as sovereign, and they considered it the appropriate arbiter and enforcer of their specific social and political goals.⁵

Beyond his own flamboyance and public commitment to white supremacy, several scholarly trends and assumptions have combined to obscure Ben Tillman's distinct philosophy and implementation of the strategically active state. First, for most of the twentieth century, both the general public and scholars assumed that the preponderance of nineteenth-century Americans knelt at the altar of *laissez-faire*. According to one scholar, academics and citizens in general have tended to take for granted that nineteenth and early twentieth-century America was a "land of rugged individualists, profoundly distrustful of government and engaged in free-wheeling market competition to gain the fruits of an expanding capitalist economy." This enduring myth, combined with the fact that, while governor of South Carolina, Tillman routinely railed against the "meddling" federal courts and Radical Republicans, has likely encouraged the notion that he essentially favored minimal government interference.⁶

Additionally, since the 1960s, directional turns in the historical profession have often discouraged publications that focus on governmental policies and procedures. Inspired greatly by the Civil Rights and Women's movement, scholars began seeking out the voices of previously ignored historical actors. Many abandoned traditional political histories, which focused on elite political leaders, and produced long-needed histories of people of color, women, laborers, and the poor. In effect, history from the "bottom-up"

⁵ The term "forgotten alternative" is a conscious reference to C. Vann Woodward's theory of fluid racial patterns in the New South. See C. Vann Woodward, *The Strange Career of Jim Crow*, Commemorative Edition. Original published in 1955. (New York: Octagon Books, 1974).

⁶ Theda Skocpol, *Protecting Soldiers and Mothers: Political Origins of Social Policy in the United States* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1992), introduction.

replaced what many considered to be outdated and insufficient “top-down” works. Furthermore, this desire to resurrect forgotten lives helped usher in what scholars commonly refer to as the “cultural turn,” in which historians examined how culture and identity—including aspects of race, ethnicity, gender, sexuality, religion, socioeconomic status, etc.—informed and affected common people’s perceptions of society and their daily-lived experience. Other notable trends subsequently built upon and added to the gains made in the cultural turn: literary criticism and emphasis on historical memory have influenced much of the work of the last few decades.⁷

Beginning in the early 1980s, a group of historians and social scientists began to reexamine the role of government—not necessarily by focusing on powerful politicians—but by analyzing how state power functioned. Heavily influenced by Stephen Skowronek’s 1982 work, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*, several scholars over the next decade renewed many of their peers’ interest in the state as a consequential driver of sociopolitical tendencies. According to Theda Skocpol, who in 1985 argued for “bringing the state back in,” scholars within the budding countertrend “considered *states* as weighty actors...[that] affect political and social processes through their policies and their patterned relationships with social groups.” State strategies and measures, they insisted, significantly influenced social dynamics and cultural patterns, which also operated within the limitations that states enforced. Although Skocpol referred to social scientists that emphasized various time periods and regions across the globe, a notable subset of

⁷ Brian Balogh, “The State of the State among Historians,” *Social Science History* 27. 3 (Fall, 2003), 458.

American historians employed the state-centered approach to reexamine entrenched assumptions about the United States in the late nineteenth century.⁸

While a dedicated coterie of American scholars began to correct previous myths about the influence of government in the Gilded Age, several characteristics of this school helped to obscure important developments in the post-Reconstruction South, especially in Tillman-era South Carolina. First, most of these historians and political scientists focused exclusively on the national state. In addition to the previously mentioned authors, historians such as Richard R. John, Brian Balogh, and Richard Bensele demonstrated various institutions (the military, postal service, Civil War pension program, railroad subsidies, etc.) through which the federal government exerted powerful sway over an industrializing and rapidly expanding nation. It may be that the focus on policies at the national level overshadowed significant and previously unexplored developments, such as Tillmanism, at the state level. Many of these historians, however, took for granted that there was little new to be understood from nineteenth-century state-level governing policies. According to Brian Balogh, Americans in the Gilded Age were “far more amenable to energetic government at the local and state levels.” However, that observation assumes a level of philosophical cohesion in regards to state-level government that was certainly absent in South Carolina.⁹

⁸ Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (New York: Cambridge University Press, 1982); Theda Skocpol, “Bringing the state back in: Strategies of analysis in current research,” in Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol (eds.) *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985), 3.

⁹ Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge: Harvard University Press, 1995); Richard Bensele, *Yankee Leviathan: the Origins of Central State Authority In America, 1859-1877* (New York: Cambridge University Press, 1990) and *The Political Economy of American Industrialization* (New York: Cambridge University Press, 2000); quote from Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009).

As the following chapters will show, post-Reconstruction Conservatives in the Palmetto State consistently frowned upon “energetic government,” even at the state level. Moreover, qualities such as “energetic” or “active” do not exist in a vacuum; thus, those adjectives mean little outside of the context of elected officials’ social and political objectives, and their underlying governmental doctrines. In the later nineteenth century in South Carolina, Conservatives and Tillmanites not only stood on opposing sides of a factional chasm—each pursuing their own agenda and appealing to different classes of the population—they also understood the objective and proper functions of state government in fundamentally different ways.

Nevertheless, nineteenth-century political scholars’ high degree of focus on campaign rhetoric, the entrenchment of Jim Crow, and the radical agrarian movement has obscured and underestimated elemental distinctions between Conservatives and Tillmanites’ governmental philosophies and procedures. Furthermore, the few scholars who have examined state policies and methods have done so primarily within the context of the Progressive movement, especially as it crystallized after the turn of the century. While most of Tillman’s measures in the early 1890s fit within the generally accepted, albeit broad, definition of southern Progressivism, he never championed many of the causes—prohibition, women’s suffrage, workplace regulation, etc.—that many Progressives embraced by the time of Woodrow Wilson’s election in 1912. This fact, coupled with notable scholars’ insistence that “legitimate” agricultural reform groups (which Tillman claimed to represent) demanded radical action and regulation at the federal level (which Tillman, of course, did not), has led many to disregard the Tillmanist movement as a political machine based on nothing more than racist and class-based

demagoguery. However, Tillman's objections to federal interference and devotion to states' rights was no simple mask for an underlying reactionary conservatism. Whether or not his measures materially benefited the white agriculturalists he claimed to support, Tillman's vision of *state-level* "statism," an active state government strategically employed to protect South Carolina "producers" from the evils of markets, monopolies, and Bourbon elites, should not be discounted as insincere.¹⁰

Tillman is most well remembered—by historians and the public alike—for his racist rhetoric and efforts to disfranchise African Americans and instill white domination of the "inferior" races. Historians justifiably have depicted Tillman as New South racism personified; he approved lynching "black beast rapists" on several occasions. Tillman also boasted of his involvement with the terrorist Red Shirts who killed six black militiamen and Republicans in 1876 at Hamburg, South Carolina. His most enduring legacy, however, was his leading role in the creation of the 1895 South Carolina Constitution, which effectively disfranchised a large portion of African American citizens in the state for over seventy years. Nevertheless, Tillman's commitment to subjugating blacks did not, as several historians suggest, circumscribe his reform strategies because of a fear that African Americans would benefit socio-economically from more aggressive measures. On the contrary, since his entry into public life Tillman had denounced radicalism (such as the large-scale federal intervention proposed by the Farmers' Alliance), instead promoting an active state government that addressed specific problems

¹⁰ The most notable work to focus on policy and procedure an active state government, although in a Progressive, urban, northern, and early twentieth-century context, is Richard L. McCormick, *From Realignment to Reform: Political Change in New York State, 1893-1910* (Ithaca, NY: Cornell University Press, 1981). The works on Populism and the Farmers' Alliance cited earlier (f.n. 3) suggest that agrarian reformers generally sought redress at the federal level. Another important work that focuses on agricultural reformers and their approval of large-scale federal programs and regulations is Elizabeth Sanders, *Roots of Reform: Farmers, Workers, and the American State, 1877-1917* (Chicago: Chicago University Press, 1999).

faced by white producers. Rather than restricting what might have been a bolder reform agenda, Tillman's devotion to white supremacy easily squared with his understanding and implementation of state-level statism.¹¹

The most recent historians of the Tillman movement conclude that outside of his real commitment to disfranchising African Americans, Tillman was full of empty promises. His initiatives to help farming whites, they contend, were weak and unsubstantial. Historian Walter Edgar insists that, "Tillmanism was a political machine, not a social or political revolution." Tillman, Edgar declares, co-opted much of the sentiment of the Farmers' Alliance, but refused to back key elements of their program, such as the Subtreasury, government ownership of the railroads and telegraphs, or repeal of lien laws. Stephen Kantrowitz maintains that Tillman "championed policies hostile to poor men's interest...offered no substantial programs to address the needs of debt-ridden farmers, and ardently opposed programs that might have helped them." For example, Clemson College was only available to the sons of well-to-do planters, and the suffrage restrictions included in the Constitution of 1895 betrayed those poor whites that he claimed to represent. Nevertheless, Tillman never claimed to *be* a revolutionary or a radical. His understanding of the appropriate role of state government, while contradictory to that of Conservatives in many ways, also differed from that of the Populists or other groups that Tillman denounced as "socialists."¹²

¹¹ Stephen Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy* (Chapel Hill: University of North Carolina Press, 2000); Stephen Kantrowitz, "Ben Tillman and Hendrix McLane, Agrarian Rebels: White Manhood, 'The Farmers,' and the Limits of Southern Populism," *The Journal of Southern History* 66:3 (2000); Walter Edgar, *South Carolina: A History*, (Columbia, SC: University of South Carolina Press, 1998) 430-452.

¹² Edgar, *South Carolina*, 438. For detailed examinations of Populism and the Farmer's Alliance see: John D. Hicks, *The Populist Revolt: A History of the Farmers' Alliance and the People's Party* (Minneapolis: The University of Minnesota Press, 1931); Lawrence Goodwyn, *The Populist*

The underlying arguments of the following chapters rest on a few assumptions: First, while Tillman was neither a common farmer nor a crusader for the poor, he was legitimately supportive of what we might call “agriculturalists,” be they rich or poor—he did favor agricultural interests over those of merchants, bankers, railroads, and manufacturers; Second, although Tillman was certainly intent on reestablishing white supremacy and eliminating blacks from politics, the subjugation of African Americans was not the sole occupation of his government; and finally, Tillman’s refusal to support Populist programs he considered too socialistic was based on a difference in political ideology, not hostility towards the poor or government activity in general.

This study suggests that previous historians have overlooked consequential transformations in the utilization of South Carolina’s state machinery during Tillman’s administration. The purpose is not to rehabilitate Tillman’s characterization as a racist or a demagogue—the fact that Tillman strove to “reconstruct” white supremacy and exploited latent class resentments for personal gain is not in question. Neither is the aim to insist that he was a “Capital P” Progressive, or a legitimate “Reformer” for poor farmers. As mentioned before, those terms are problematic at best. Rather, the goal is to demonstrate that Tillman and Tillmanite legislators wielded state power in a manner notably distinct from their Conservative predecessors, and that they did so with a multilayered ideological concept of how the state could affect their desired outcomes.

While Tillman’s political methods or personal style could hardly lead one to compare him to Thomas Jefferson, he did share similar ideals about the importance of

Moment: A Short History of the Agrarian Revolt in America (New York: Oxford University Press, 1978); Robert C. McMath, *Populist Vanguard: A History of the Southern Farmer’s Alliance* (Chapel Hill: University of North Carolina Press, 1975); Charles Postel, *The Populist Vision* (New York: Oxford University Press, 2007).

property ownership, economic independence, the primacy of agrarianism, patriarchy, and of course, a racial hierarchy with Anglo-Saxons at the apex. These elements, Tillmanites believed, were crucial to maintain a civilized republic that nurtured white independence and liberty. By the time Tillman entered politics, however, social realities and the scale of industrialization and corporate power had changed dramatically from that of Jefferson's day. Ironically, Tillmanites strengthened and employed government power, which contradicted against Jeffersonian principles, to preserve Jefferson ideals of personal independence for white men. Essentially, Tillman used big-government tactics—attacking state monopolies, expanding public higher education, regulating and taxing railroads and banks, and taking over the production and trade of alcohol—to protect certain qualities of society that had previously been considered only protectable by small government. One might say that Tillman shared the dreams of Jefferson, and the temperament of Jackson, but the tools of La Follette.

The chapter structure of this dissertation details several case studies in which the Tillman administration employed state machinery in ways notably distinct from the Conservative regime. The “case studies” are necessarily thematic, so events described in the chapters will overlap at times, but chapters are arranged to adhere to a rough chronology. Each section also details and evaluates the Conservative approach to the issue at hand—in a sense, the entire dissertation is not simply an examination of the Tillman administration, but a juxtaposition of Conservative and Tillmanite philosophies and approaches to governance.

Chapter 1 sets the stage for the Tillman era by exploring the major currents of historiography that have defined the Conservative regime following Reconstruction. In

1876 Wade Hampton and his loyal supporters “redeemed” South Carolina from Republican rule and Reconstruction, restoring to office the same class of aristocrats that had led in the antebellum era. For the next fourteen years they ruled the state, often with a sense of seemingly detached obliviousness to the struggles of common citizens. This chapter seeks to explain not only what Conservatives did with the power of the government, but also what they understood its proper role to be.

Chapter 2 examines the creation and development of Clemson College, Winthrop College for women, and Claflin College, the state school for African Americans. Whereas Conservatives cherished the South Carolina College and its dedication to classical studies aimed at an elite cadre of natural-born leaders, Tillmanites showed a distinct understanding that the state should promote practical and scientific education, especially in agriculture, to a wider selection of white men and women. Furthermore, Tillman’s reluctance to fund Claflin revealed his determination to keep African Americans economically and socially subordinate to whites.

The third chapter explores the Tillman administration’s reforms to the lunatic asylum and the state penitentiary. Conservatives had underfunded and neglected these institutions—and tragically exploited convict laborers to subsidize railroad investment. Tillmanites, who viewed these institutions as powerful symbols of state authority and dignity, did not transform them into paragons of humane modernity, but did implement fundamental changes that significantly improved conditions.

Chapters 4 and 5 compare and contrast Conservatives and Tillmanites’ approach to corporations and monopolies. Historians have briefly mentioned Tillman’s actions against corporations like the Coosaw Mining Company and the railroad industry, but

have largely downplayed the significance of these measures, chalking them up to examples of ineffective political pandering. However, a serious evaluation of Tillman and the Conservatives' policies toward corporate monopolies reveals a stark contrast between their ideological concepts regarding the proper political economy in an industrializing capitalist society.

Chapter 6 analyzes the prohibition debate and the South Carolina Dispensary—a government agency that monopolized the state liquor traffic. The Dispensary, easily the most controversial act of Tillman's second term, led many critics to brand him a tyrant. Tillman aimed to curb excessive drinking and related crimes, but did not consider absolute prohibition “practicable, or even desirable.” Furthermore, the tactics Tillman employed in enforcing Dispensary laws, especially in the case of the Darlington Riot, provide another excellent window into the administration's philosophy of state.

The final chapter compares the Conservative and Tillmanite employment of the state in maintaining white supremacy. Tillman's most enduring legacy is oppression of African Americans—including the violence he espoused and claimed to have taken part in—but the racial ideology of his administration differed from Conservatives in much more than rhetorical tones or degrees of hostility. The distinctions in ideologies of race relations were deeper than Conservatives' “gentle” paternalism versus Tillmanites' seething demagoguery. While both saw white supremacy as the necessary foundation of civilization, Tillman and his supporters perceived the state (especially the state constitution) as the appropriate guardian of racial hierarchy, whereas Conservatives tended to rely on personal leadership, expedient legislation, and customary racial norms.

The following chapters should reveal that even amidst the din of violent racism, factional wars, and class hostilities, the Tillman era in South Carolina also represented a contest to define the proper nature of government and its relationship to society.

Moreover, in a broader sense, this analysis should raise new questions for future scholars of the nineteenth century “state.”

CHAPTER 1

A GLASS FULL OF “BOURBON”: CONSERVATIVE RULE

No official declarations had been signed, but 1876 was a year of war in South Carolina. No armies were mustered, but the war was real enough. Violence was endemic, the casualties permanent. In this war, however, white South Carolinians were not squaring off against a foreign invader or blue-clad Union soldiers as they had a decade earlier. This was a fight to shatter the legacies of that previous conflict—to oust Republicans from state power and end the dreaded program of Radical Reconstruction, a scheme that had become widely associated in the white mind with corruption, foreign rule, and racial hierarchy turned upside-down. To many southern whites, the reality of what they dubbed “Negro domination,” or “Black Republican rule,” was simply bearable no longer.

Thus, in the gubernatorial campaign of 1876 white Democrats from Charleston to Greenville made real their commitment to retake the state government from the unholy trinity of carpetbaggers, scalawags, and black Republicans. While different ideas circulated about how to reclaim the state, Martin Witherspoon Gary posited what proved to be the most effective strategy. To expel the Republicans they would convince—through bribery, intimidation, or deadly force—the Palmetto State’s majority African American population that voting Republican (or voting at all) was not in their best interest. Through what some called the “Edgefield Plan” (or the “Mississippi Plan”

because the same tactics had been tried in Mississippi the year before) Democrats would no longer allow peace to stand in the way of “redemption.”¹

The Democratic Party of South Carolina boasted almost 300 rifle and saber clubs (consisting of roughly 15,000 men total), and while the campaign violence that peppered the state was not always one-sided, in towns like Hamburg and Ellenton these militants, known as “Red Shirts,” made fresh corpses of dozens of black, would-be Republican voters. The incumbent Republican Governor, Daniel Chamberlain, complained to a newspaper correspondent, “there is no doubt but much can be charged against the blacks in the south, but they have their rights, and whatever their ignorance and wrongdoing, it is certainly no excuse for shooting them down in cold blooded massacres.”²

Despite Chamberlain’s pleas for increased federal troops to guarantee a fair election, the Edgefield Plan ultimately proved successful; Democrats tallied 1,134 more votes than their rivals. Republicans challenged the legitimacy of the Democratic “victory.” For a time, two governments operated simultaneously within the statehouse, and Chamberlain was even inaugurated as the re-elected Governor, but the newly elected President Hayes ultimately removed federal troops from the state and effectively recognized the new Democratic regime in South Carolina. With the reversal of federal interventionist policies, Reconstruction formally ceased. Power in South Carolina thus passed back to the erstwhile ruling class, and at its head was the most august and revered

¹ Martin Witherspoon Gary’s “Plan of Campaign” is reprinted in Francis Butler Simkins and Robert Hilliard Woody, *South Carolina During Reconstruction* (Chapel Hill: University of North Carolina Press, 1932), 564-69.

² “Dixie’s Doom,” *The Atlanta Constitution*, September 8, 1876, 1.

of all the state's Confederate generals, scion of a storied slave-owning family, and a breathing symbol of antebellum southern honor, Governor Wade Hampton III.³

Later in the 1880s Benjamin Tillman launched his political career by attacking South Carolina's elite leadership class, the very ones who had followed Wade Hampton to victory in the violent campaign of 1876, and controlled the state for the subsequent decade with what many perceived as a sense of detachment from the harsh economic and agricultural realities faced by the common white majority. Understanding Tillman's rise, then, requires first understanding what he in his turn rose to power to slay. Tillman made a name for himself beginning in 1885, not simply by proposing various schemes to help struggling farmers, but more importantly, by explaining to the public exactly who and what he was *not*. Tillman attempted to channel the frustrations of white farmers suffering economic hardships against the ruling class, whom he asserted were arrogant, condescending, and completely out of touch with the needs of common people. From every tree stump he mounted, he reminded the crowd that *he* was no "dandy," no citified "dude." Whereas the Conservatives (so he said) did nothing, he would do *something*.

Some historians, whatever their abhorrence for Tillman's racist rhetoric, have echoed Tillman's charge that Conservatives were oblivious to or unconcerned with lower-class problems. The "Conservative Regime," they suggest, lacked any sophisticated governing program and were more concerned with staying in power than in

³ For discussions of the campaign of 1876 and the election of Wade Hampton, see Rod Andrew Jr., *Wade Hampton: Confederate Warrior to Southern Redeemer* (Chapel Hill: University of North Carolina Press, 2008), Richard Zuczek, *State of Rebellion: Reconstruction in South Carolina* (Columbia, SC: University of South Carolina Press, 1996), Edmund Drago, *Hurrah for Hampton!: Black Red Shirts in South Carolina During Reconstruction* (Fayetteville: University of Arkansas Press, 1998); Walter Edgar, *South Carolina: A History*, (Columbia, SC: University of South Carolina Press, 1998); William J. Cooper, *The Conservative Regime, South Carolina, 1877-1890* (Baltimore, MD: The Johns Hopkins Press, 1968), 21-23; David Duncan Wallace, *The History of South Carolina* (New York: American Historical Society, Inc., 1934), Volume 3, 303-321; Alfred B. Williams, *Hampton and his Red Shirts; South Carolina's Deliverance in 1876* Reprint of the 1935 ed. (Freeport, NY: Books for Libraries Press, 1970).

reform. Others, however, have pointed out that Conservatives—especially in South Carolina—saw themselves as recapturing and then protecting important elements of society and government that they deemed essential to maintain the only “proper” world of which they could conceive. Some have also contended that the Conservative philosophy has left a more lasting legacy on the state than that of agrarian dissent. Accordingly, to dismiss the Conservative worldview simply as self-serving or oblivious is not only wrong (and wrongheaded), but it also renders any discussion of the differences between Conservatives and Tillman’s “Reform” movement woefully incomplete. Therefore, understanding the Conservatives’ sense of history and identity, and their perception of a proper society is critical for a thorough examination of this transformative period.

Prior to the 1951 publication of C. Vann Woodward’s formative *Origins of the New South*, which still frames much contemporary debate over the post-Reconstruction era South, historical interpretations of the white Democratic leaders ranged from plaudits to condemnation. Early writers like Hilary Herbert expressed scorn for the Reconstruction regimes, and cheered the men who saved the South from foreign rule and racial upheaval. They praised these so-called “Bourbons” (named for the ruling family that reclaimed power after Napoleon’s defeat) for their public service, bravery, and commitment to sound governing principles. Later, however, scholars inspired by Charles Beard and the Progressive school criticized the conservatives, favoring instead agrarian dissident Greenbackers and Populists. These scholars found men like Wade Hampton and

his colleagues to have been oblivious to—or simply disinterested in—the desperate situation of poor farmers and laborers in the 1870s and 1880s.⁴

Despite these disputes over the relative merit of Conservative programs, most historians before the 1950s at least assumed that these leaders hailed from the antebellum planter class. They were Democrats, elites, and the heirs of great plantations. C. Vann Woodward upset this paradigm, insisting that although the so-called Bourbons were certainly indifferent to the plight of common farmers, they were not the planter elites who had steered the southern states before and during the war. Instead, Woodward argued, the ousters of Reconstruction were actually urban social climbers, speculators, corporate lawyers, railroad executives, and others who had relatively little clout in the Old South. In fact, they were not even originally Democrats—they were primarily ex-Whigs. Woodward also discarded the pejorative term “Bourbon” to describe his Redeemers, maintaining that they did not display an “obstinate adherence to the past,” or antagonism to modernity. He made a strong case for many southern Redeemers being pro-business upstarts—more akin to Henry Grady than John C. Calhoun—though as some notable

⁴ For examples of scholarship praising the Conservative Democrats, see Hilary A. Herbert *et al.*, *Why the Solid South? Or, Reconstruction and Its Results* (Baltimore, 1890); Claude G. Bowers, *The Tragic Era: The Revolution After Lincoln* (Cambridge, 1929); Phillip A. Bruce, *The Rise of the New South* (Philadelphia, 1905), 440; William Watts Ball, *The State that Forgot: South Carolina's Surrender to Democracy* (Indianapolis, 1932). For examples of the Beardian school, see C. Vann Woodward, *Tom Watson: Agrarian Rebel* (New York: Macmillan, 1938), Francis Butler Simkins, *Pitchfork Ben Tillman: South Carolinian* with a new Introduction by Orville Vernon Burton (Columbia, SC: University of South Carolina Press, 2002), original text 1944, Louisiana State University Press; Stuart Noblin, *Leonidas LaFayette Polk, Agrarian Crusader* (Chapel Hill: University of North Carolina Press, 1949). For critiques of the Conservative Democrats, see Fletcher M. Green, “Some Aspects of the Convict Lease System in the Southern States,” in Fletcher M. Green, ed., *Essays in Southern History Presented to Joseph Gregoire de Roulhac Hamilton* (Chapel Hill, 1949), 112-123. For a brief synthesis of this historiography, see Paul M. Gatsos, “The New South,” in *Writing Southern History: Essays in Historiography in Honor of Fletcher M. Green*, ed. Arthur Link and Rembert W. Patrick (Baton Rouge: Louisiana State University Press, 1965); James Tice Moore, “Redeemers Reconsidered: Change and Continuity in the Democratic South, 1870-1900,” *The Journal of Southern History* 44, 3 (1978), 357-378; James T. Moore, “The Historical Context for ‘Redeemers Reconsidered,’” in John B. Boles and Bethany L. Johnson, eds., *Origins of the New South Fifty Years Later: The Continuing Influence of a Historical Classic* (Baton Rouge: Louisiana State University Press, 2003), 131-143.

scholars have demonstrated, his model was not always applicable to the South as a whole.⁵

In 1968 historian William J. Cooper convincingly argued that the Bourbons (his term) who followed Wade Hampton in recapturing South Carolina “var[ied] considerably from the Woodward portrait.” South Carolina Bourbons, Cooper maintained, were neither ex-Whigs nor commercially-minded urbanites—they, “to a man,” had been antebellum Democrats and hailed from the nobility of planter families. Walter Edgar, a popular historian of South Carolina, drew a similar conclusion, conceding that while some prominent Bourbons were corporate railroad lawyers (and in general they were no longer as anti-business as before the war), still, the reigning doctrine held that agriculture and land were more important than commerce. Furthermore, their pre-war politics were not in question. South Carolina, Edgar insisted, “went with those [leaders] who had proven themselves tried and true.” If the men who dethroned the Reconstruction regime in South Carolina had distinct socio-economic and political backgrounds from the Woodwardian Redeemers of other southern states, then they should also have had distinct motives for doing so, and different objectives in utilizing their reclaimed authority.⁶

Most scholars agree that Conservative redeemers in South Carolina were in large part driven by an intense desire to reestablish conservative politics and white supremacy. Walter Edgar contended that Wade Hampton and his lieutenants intended to rebuild as much as possible of the antebellum world—the one in which they held unquestioned power. (Indeed, antebellum South Carolina was the least democratic state in the country.)

⁵ C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951). For the distinctiveness of Post-Reconstruction South Carolina, see Cooper, *The Conservative Regime*.

⁶ Cooper, *Conservative Regime*, 13; Edgar, *South Carolina*, 408.

Kicking out the Republicans, however, was merely the first step. Their main objective was to recover as much of the past as possible, despite the fact that the cornerstone of that past—racially based chattel slavery—had been disintegrated. Richard Zuczek, in a study of Reconstruction-era South Carolina, suggested that white citizens perceived the overthrow of Republicans as the decisive battle in a conflict to determine who would ultimately rule the Palmetto State. With redemption, the master class of the Old South had taken back what was rightfully theirs.⁷

Some historians maintain that white perceptions of black enfranchisement, as inspiring criminality, spurred fears that white manhood was under assault. Hannah Rosen describes how southern print media intentionally associated crime with portrayals of freedpeople, implying to whites that emancipation and blacks' equal access to the public sphere had brought "disorder and danger." Furthermore, the Republican's employment of African American federal troops, militiamen, and police officers—who carried guns, sometimes drank alcohol, and enjoyed leisure time in public view—challenged white men's former monopolization of full citizenship and legitimate manhood.⁸

Historian Jane Dailey suggests that the association of political rights with manhood led white men to equate black suffrage with interracial sex. White men began asking themselves: "once the black man has been admitted to the republic, is there any way to limit his rights in private?" To modern cynics, white men's fears about sexuality may sound like exaggerated justifications of racial violence. Nonetheless, multiple

⁷ Edgar, *South Carolina*, 407, 409; Richard Zuczek, *State of Rebellion: People's War in Reconstruction South Carolina, 1865-1877* (Columbia, SC: University of South Carolina Press, 1996), 197, quote on 41.

⁸ Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009), 40-44; *Anderson Intelligencer*, October 26, 1876, 2.

scholars have recently insisted that notions of masculine duties, such as protecting vulnerable white females, were highly influential, and made more so by emancipation. Stephanie McCurry contends that the “trope of protecting women” was no hollow bombast; white men and women took these ideals quite seriously. According to Carole Emberton, another scholar of the redemption period, “narratives of black predation and white victimization, particularly female victimization, made the risky venture of armed resistance to state and federal authority seem worthwhile.”⁹

Redemption and Conservative rule, especially in South Carolina, however, did not exist on an abstract plane. Ideals about politics, home rule, race, and gender certainly weighed heavily in the minds of the redeemers and Conservative leaders. But just as importantly—perhaps even more so—specific and often painful memories of recent losses burdened their hearts. Rod Andrew Jr., a scholar of the post-bellum South and Wade Hampton’s most perceptive biographer, asserts that while certainly important, political and racially motivated goals were only part of the story of redemption in South Carolina. He contends that for white South Carolinians, the term “redemption...had not only political but also intensely personal meanings.” These men (and their families) had virtually all suffered tremendous personal tragedies and losses during and after the war. Wade Hampton had lost as much as anyone, save those in the grave. His fortune was gone, his hometown had been burned to ground, on multiple occasions he lost the status of legal citizenship (due to his rank in the Confederate Army), and his brother and sister-

⁹ Jane Dailey, *Before Jim Crow: The Politics of Race in Postemancipation Virginia* (Chapel Hill: University of North Carolina Press, 2000), 87-107; Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge, Mass.: Harvard University Press, 2010), 94-95; Stephen W. Berry, *All that Makes a Man: Love and Ambition in the Civil War South* (New York: Oxford University Press, 2003); Carole Emberton, *Beyond Redemption: Race, Violence, and the American South after the Civil War* (Chicago: Chicago University Press, 2013), 179; see also Orville Vernon Burton, *In My Father’s House are Many Mansions: Family and Community in Edgefield, South Carolina* (Chapel Hill: University of North Carolina Press, 1985).

in law were dead. However, the most painful and lasting memory from the war was that of his beloved son, Preston, dying in his arms on the battlefield. As Andrew maintains, these memories of tragic loss were constant companions, ghosts, for Hampton and his ilk. Conservatives in South Carolina fought to reclaim their lost state, and governed it afterwards, for more than partisan politics or even white supremacy. Their loved ones and fortunes might not be replaceable, but they would honor their memories by reclaiming and then protecting something of that precious world they had lost.¹⁰

Some historians have argued that, redemption achieved, South Carolina Conservatives were unconcerned or ill-equipped to manage the state's affairs with an actual future in mind. Walter Edgar has shrugged away this lack of foresight and creativity: "perhaps it was because they were old men; perhaps it was because they were tired." Perhaps. Edgar is certainly correct in suggesting that Conservatives concern with the past was a genuine one; tradition meant something to them.

Many scholars have examined the post-bellum decades and Democratic leadership through the lens of the "Lost Cause." Through a set of beliefs and rituals that different scholars have called a "myth" and a "civil religion," white southerners romanticized their past (including slavery), honored Confederate heroes and questioned the reasons for their defeat. Charles Reagan Wilson, who demonstrated the crucial link between the Lost Cause and southern Protestantism, proposes that Lost Cause adherents "contrasted the materialism of the New South with the spirituality of the Confederacy." In *Ghosts of the Confederacy*, Gaines Foster found that Lost Cause sentiment and rituals helped restore southern veterans sense of honor, and served to vindicate the South and

¹⁰ Andrew, *Wade Hampton*, 397.

reconcile them with the North by stressing ideals of militarism and patriotism, and ignoring the reasons behind the war: like slavery.¹¹

Other historians have condemned white southerners for inventing the “myth” of the Lost Cause to promote their own political agendas. Catherine Clinton suggests that white southerners, especially women, concocted a fictional past in which the misery of their human property was whitewashed. David Blight goes even farther to say that the Lost Cause movement was “nothing less than a political movement, a quest for thought control aimed at shaping regional and national memory of the war.” If these authors are correct then Wade Hampton and other South Carolina Conservatives were not the genteel statesmen that conservative journalists and early historians portrayed them to be; if the Lost Cause was a lie, then the Conservatives were simply power-hungry hawkers of snake oil.¹²

Certainly white supremacist ideology suffused many aspects of Lost Cause rhetoric and ritual, but there were more efficient and less dramatic methods that Conservatives in South Carolina could employ to ensure white dominance. Therefore, there must have been something genuine in this mix of legend, fact, and quasi-worship of Confederate valor. Rod Andrew acknowledges that the Lost Cause had the potential to serve a political agenda, but he also contends that honoring the Confederacy was a way for former soldiers like Wade Hampton, who had suffered so much personal loss during

¹¹ Edgar, *South Carolina*, 408, 423; “Memorial Day,” *The Sentinel* (Pickens), May 20, 1886; Richard M. Weaver, *The Southern Tradition at Bay: A History of Postbellum Thought*, ed. G. Core and M.E. Bradford (New Rochelle, NY: Arlington House, 1968); Mark G. Malvasi, *The Unregenerate South: The Agrarian Thought of John Crowe Ransom, Allen Tate, and Donald Davidson* (Baton Rouge: Louisiana State University Press, 1997); Charles Reagan Wilson, *Baptized in Blood: The Religion of the Lost Cause, 1865-1920* (Athens, Ga.: University of Georgia Press, 1980); Gaines F. Foster, *Ghosts of the Confederacy: Defeat, the Lost Cause and the Emergence of the New South* (New York: Oxford University Press, 1987).

¹² Catherine Clinton, *Tara Revisited: Women, War, and the Plantation Legend* (New York: Abbeville Press, 1995); David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2001), 281-82.

the war, to seek “personal and collective vindication...[and] give their experiences meaning and moral relevance.” Andrew also argues that for Hampton and the Conservative leaders, the negotiation over the public perception of the former Confederacy was “related to the rapid transformation in Americans’ understanding of constitutional government.” For men like Hampton who believed in states’ sovereignty and the primacy of individual rights over federal power—this included a belief in the constitutional legality of slavery and secession—the Lost Cause was a reassertion that the meaning of Confederate veterans’ struggle lay in their understanding of proper republican government, one that differed from northerners and Republicans. The celebrations of the Lost Cause must go on, then, because the memories of those of who suffered and died would be tarnished if northerners convinced the public that the Confederate cause had been anything less than moral and righteous—a struggle for rights and freedoms like that of the American Revolution. As one South Carolina newspaper prophesied in 1886, “this custom [of honoring the Confederate dead] will continue as long as the stars and stripes shall wave over us to remind us of constitutional liberty.” Hampton and his Conservative followers could accept that the cause was “lost,” but not that it was illegitimate.¹³

While the impact of Civil War memory in the post-war South can hardly be overstated, some historians have focused so intently on the Confederate experience that they obscure traditions and mores with much earlier roots. For example, despite its many merits, Charles Reagan Wilson’s *Baptized in Blood* seems to convey the idea that in the 1880s and 1890s white southerner’s entire worldview drew from a history that only originated at Fort Sumter. However, others contend that a thorough examination of post-war conservative thought reveals characteristics not apt to surface in studies of the “civic

¹³ Andrew, *Wade Hampton*, 323-324; “Memorial Day,” *The Sentinel* (Pickens), May 20, 1886.

religion.” As historian Charles Holden suggests, “for the South Carolinians who came out of the conservative tradition, the cause reached back far beyond April 1861.”¹⁴

South Carolina’s governing class after Reconstruction understood the essential source of their authority as being not only in their birth into a southern nobility, but also their embodiment, as Rod Andrew summarizes, of the characteristics of paternalism, honor, and chivalry that were fundamental to antebellum ideals of patriarchal leadership. Some scholars scoff at the notion of paternalism; Catherine Clinton contends that to defend against abolitionist attacks, proslavery propagandists “sentimentalized to the point of caricature the image of happy darkies singing in the fields—omitting all references to whips, chains, brands, maiming, selling families apart, and rape, among the numerous atrocities slavery allotted to blacks only.” Andrew agrees that many members of the antebellum elite did preach paternalism in order to justify their own social power. Nevertheless, his examination of Wade Hampton demonstrates that a significant portion of white elites took the idea seriously. Born into families of wealth and power, they believed themselves to be rightful leaders, but also recognized certain obligations that came with power. As we will see, Wade Hampton drew political fire from those who thought he took paternalism—in the sense of providing political rights to African Americans—far too literally.¹⁵

The notion of “honor” was also central to the conception of white independent manhood in the antebellum South, as well as in post-Reconstruction South Carolina.

¹⁴ Charles Reagan Wilson, *Baptized in Blood: the Religion of the Lost Cause, 1865-1920* (Athens, Ga.: University of Georgia Press, 1980); Charles J. Holden, “In the Great Maelstrom: Conservatism in the Post-Civil War South” (PhD diss., The Pennsylvania State University, 1997), 7-8; for a study of North Carolina elites that finds conclusions similar to Holden about the antebellum and colonial roots of conservatism, see Catharine W. Bishir, “Landmarks of Power: Building a Southern Past, 1855-1915” *Southern Cultures* (Inaugural Issue, 1993): 5-45.

¹⁵ Andrew, *Wade Hampton*, Introduction; Catherine Clinton, *The Plantation Mistress: Woman’s World in the Old South* (New York: Pantheon Books, 1982).

Differing from modern conceptions of the term, in the nineteenth-century South honor had more to do with public perception than with conscience-based morality. The southern understanding of honor was something accessible by all white classes, but as Bertram Wyatt-Brown explains, another desirable attribute, gentility, was only obtainable by the elite. Gentility, a characteristic that was not completely separable from honor, required specialized knowledge of various rules and codes of refined behavior, virtuousness, learning, and rarified social position. Of course, South Carolinians expected men—especially their leaders—to display manliness and courage; gentility did not mean meekness. However, gentility, as a measure of education, upright speech, proper deportment, and elite social status was understood as a necessary qualification for the governing class. Wealth itself did not ensure that one would be considered genteel. Benjamin Tillman was wealthier than the vast majority of South Carolinians, but his rabble-rousing antics, profane speech, and lack of formal education meant that gentility was not included in any list of his attributes. Only men like Wade Hampton and his peers, who combined manly honor, chivalry, and social refinement and learning, could properly claim gentility.¹⁶

For Hampton and other elite Conservatives, re-establishing the government of South Carolina under a “patrician” class of men who embodied their cherished ideals was as or more important than any concrete governmental program. Contemporary dissenters and later historians have often criticized the Conservatives for not initiating projects to combat the depression in the agricultural economy during the 1880s. Conservatives, critics argue, were only concerned with maintaining their own position, and therefore did

¹⁶ Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982), 13-15, 69, 64; 88-90.

nothing. But this position does not take seriously the Conservatives' beliefs about government and the proper nature of society. Indeed, it dismisses the significance of their entire worldview. For Conservatives, reclaiming the government from a "corrupt" regime and restoring rule to the proper class of white, paternalistic, honorable gentlemen was the most important action they could possibly take. Leadership by the honorable, white, conservative elite was the *sine qua non* for the functioning of proper society as they conceived of it. Furthermore, as explained earlier, elite Conservatives perceived big government programs that interfered with individuals and necessitated higher taxes as dishonoring to all citizens. Especially for those who had lost loved ones and fortunes during the war and Reconstruction, reinstituting home rule and paternalistic racial hierarchy—and afterwards maintaining a conservative government that respected the rights of property and only modestly interfered in the economy—was most certainly doing *something*.

The irony that plagued conservatives was that while they drew their inspiration and authority from Old South traditions, they faced decidedly New South problems. Instead of creating new solutions to new problems (in the agricultural economy, for instance), they sought to undo the recent institutional developments that they feared most damaging to their idealized world. Unfortunately, the evils they dreaded most were not necessarily those that did the most ill to common South Carolinians.

Like Ben Tillman would later do in respect to them, Conservatives defined their political identity by comparing it to their predecessors. Where Republicans had increased the state's sphere of influence, they would reign in the government's role. Across the South, Radicals had steered the state into the social welfare business—financing asylums,

penitentiaries, hospitals, and schools. Additionally, they had funded railroads and various internal improvements. By doing so, and with a heavy dose of corruption to boot, Republicans had overburdened white property owners with onerous taxes (causing significant amounts of foreclosures), and dramatically multiplied the public debt. Conservatives, by contrast, would worship at the altar of Retrenchment. In 1880, newly elected Governor Johnson Hagood made clear that the Hampton administration had acted frugally, and that he would continue to do so:

The honest, economic, and efficient administration of the State government, which the party revolution of 1876 promised, has been realized. The ordinary current expenses of the State government have been reduced to one-fourth of what it was under the management of the Republican Party, and have nearly reached the minimum expenditure of the period before the war....There is yet room for retrenchment; and as from time to time, without impairing the efficiency of the government, retrenchment can be made in the executive, Legislative, and Judicial Departments, as well as in the miscellaneous expenditures, each small in itself but aggregating a considerable amount, it should be done.¹⁷

What Conservatives routinely referred to as “good government” was a state body that respected the Jeffersonian concepts of limited government influence and the sanctity of property ownership. Conservatives would not engage the state government as a costly institute of change; instead, they would cut taxes. They recognized the benefits of economic growth, but they would not encourage it by spilling out the state’s coffers at the feet of northern railway kings. Rather, Conservatives would spur economic progress by lowering taxes on railroads and farmland, and regulating businesses to only a small degree. Unlike Republicans, Conservatives would be financially responsible.¹⁸

¹⁷ “The Inaugural Address of Gov. Hagood,” *The Sentinel* (Pickens), Thursday, December 16, 1880.

¹⁸ Perman, 80-82; see also Edward L. Ayers, *The Promise of the New South: Life After Reconstruction* (New York: Oxford University Press, 1992), 7-10.

After the 1876 election, one the first major issues that Hampton and his administration were forced to tackle were the consequences of their predecessors' fiscal profligacy. The state's debt was threatening to sink it. Republican governments during Reconstruction had run irresponsible budget deficits and accrued a massive amount of debt. Some of the money funded admirable programs like public school building; a great deal of the funds, however, also lined the pockets of venal politicians and their cronies. In 1873 the Republican legislature passed the Consolidation Act, which repudiated a selection of the debts they deemed fraudulent, and provided funding (at fifty cents on the dollar) for those seen as legitimate. During the uneasy months of dual government, the South Carolina Democratic Executive Committee—wary of northern judgments and the potential fallout from reneging—pledged to abide by the Consolidation Act. When Wade Hampton took office in April 1877, after Republicans during the election had attempted to damage Democrats' credibility by labeling them “repudiators,” he was personally determined to make good on the monstrous \$5.6 million debt.¹⁹

Hampton, however, also recognized that many citizens throughout the state had serious suspicions about the validity of the debt. Accordingly, the new Governor called for a joint legislative commission to carefully study and determine the validity of all the state's bond debts. Before the commission could present its findings, however, Martin Gary led members of the state Senate to stop a House bill to pay \$270,000 in bond interest payments. Not wanting to establish a trend that would lead to accepting the Reconstruction debt in total, and demonstrating the regional rivalry within the state, Gary

¹⁹ Cooper, *Conservative Regime*, 45.

asserted, “the people of upper Carolina are bitterly hostile to any compromise on the debt question.”²⁰

The potential consequences of defaulting on the state’s debts troubled many Conservatives. If financiers and businessmen, especially in the North, perceived the state to be a bad investment, they might never receive credit again. The economy could descend into a more ruinous condition than it already was. For Wade Hampton and other Conservatives, however, an equal or greater concern was that the state’s honorable reputation was at stake—as so was their own. While Hampton assured northern investors that South Carolina would live up to its financial obligations, he also warned legislators in Columbia that failing to honor its debts would bring dishonor and disgrace to the state. As a man whose situations had forced him to default on many of his personal debts, Hampton dreaded the scenario of the state defaulting while under his direction. He had extolled the virtues of “good government” and honesty during his campaign; if the state defaulted it would be proof to the nation that his word was meaningless. Fortunately for Hampton, and largely as a result of his personal and political clout, the legislature eventually approved the funding of the debt it deemed legitimate, at a cost of \$4.5 million. The Governor (by then U.S. Senator) was able to maintain his and the states’ honor.²¹

Martin Gary, the former Confederate brigadier general who had initiated the violent Edgefield Plan during the campaign of 1876, menaced Wade Hampton and Conservatives on other fronts as well. In addition to accusing Hampton of secretly dealing with national Republicans during the election controversy, and fighting the

²⁰ Gary’s quotation is from a letter from R.R. Hemphill and J.C. Hemphill to Sen. Richard C. Howard, July 23, 1877, cited in Cooper, 46.

²¹ Andrew, *Wade Hampton*, 425-426.

administration on the state debt issue, Gary also challenged the Governor's relatively moderate policies towards African Americans. Believing he had been the most important actor in the redemption campaign, Gary felt personally slighted that Hampton and his inner circle had not supported him for a more prestigious public office—he remained merely the state Senator from Edgefield district. His opposition to Hampton's racial approach, however, was due as much or more to his own virulent racism as his personal feud with the Governor.

Under Hampton's direct leadership (i.e., before he left to serve in the U.S. Senate) the Conservative policy towards recently emancipated black men and women was essentially paternalistic. Wade Hampton was most certainly a racist, but the paternalistic ethos inspired by his family and community dictated that he treat "lesser" races with a level of kindness and fatherly concern symbolic of his "superior" race and breeding. According to Hampton biographer Rod Andrew, Hampton "believed blacks to be culturally and intellectually inferior, [but] he nevertheless went far beyond many of his white contemporaries in promising legal protections and basic civil rights to African Americans." The Conservative hero attempted to steer South Carolina on what was for the time and place, a racially moderate, albeit paternalistic course. This attempt did not go unchallenged.²²

Wade Hampton's sober position on post-bellum race relations was clear soon after the war. As early as 1867, when South Carolinians were preparing for the upcoming election and the potential for a Republican and African American dominated state constitutional convention, Hampton wrote his friend Armistead Burt that he could endorse *limited* suffrage for African Americans men. Lest he taken for a radical, though,

²² Ibid, xiii.

he added that “it would be better for the State to be remanded to Military Government rather than that which places the negro permanently in power.” The prospect of whites being governed by blacks was unthinkable. African Americans, at least those of relative intelligence and inclined to vote Democratic, could participate in politics to a benign degree—but they could not call the shots. After all, the Conservative concept of paternalism stressed care and kindness for those *beneath* the superior race and class; paternalism, therefore, insisted on blacks’ innate inequality. Nevertheless, Hampton’s paternalistic racism was still significantly different than the racism of Martin Gary, and Gary’s quasi-protégé, Benjamin Tillman.²³

While campaigning in 1876 Hampton often professed his earnest intent to treat black South Carolinians justly, as he would white citizens. At a rally in Darlington he encouraged African Americans to join the ranks of the Democratic Party, assuring them that “Not one single right enjoyed by the colored people today shall be taken from them. They shall be equals, under the law, of any man in South Carolina.” When he accepted the Democratic nomination for Governor, Hampton asserted, “I shall be the Governor of the whole people...seeing, as far as in me lies, that the laws are enforced in justice tempered with mercy, protecting all classes alike.” These statements may ring like hollow rhetoric to modern ears, but at the time they were more than racial radicals like Martin Gary were prepared to accept.²⁴

Hampton maintained his moderate tone after the formal confirmation of his questionable election. He wrote to President Hayes that he fully intended to assure fair

²³ Cooper, 84; Zuczek, *State of Rebellion*, 40.

²⁴ John S. Reynolds, *Reconstruction in South Carolina, 1865-1877* (Columbia: The State Co., Publishers, 1905), 352-53; *Free Men! Free Ballots!! Free Schools!!!: The Pledge of Gen. Wade Hampton, Democratic Candidate for Governor, to the Colored People of South Carolina*, 6. Both quotations cited in Cooper, *Conservative Regime*, 84.

protection under the law to every citizen, regardless of race. In June 1877, Hampton declared to a reporter from the *New York Herald* that the platform of the South Carolina Democratic Party was founded on cooperation and affinity between the races. Hampton's compatriot, U.S. Senator Matthew Butler, echoed the Governor's sentiment before the 1878 election, insisting that the most important matters facing the state were not "a question of race," and that "Negro Democrats" should join their white neighbors in helping win the all-important national election in 1880. After imploring Low Country African Americans to "put their finger upon one pledge I have violated," Hampton evidently convinced a significant portion of black South Carolinians that he and the Conservative Democrats were their best option. The 1878 election resulted in a much larger margin of victory than the contest two years earlier.²⁵

Hampton and his administration went beyond mere rhetoric in the effort to secure the loyalty of black voters. The Governor proudly appointed former Republican Lieutenant Governor Richard Gleaves to the position of trial justice. He also appointed African American men to head the state militia company of Abbeville County, to sit on the board of the state orphan asylum, and to manage elections in Clarendon County. Furthermore, blacks served on legislative delegations, and between 1878 and 1882 up to six African American representatives served simultaneously in the state house. Overall, Hampton appointed 116 black men to various state, county, and municipal offices. The state also funded white and black schools equally, and since South Carolina had a majority African American population, this meant that more money was being spent for

²⁵ Hampton to Hayes, March 31, 1877, quoted in Harry Barnard, *Rutherford B. Hayes and His America* (Indianapolis: The Bobbs-Merrill Company, Inc., 1954), 427; *New York Herald*, June 21, 1877, quoted in the *Columbia Daily Register*, June 25, 1877. *Charleston News and Courier*, September 20 and October 31, 1878. The previous quotations are cited in Cooper, 85, 86.

black children than whites. The Hampton Administration's efforts in easing racial discord led the *Charleston News and Courier*, by far the state's most influential daily paper, to declare that the Conservatives had not simply endeavored to *maintain* the "color line," they had worked to "obliterate it."²⁶

Wade Hampton never abandoned his beliefs in racial hierarchy and paternalism, but understood in historical and regional context, his administration's racial policies were quite moderate. Another faction of the Democratic Party, however, did not share his tolerance. Martin Gary, wounded at being overlooked for the U.S. Senate seat and enraged at the Governor's appointments of blacks and Republican officeholders, led the campaign to smear Hampton's reputation and reverse the racial course he had set for the Conservatives. When Hampton favored a constitutional amendment that would increase public school funding for blacks and whites through a two-mill tax increase, Gary complained that ninety percent of the tax would be paid by white people, but three quarters of the money would go to "educating piccaninnies." Gary also opposed the amendment because the 1868 constitution insisted on integrated schools—which no Conservative was seriously considering at the time—but he evidently thought appealing to the white citizenry's purse strings would be more effective. Hampton's endorsement, however, proved more telling than Gary's opposition.²⁷

During the election campaign of 1878, Gary, desperately craving the Senate seat, routinely lashed out at Hampton for his racial moderation. He told newspapers and crowds that white Democrats should not believe what their leaders were telling them: that

²⁶ *Charleston Journal of Commerce*, June 20, 1877; George B. Tindall, *South Carolina Negroes, 1877-1900* (Columbia: University of South Carolina Press, 1952), 309-10; *News and Courier*, July 12, 1881, quoted in Cooper, *Conservative Regime*, 88; Andrew, *Wade Hampton*, 422-423.

²⁷ Sheppard, *Red Shirts Remembered*, 215-16; cited in Cooper, 90.

the difference between whites and blacks was merely politics (of course, Hampton did not believe that either). Conjuring up images of the violent rebellions in Santo Domingo and Haiti, Gary insisted that it was instead, “a difference in point of fact of *race*.” The former leader of the Edgefield Plan urged white crowds to realize that Hampton’s brand of paternalistic cooperation with blacks was foolhardy and dangerous. Gary fumed to white audiences that blacks could not be reasoned with or convinced by political arguments as to their own best interests—they were too intellectually and emotionally simple. “They can,” Gary exclaimed, “only be influenced by their fears, superstitions, and cupidity.” They must be reminded, forcibly if need be, that that their natural position was one of subordination to the white man.²⁸

One of the outcomes that white southerners especially dreaded (or at least they often expressed as much) throughout the later nineteenth century was that emancipation and political freedoms for African Americans would lead to degradation and mongrelization of the white race. Martin Gary exploited this concern as he attacked Hampton in 1878. When the Negro Mountain City Guards showed up at Greenville review of militia companies—at which Gary was speaking—Gary warned the crowd that this type of casual race mixing was just the type of thing that would come from “Hampton Democracy.” And it would not stop there, Gary shouted, for they would “next hear of dining and dancing with the colored brothers and sisters.” Gary’s demagoguery received fresh bait when word began to spread that Governor Hampton and the superintendent of education (future Governor, Hugh Thompson) had dined with two African American men while visiting the white president of Claflin University, the

²⁸ *News and Courier*, June 4 and August 15, 1878, cited in Cooper, 90; Simkins and Woody, *Reconstruction*, 564-69.

recently founded black college in Orangeburg. Gary tried to furtively spread the story and drum up fears about future miscegenation, but he largely heeded the warnings of several friends that attacking Hampton too vigorously would only backfire.²⁹

When Martin Gary convinced the Edgefield Democratic leadership to bar African Americans from the county convention and initiate an all-white primary, the race-based strategy finally did backfire. Newspapers across the state denounced Gary and the unfortunate Edgefield decision. Some reminded white citizens that the Republican Party was still a threat; Democrats could not afford to ignore black voters. Others insisted that African Americans deserved better treatment, because many had supported the Democratic ticket in 1876. The Newberry *Herald* predicted that the Edgefield resolutions would lead to a race war that no one would welcome. After the “Edgefield Resolution” debacle, Gary ceased to be a major political player in South Carolina, and he certainly never obtained the national office he desired. Gary died in 1881. Hampton’s form of racial moderation had won the day, and would set the tone for future Conservative leaders—at least it seemed so.³⁰

In the narrative of factional battle between Wade Hampton and Martin Gary, Hampton clearly emerges as the most racially tolerant and reasonable of the two. Nevertheless, it is important to remember that Hampton’s paternalism was firmly rooted in the belief of innate racial inequalities. Hampton promoted black male suffrage as long as it supported the Democratic Party, which was assuredly committed to white supremacy. He deemed African Americans who would vote Republican, seek real leadership positions, or challenge the natural racial hierarchy, as disloyal and dangerous.

²⁹ Cooper, *Conservative Regime*, 90-91; see also Andrew, *Wade Hampton*, 437-438.

³⁰ *Laurensville Herald*, May 31, 1878; Newberry *Herald*, quoted in the *Daily Register*, May 26, 1878, cited in Cooper, 92-93.

They were like ungrateful children acting out against their generous but stern parents. Furthermore, all of Hampton's actions as Governor had not been beneficial to blacks—he instigated the convict lease system in the state, for example. Modern standards would judge Hampton's worldview as unacceptably racist. He was indeed a racist, and an unapologetic racist. However, Wade Hampton governed in the nineteenth century, not the twenty-first. To suggest, as some historians have done, that Wade Hampton's paternalistic version of white supremacy was not significantly different than that espoused by Martin Gary or Ben Tillman is to seriously obscure what were very real differences in ideology. Hampton's paternalism suggested that cooperation was possible between races, and greater political equality for African Americans was at least imaginable sometime in the future; Martin Gary would not allow for that scenario.³¹

The era of Conservative rule, however, did not carry through with its own redemptive trend. After Wade Hampton left for Washington D.C. in 1879 to take the position of U.S. Senator, it soon became clear that many South Carolinians, even those who had steadfastly supported their hero while he governed in Columbia, did not share his relatively moderate stance on African American political participation. Ironically, it seems that the aristocratic elites, who for generations had done so much to enslave and maintain the degradation of blacks, were not racist enough to mollify a growing number of the white populace. Perhaps, antebellum efforts to justify and perpetuate slavery—by convincing poor whites of their shared membership in the master race—had created a monster that could not be coaxed by arguments about peaceful coexistence or *noblesse oblige*. Another possibility, however, is that Conservatives of Hampton's mindset were so

³¹ Stephen Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy* (Chapel Hill: University of North Carolina Press, 2000). 326 (endnote 87); 78, 7; Andrew, *Wade Hampton*, 474-475.

averse to the notion of aggressive state government that they were reluctant to impose the extreme measures more whites were demanding.

Hampton's re-election campaign in 1878 had been, to his dismay, rife with fraud and threats of violence. Many Conservatives insisted they do something quick to regain the honor of the state and end the illegal activities. The question remained: how could they end the fraud, while ensuring the rule of the white minority? In 1880, at the bequest of Governor Thomas Jeter, a legislative committee adopted as law the brainchild of Charleston attorney and former Confederate officer, Edward McCrady Jr. To avoid corruption but maintain white rule, the state would adopt a literacy requirement in the election law of 1882, commonly known as the "Eight-Box Law." Historian Charles Holden contends that McCrady's theory on the necessity of voters' ability to read the constitution rests in an antebellum, and fundamentally undemocratic conservative philosophy. McCrady, a Low Country scion of an elite family, had no qualms about disfranchising thousands of uneducated whites with the literacy test.³²

To those who protested the law's potential to take the vote away from poor whites, McCrady, who distrusted the underclasses regardless of race, replied, "we care not if it does...to them [poor whites], too, we say the schools are open." But Conservative officials were careful not to raise the ire of common whites and risk an outbreak of "Mahoneism"—a biracial, anti-elite movement—that had recently erupted in Virginia. The law that eventually passed in South Carolina contained a loophole that would allow election officials to assist white voters who could not read all the ballots. Thus, to McCrady's displeasure, in this situation the Conservatives allowed white supremacy to trump aristocratic oligarchy. It is worth noting here, however, that laws like the "Eight-

³² Holden, "Maelstrom," 126-27.

Box,” which could potentially be overturned if a new political force captured the legislature, did not have the same degree of “permanence” as that of later measures, like the creation of a new state constitution.”³³

The Eight-Box law was not the only step Conservatives took to trample black political activity after Wade Hampton withdrew from direct involvement in state affairs. The 1880 census resulted in South Carolina acquiring two new representatives in the U.S. House, and in 1882 Conservative leaders, heeding the call of the Charleston *News and Courier*, realized they could secure and increase the strength of white dominance by redistricting the state. Congressman Samuel Dibble from Orangeburg devised one of the most audacious gerrymanders ever implemented. The legislature approved and subsequently created seven new congressional districts, isolating the vast majority of the state’s black population—and South Carolina, of course, had an African American majority—into a single district.

The Conservatives’ restrictions on African American political activity seem to confirm Walter Edgar’s contention that the “Bourbons” were indeed intent on recreating as much of the static antebellum world as possible. Their policies towards industry and economic development, however, tell a quite different story. Under Democratic rule, the Palmetto State in the 1880s experienced dramatically greater industrial growth than it had during the previous two decades. In 1870, when Republicans held the state house, capital investment in the failed to reach \$4.5 million; in 1890, after a little over a decade of Democratic control, investment had soared to just under \$30 million. Industrial and

³³ Ibid.

manufacturing wages had also increased by over four fold. Railroads, cotton mills, and phosphate mining towered over the remainder of the state's industrial pursuits.³⁴

C. Vann Woodward did not portray South Carolina's Conservatives as corrupt, like redeemers in some other southern states. Nevertheless, he did contend that Wade Hampton and his followers supported the interests of businesses with deep pockets over those of the common people. According to Woodward, in "one heated contest after another...the popular side of the issue was opposed by the Redeemers with striking consistency." William Cooper, on the other hand, insists that Woodward's conclusion is "extreme." South Carolina Conservatives supported business growth, but did not side with moneyed interests one over the will of the lower classes. Furthermore, Cooper suggests that the vast majority of South Carolinians perceived capitalists not as potential villains, but as men who could greatly improve their state. It seems that both Woodward and Cooper, however, overlook notable exceptions to their respective interpretations. While there may have been voices of opposition to business interests—in the cases of bondholders and the state debt, railroad regulation, or banks and the usury law—Woodward's claim that Conservatives consistently stood with capitalists *against* the populace does seem "extreme." On the other hand, though, Cooper also overlooks strident resistance (which will be detailed in the following chapters) to growing corporate power and suspected cronyism.³⁵

All Conservatives may not have concurred with Francis W. Dawson's prediction that Columbia would become the "Southern Manchester," but overall they strove to engender a welcoming climate for industrial investment. In addition to hyping (or

³⁴ South Carolina, Department of Agriculture, Commerce and Immigration, *Handbook of South Carolina* (Columbia: The State Company, 1907), 39; see also Cooper, 116.

³⁵ Woodward, *Origins*, 19; Cooper, 132-133.

embellishing) South Carolina's industrial achievements theretofore, and touting the soundness of the state credit, Democrats lured businesses with several strategies. First, they championed the rights of property ownership and extended tax exemptions. Actually, it was the Reconstruction regime in 1873 that passed a law eliminating taxes "upon the property or capital employed or invested in... manufactures or enterprises." The tax exemption lasted for ten years after the "extension" or "improvement" of an industrial or manufacturing venture: such vague language gave lawmakers plenty of room to extend exemptions when desirable. Although the law originated with the Republicans, Democrats embraced and claimed it as their own, which allowed them to also take credit for the boom in railroads and cotton mills.³⁶

The Conservative leadership could justifiably claim responsibility for the surge in railroad building. The Civil War had devastated the state's railroad system, but the tracks had quickly rebounded during Reconstruction, reaching a growth of twenty-five percent. In fact though, railroads increased faster after redemption than under the Republican regime—between 1877 and 1890 mileage in South Carolina expanded by forty-one percent. The Conservatives did briefly attempt a modicum of regulation over the carriers—a topic which will be disused in greater detail later—but the legislature and the Railroad Commission were not forceful enough to maintain significant regulatory powers in the face of the railroads' opposition. Conservative leadership preferred incentives, such as tax breaks, to regulation. The objective, after all, was economic growth—not government growth. In 1884, however, a strident opposition arose to the tax exemption. Why should moneyed corporations receive exemptions, many asked, when the poor farmer got no such breaks? After two heated legislative sessions, the exemption repeal

³⁶ *News and Courier*, December 20, 1877; Cooper, 120.

passed. Notably, it was the press, led by editor Francis Dawson of the *Charleston News and Courier*, who had kept up the struggle against repeal—governor Hugh Thompson remained out of the fray. The press suggested that the opponents of tax exemptions for railroads were also opponents of progress. By then, though, most Conservative leaders were confident that the exemption law had already accomplished its job.³⁷

Conservative leaders at the state level did not directly aid railroads, but they found other methods of encouraging growth even after the repeal of the tax exemption. Local leaders often feared that their particular town or county would be left to rot if their neighboring localities acquired a carrier and they did not, or if they got more or better railroads than their own. Municipalities and counties attracted railroads through various means, such as public stock subscriptions and bond issues—and the state’s conservative legislators gladly aided this effort. Since no general law provided for these financial measures, in the 1880s the Conservative-led assembly officially sanctioned local aid to railroads over seventy times.³⁸

The cotton mill industry required less capital outlay from ownership, but local communities and the state still vied for new or expanded mills with various enticements. The state Agricultural Bureau held numerous exhibits and published a prodigious handbook that touted South Carolina’s economic advantages—in climate, geography, demographics, etc.—with painstaking detail. In the same legislative session in which the tax exemption was repealed, the assembly also passed a general incorporation law that made the process of incorporation much easier than the previous system of special

³⁷ *News and Courier*, December 23-24, 1885; Cooper, 121.

³⁸ Frank Willie Putnam, “An Analysis of Public aid to Railroads in South Carolina, 1865-1900” (unpublished Master’s thesis, Dept. of Economics, University of South Carolina, 1957), 23-25, 34, 75; in Cooper, 122.

legislative decree. South Carolina's first cotton mill in Graniteville dated back to 1845, but the industry began its first substantial degree of growth after the Civil War. After a significant market downturn in 1884 and 1885, however, the industry flourished at an unforeseen rate. By 1900 textile mills were the state's premier industry, with a capital investment of nearly \$40 million. Many Conservatives attributed the cotton mill explosion directly to the Conservative's early policies of tax exemption for manufacturers. Francis W. Dawson, editor of the most prominent Conservative daily and a staunch advocate of laissez faire, considered tax exemptions for textile mills an acceptable "exemption" to the rule of government nonintervention in the economy. In a letter to an official with the Society for Political Education, Dawson maintained that "exemption is in the nature of protection and has undoubtedly led to the starting of many Factories which otherwise would never have been projected."³⁹

In addition to tax subsidies, local aid, and promotional materials, Democratic leaders also nurtured economic and industrial development through the limitation of competition. South Carolina Conservatives, like many others throughout the country, held the belief that in certain industries that required high levels of capital investment and equipment (and also carried a significant of risk), monopolies helped increase efficiency and ultimately benefited the business and the consumer. The threat of too much competition, Conservatives worried, would scare investors away if they perceived a situation as not likely to produce major profits. In 1878 Conservatives in the assembly passed a detailed law that permitted the state to grant phosphate mining companies exclusive rights to specific mining areas. Phosphate rock was a critical ingredient in

³⁹ Cooper, 122-23, 118-19; Francis Dawson to R. L. Dugdale, March 30, 1881, quoted in E. Culpepper Clark, *Francis Warrington Dawson and the Politics of Restoration: South Carolina, 1874-1889* (Tuscaloosa: University of Alabama Press, 1980), 99.

chemical fertilizer, and in the 1870s and 1880s—before the discovery of massive deposits in Florida—the Low Country of South Carolina boasted one of the biggest phosphate reserves on the continent. While the industry itself did not rival railroads or textile mills throughout the state, it helped revive the Low Country economy, and royalties on the rock were an important source of state revenue. Those miners deprived of the best phosphate beds cried foul, and many cash strapped farmers complained that the lack of competition raised fertilizer prices, threatening their livelihood. The Conservatives' position on state sanctioned monopoly reveals a fundamental distinction from Ben Tillman and the Reform Democrats, especially concerning their understanding of the nature of business and the proper role of government in economic matters.⁴⁰

Conservatives certainly perceived industrial growth as beneficial to their state, and they promoted a welcoming environment for businesses. Nevertheless, they could not, and did not, deny that agriculture still dominated the South Carolina economy. During the 1880s, seventy-five percent of the men and women in the state who worked did so on farms. Manufacturing was catching up, especially due to the textile boom; but by the time the Tillman ousted the Conservatives from office, agricultural products amounted to roughly \$20 million more than industrial products. By the 1880s the state's ancient agricultural cash crops of rice and indigo had succumbed to global market forces,

⁴⁰ Philip E. Chazal, *The Century in Phosphates and Fertilizers, a Sketch of the South Carolina Phosphate Industry* (Charleston, 1904), 55-56. Special Collections, Clemson University Libraries; and Tom W. Shick and Don H. Doyle, "The South Carolina Phosphate Boom and the Stillbirth of the New South, 1867-1920," *The South Carolina Historical Magazine*, 86. 1 (1985), 1-3; *An Act to Protect the Rights and Interests of the State in the Phosphate Rocks and Phosphatic Deposits in the Navigable Streams and Waters of the State*, in South Carolina, *Acts and Joint Resolutions of the General Assembly of the State of South Carolina*, XVI, 615-624.

but cotton was still king. After three decades of growth, in 1890 cotton made up over sixty percent of the gross value of South Carolina's agricultural output.⁴¹

South Carolina farmers did not produce cotton in greater amounts annually because prices were increasing; rather, farmers grew more cotton to make up for the fact that prices were falling. By 1890 prices were down to 8.6 cents per pound from the already low 9.8 cents of a decade earlier. However, farmers across the South evidently perceived the relatively reliable market for cotton as a safer bet than riskier agricultural strategies. To account for low prices, farmers planted more acres—often on poor soils—and increased their use of chemical fertilizers, which cut further into their razor-thin profit margins. Many critics pointed to overproduction as the root of low cotton prices, but others actually insisted upon the opposite. In 1887, a Fairfield resident presented questionable logic that South Carolina farmers should not plant less cotton, but *more*:

It is constantly urged that there is too much cotton planted. This is erroneous. There is not enough. There is barely enough made to buy our provisions, and how can the price of cotton advance unless we make money enough to empty the shelves of goods our merchants have on hand. If the manufactured articles from the staple are never sold, can we expect any advance in the prices of the staple? If we could make more cotton we could have money to buy the manufactured articles which we need, and thereby hope to increase the price of the staple.⁴²

The crop lien system also kept many poor farmers locked into cotton production against their will. Lien laws established a legal claim on a farmer's crop for a creditor, usually a merchant who furnished various goods to farmers throughout the year when cash was difficult or impossible to come by. After the National Bank Acts taxed state bank notes, and the Coinage Act of 1873 (also known as the "Crime of '73") and Specie Resumption Act of 1875 put the country on a *de facto* gold standard, the resulting

⁴¹ Cooper, 132-34.

⁴² "Cotton Not the Cause," *The Fairfield News and Herald*, February 9, 1887, 3.

deflation kept crop prices low and southern farmers could scarcely find credit. Lending merchants, assured that cotton was always marketable, regularly insisted that indebted farmers plant cotton if they wanted access to credit, a practice that helped glut the market and lower prices even further. Additionally, furnishing merchants charged desperate farmers higher prices than customers bearing cash, along with interest rates often between twenty-five and fifty percent. The result of the crop lien system was an almost inescapable spiral of ever-increasing debt for thousands of South Carolina farmers.⁴³

Conservatives in South Carolina seemed baffled by the crop lien problem. The state's first lien law in 1866 was intended to help struggling farmers obtain credit by using their future crop as collateral. Republicans kept the law in place, and when Democrats tried to repeal the lien law in 1877 they found that farmers had little or no other way to stay afloat. They quickly restored the lien law within the year. The only significant changes they made to the system demonstrated the Conservative regard for the rights of property owners. In both the 1878 law, and in the Priority Lien Law of 1885, the legislature gave landlords prior claim to any liens on the crops of their tenants, which reduced the status of sharecroppers even further. Conservative politicians and newspaper editors cursed the lien system, but proposed no practicable way around it—and most were not ready to hear the “radical” methods espoused by Greenbackers, and later, members of the Farmers' Alliance. Even Ben Tillman, who led the charge against Conservatives, had plenty of criticism, but no tangible plan to eliminate the lien.⁴⁴

⁴³ For an excellent description of the crop lien system, see Lawrence Goodwyn, *The Populist Moment: A Short History of the Agrarian Revolt in America* (New York: Oxford University Press, 1978), 20-24.

⁴⁴ Andrew, *Wade Hampton*, 430; Edgar, 410-11; Cooper, 135-139.

Conservative leaders in South Carolina did take some moderate steps on behalf of agriculture. Many of them, of course, were planters or hailed from planter families. In 1879 the legislature created an Agricultural Bureau, to be headed by planter and state Senator Andrew P. Butler. The Agricultural Bureau, which was funded through a twenty-five cents per ton tax on all state manufacturers and retailers of fertilizers, allowed farmers to compare their production with that of others across the state by compiling and publishing detailed agricultural data from every county. In an effort to bolster agricultural returns, the Bureau also distributed recent information concerning the most promising seeds and fertilizers. Furthermore, inspections and grades of chemical fertilizers, chemical analyses of plant and soil samples, and veterinary services aided farmers to a certain extent. South Carolina's Conservative leadership, however, remained reluctant to employ state authority to intercede on behalf of struggling farmers.⁴⁵

Outside of the benign operation of the Agricultural Bureau, Conservatives demonstrated little willingness to act in the face of the agricultural depression of the 1880s, in which a combination of low cotton prices, high fertilizer costs, droughts, and infestations battered weary farmers. The thin or nonexistent profit margins meant ruin for many farmers: between 1880 and 1890 the number of land-owning farmers in South Carolina decreased by five percent, while the percentage of renters and sharecroppers increased by an equal amount. Governor Johnson Hagood refused to acknowledge that an economic depression had set in. As land forfeitures for nonpayment of taxes continued to mount, in 1887 Governor John P. Richardson briefly flirted with the idea of relieving farmers by postponing the ensuing tax deadline. Even some farmers balked at government relief, though, insisting that the government's place was not to rescue "lazy

⁴⁵ Cooper, 139-141.

white men” from their own shortcomings. One man describing himself as an “old farmer” contended, “The Legislature might, by chartering state banks...increase the volume of circulation medium...but we had just as well look things square in the face. The laws of God are inexorable. We have *sown* and we must *reap*.” The farmers’ aid measure was never seriously considered, and later the same year Richardson ironically criticized those who questioned the state’s economic prosperity.⁴⁶

Not all members of South Carolina’s agricultural community concurred with the “Old Farmer,” who wanted the government to steer clear of meddling and allow the farmers to—literally and figuratively—reap what they had sown. The basic fact that Ben Tillman won the governorship in 1890, largely due to his denunciations of “do-nothing” Conservatives, should be evidence enough that a substantial portion of the population did want the state government to do something, *anything*, to address the farmers’ plight. At the very least, they could not acknowledge it.

Conservatives likely avoided publically recognizing the agricultural depression because they feared it would be perceived as a concession that Tillman and his followers had them on the ropes—and indeed they did. Nevertheless, this does not mean that, as Woodward suggested, South Carolina’s Conservatives were strictly allied with capitalists against the popular will. The Redeemers and leaders who had experienced the war were neither heartless nor oblivious. They had all known real suffering. However, the agricultural depression and the changing economy overall was something they were unprepared to tackle. They saw reclaiming home rule, establishing white supremacy, and frugal, honest government by an elite cadre as all any government should strive to do.

⁴⁶ South Carolina, *Senate Journal* (1887), 6-8; Cooper, 141-42; “Letter from an Old Farmer,” *The Fairfield News and Herald*, February 9, 1887, 3, (Italics are mine); *News and Courier*, November 23, 1887.

The demands of increasingly organized and politically educated farmers flummoxed Conservatives who—outside of their financial enticements for industries—were wedded to conservative policies and *laissez faire*. Instead of initiating schemes to address the economic situation, Conservatives blamed Republican tariffs or downplayed the problem. As proven by their drive to grow industry in the state, Conservatives’ minds were not trapped in the antebellum world, but an “overly” active government was a step too far for them to take.

Historian William Cooper insists that South Carolina’s leaders could have done little to affect the farmers’ problems. The farmers’ real enemies, low cotton prices and scarce credit, were beyond the purview of state officials. Furthermore, Cooper maintains that Ben Tillman, despite all his excoriations of the Conservatives, “had few economic solutions for agricultural problems.” This assessment echoes that of many other historians who focus on Tillman’s angry and racist rhetoric, and dismiss his governing strategy. The point is not that Tillman would successfully pull farmers out of the depression—indeed, “hard times” persisted during and after his tenure—but that he approached the problem with a different understanding of the state’s role. Tillman may have shared Martin Gary’s racism, but the younger Edgefield farmer’s governmental policies dramatically differed from those of the elder archconservative.

As we shall see, Tillman’s policies do reveal significant differences in his (and his supporters) understanding of the state’s role in the economy and society. In the areas of railroad taxation and regulation, dismantling state-granted phosphate monopolies, creating agricultural and women’s colleges for practical education, regulating alcohol, and officially locking out as many African Americans as possible from the political

process, Tillman wielded state power in a markedly different manner than his predecessors. To say, as Cooper does, that Conservatives could have done little to affect the farmers' situation is not exactly true. They *could* have taken many different measures—cutting taxes, for example, on farmers who grew corn or wheat instead of cotton. The point is that Conservatives genuinely believed those possibilities, regardless of their efficacy, were not within the proper domain of the government.

CHAPTER 2

SCHOOL DAYS: OPPOSING CONCEPTIONS OF STATE COLLEGES

On August 6, 1885, in the small town of Bennettsville in the northeast corner of South Carolina, Benjamin Ryan Tillman spoke—and launched a political career. Virtually unknown outside his home district of Edgefield the day before, within five years Tillman would dominate state politics and establish himself as one of the most controversial and divisive figures in the Palmetto State’s history. Several scholars have sufficiently documented Tillman’s rollicking ride to the governor’s chair, the contentious legacy he constructed there, and the primary issue on which he built his fame: the creation of a state-sponsored agricultural and mechanical arts college that would ultimately become Clemson University. Historians, however, have overwhelmingly focused on what they perceive as Tillman’s exploitation of the proposed agricultural college within his quest for personal political power. It seems obvious that Tillman and his cohorts took full advantage of the college question, along the way stoking latent regional and class-based antipathies to their own political profit. Nevertheless, historians have overlooked another important sub-plot laced into the traditional narrative of factional rivalries and demagoguery—the contest over the appropriate function of the state, and its role in providing for higher education.¹

¹Stephen Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy* (Chapel Hill: University of North Carolina Press, 2000), *passim*; Francis Butler Simkins, *Pitchfork Ben Tillman: South Carolinian* with a new Introduction by Orville Vernon Burton (Columbia, SC: University of South Carolina Press, 2002) 133. Original text 1944, Louisiana State University Press; Walter Edgar, *South Carolina: A History* (Columbia, SC: University of South Carolina Press, 1998); William J. Cooper, *The Conservative Regime, South Carolina, 1887-1890* (Baltimore, MD: The Johns Hopkins Press, 1968).

As with other issues in Tillman's career, the agricultural college debate reveals an emerging negotiation over the role of "the state," or simply government, in society, both at the local and national level. While in 1885 Tillman was much more of a states' rights proponent than he would be later as a U.S. Senator, from the beginning of his forays into the public arena he displayed a perception of government's proper function and place that was dramatically distinct from the Conservative successors of Wade Hampton. Of course, Conservatives implemented modest plans to ameliorate the devastation of the agricultural depression, but overall they exhibited a more laissez-faire approach than the Tillman faction would. In the area of higher education, Conservatives perceived traditional state institutions like the South Carolina College and the Citadel as nurturing an elite cadre of future leaders. Tillmanites, contrarily, saw the state's role as more expansive—thus, they created new institutions that reached a greater number of young men and women, and through these colleges the state sought to secure racial and gendered hierarchies they perceived as threatened by a modernizing world.

The occasion for Ben Tillman's speech in Bennettsville in 1885 was the joint meeting of the state Agricultural and Mechanical Society and the state Grange. As discussed in the previous chapter, in the 1880s agriculture across the South strained under the burdens of drought, infestations, and weak cotton prices. After a mixture of failure and modest headway in organizing farmers' clubs in Edgefield, and after a series of woeful harvests on his own sizeable lands, Tillman ventured to Bennettsville to demand action on behalf of farmers. The attendees at the Marlboro County Courthouse that day were likely expecting the usual uninspired lectures on specific farming techniques. Some

possibly planned on fighting the urge to sleep. Few, if any, were expecting the show they witnessed.

Planters in the audience stared agape as Tillman violently defamed the state leaders as “demagogues and lawyers in the pay of finance.” With rough language and an accusatorial tone, the Edgefield delegate denounced the legislature’s meager attempts to aid farmers as “sops” and “bribes” intended to keep the farmers “in their place.”

Although the convention leaders were not swayed by his proposals, Tillman in that instance began to cultivate a loyal following. The hundreds of mid-level farmers in attendance thunderously applauded his attacks on the government and planter elite; they also reveled in his unpretentious manner and straight talk. A close friend of Tillman’s, the Reverend S. L. Morris, described the speaker’s “conspicuous untidiness,” as well as his “tremendous head, and bushy hair, which hung down to his shoulders.” Even Narciso G. Gonzales, a reporter for the *Charleston News and Courier* who would later become one of Tillman’s staunchest enemies, asserted that, “Mr. Tillman defended his resolutions in a speech full of hard sense, keen satire, and good-humored bandiage.”²

At Bennettsville Tillman proposed three resolutions concerning changes to the Board of Agriculture, the creation of farmers’ institutes, and the establishment of an experimental farm that would promote crop diversity. It was Tillman’s fourth proposal, the transformation of the South Carolina College into “a real agricultural institution,” that would prove the most significant for his political future. In the weeks following the Bennettsville meeting, as Tillman penned long letters in the *News and Courier* railing against the ineffectiveness of the Agricultural Bureau and the extravagance of the state

² “Farmers on the College,” *Edgefield Advertiser*, August 13, 1885; Edgar, 433; Orville Vernon Burton, introduction to *Pitchfork Ben Tillman* by Francis Butler Simkins, xiv; *News and Courier*, August 7 1885.

legislature, he abandoned the idea of transforming the South Carolina College in favor of creating a separate college dedicated to scientific and practical agricultural studies.³

Around 1881 Ben Tillman had begun to believe in the necessity of agricultural education when bad weather and a mercurial cotton market caused him, for the first time, to lose money. He concluded that northern despotism and tariffs were not alone culpable for the southern farmers' plight, but that his and his compatriots' fundamental approach to farming was altogether wrongheaded. Tillman began to recognize that "the lack of rotation and the constant plowing of the soil leaving it bare to the winter rains, could only result in final and complete impoverishment . . . with resulting pauperism to the land owner."⁴ He decided that he was "woefully ignorant" of the necessary knowledge for successful farming, and that the agriculturalists of South Carolina were in dire need of scientific training.⁵

For several decades the idea of state support for agricultural studies had at times generated heated controversy. In the early 1850s Michigan farmers called for an institution in East Lansing that would benefit them directly. Farmers like J.W. Scott begged the question, "Well, our University—what does it do to educate the farmer's son, for a farmer?—what to make scientific mechanics?" For Scott, making a living was of greater importance than the memorization of dead languages. Practical education was what farmers needed, and after many farmers echoed Scott's sentiment, the state

³ *Columbia State*, June 30, 1929; *Charleston News and Courier*, August 7, 1885; *Columbia Register*, August 7, 1885; Benjamin Ryan Tillman, "The Origins of Clemson College," Cooper, 144-146; Joseph J. Lawton, "Benjamin Ryan Tillman and Agricultural Education, The 'Farmers' College' in South Carolina Politics, 1885-1889," (unpublished Senior thesis, Dept. of History, Princeton University, 1954), 22.

⁴ Benjamin Ryan Tillman, *The Origin of Clemson College*; with introduction and reminiscences of the first class and the opening of the college by his son, B. R. Tillman, who was a member of the first class (Class of 1896), (Winston Salem, 1941), 3.

⁵ *Ibid.*

legislature founded the Agricultural College of the State of Michigan in 1855. What is today Michigan State University inspired the Morrill Act of 1862 and was the prototype for the entire land-grant system. Tillman and his supporters also stressed the need for *practical* education, and saw the state as the appropriate provider.⁶

The idea of an agricultural college in South Carolina was certainly not a radical measure, but historians have overlooked the significance of the issue in terms of how it symbolized a fundamental divergence between Tillmanites and Conservatives concerning the proper function of higher education, and the role of the state in providing for such. Tillman was never as representative of the common farmer as he proclaimed, but his advocacy of the agricultural college does highlight a notable distinction between his faction and the Conservative regime. While Conservatives perceived state sponsored higher education as intended for a select few of the leadership class, focusing primarily on a classical liberal curriculum, Tillman and others saw the need for a more practical education that would economically benefit a wider portion of the population. Also, as we will see, he had an even more ambitious agenda than the institution that would become Clemson College—his creation of Winthrop College, and his approach to Claflin College revealed a distinct conception of state-directed education as a guarantor of traditional gender and racial norms. The state, in Tillman's plan, would therefore educate white males to be independent producers and patriarchs of households, women to be useful

⁶ Keith Widder, *Michigan Agricultural College: The Evolution of a Land-Grant Philosophy, 1855-1925* (East Lansing, Michigan: Michigan State University Press, 2005), 24. The Morrill Act of 1862, named for Senator Justin S. Morrill, offered states 30,000 acres of federal land for each Congressional representative they possessed. The proceeds from the sale of said lands were to be used for education in agriculture, engineering, and military science. The lands were given to existing institutions in some states, while in others new agricultural and mechanical colleges were established. Cooper, *Conservative Regime*, 157-58.

helpmates of their provider-husbands, and African Americans to contentedly labor without aspirations of social mobility.

In the years following the Bennettsville speech, Tillman organized regular meetings of a statewide Farmers' Association, as well as annual farmers' conventions in Columbia to suggest nominees for the Democratic Party. The agricultural college continued to top his list of goals, and he described its creation in terms that symbolized expedience and progress. The proponents of the South Carolina College, on the other hand, "worshipped the past, and [were] marching backwards when they marched at all." In a culture consumed with the Lost Cause mythos, this was not an insult given or received lightly. Tillman continued his invective against elite "dandies" and "dudes," while demanding the legislature take action to boost farmers to their rightful place atop the social ladder. During this time it became apparent that when Tillman spoke of "farmers," he meant white, independent landowners who would support his agenda. The landless, African Americans, and anyone opposed to the agricultural college, were somehow excluded from Tillman's definition of "farmer."⁷

Conservative leaders, especially alumni of the South Carolina College in Columbia, denied the need for a separate institution. Many highlighted the costs to taxpayers. Less than a year into Tillman's campaign for the new college, a critic from Marlboro County calling himself "Agricola" mocked the Edgefield upstart and his followers for their shortsightedness:

Tillman believes that salvation lies alone in an Agricultural College, therefore the farmers' delegates [to the new Farmers Convention] will mount the same hobby, and follow where their "Moses" will be pleased to lead them... It is to be feared that they will not see far enough into the

⁷ Charleston, *News and Courier*, November 19, 30, December 3, 7, 1885; see also, Simkins, 97-98, and Cooper, 157.

future, to see that money will be required year after year to run the college. A Legislature composed of farmers, however, could easily make an appropriation annually, of the public funds to run it, although such annual appropriation might *not lighten* the burden of taxation now complained of.⁸

“Agricola” alluded to several pitfalls that critics found in Tillman’s plan. First, the creation of a new and expensive college patently contradicted the Tillmanites vociferous calls for retrenchment. Moreover, Agricola suggests that Tillman was foolish to believe an agricultural school serving a few dozen students a year could significantly alter the plight of farmers, whose worst enemies were Mother Nature and global markets. Finally, the idea that Tillman was merely exploiting the college issue to stir up class and regional resentments—which he hoped to ride to political power—was never far beneath the surface of any critique of Tillman.

Opponents also insisted that the agricultural school at South Carolina College was sufficient; there was no need for a separate school. Tillman countered that the current agricultural school was merely a sham meant to secure the Morrill land grant funds. According to Tillman, the South Carolina College was “agricultural and mechanical when money is to be received; it [was] classical and literary when money is to be spent.” Ironically, Tillman’s own Farmers’ Association hindered the implementation of the separate college due to its calls to cut public spending. In 1886, even residents in areas where Tillman was highly popular opposed the measure. Conventions in Laurens and Greenville counties, which were both hotbeds of the Tillman movement on most issues,

⁸ “The Trouble with the Tillmanites,” *Newberry Herald and News*, April 28, 1886.

emphasized retrenchment and ignored the college issue altogether. Surprisingly, the Farmers' Association in Spartanburg repudiated the separate college outright.⁹

What seemed to be the *coup de grace* for Tillman's college, and possibly his public career, was the transformation of the South Carolina College into the University of South Carolina. In the latter months of 1887, John M. McBryde, president of South Carolina College, arranged a plan with the trustees to seize the momentum building among Tillman supporters. McBryde argued the opposite side of Tillman's justification. He insisted that agricultural and mechanical training could be better taught in conjunction with a liberal arts curriculum, rather than in a separate institution. He proffered a plan to convert the South Carolina College into the University of South Carolina, which would include a bolstered agricultural school and subsequently acquire the federal funding Tillman needed for his proposed institution.¹⁰

The board of trustees in Columbia approved the McBryde scheme, and began to rally Conservative leaders and the public to their cause. Governor J. P. Richardson endorsed the University plan to the legislature, contending that it would serve to remedy the problems that were dividing the Democratic Party. Despite Tillman's complaints, lawmakers passed the University bill in the final days of 1887. The new University of South Carolina contained colleges of Agriculture and Mechanical Arts, Pharmacy, Law, Normal Education, and Liberal Arts and Sciences. The legislature also announced that the

⁹ Spartanburg *Carolina Spartan*, July 21, 1886; Lawton, "Farmers' College", 45; Cooper, *Conservative Regime*, 158.

¹⁰ The South Carolina College's Board of Trustees was comprised of such notable Conservatives as John Haskell, John Bratton, Charles Simonton, James F. Izlar, Johnson Hagood, and Governor J. P. Richardson. Minutes of the Board of Trustees of the University of South Carolina, IX and X, South Caroliniana Library, cited in Cooper, *Conservative Regime*, 160-61; Hollis, *College to University*, 136, 139, 145-46; "Report to the Board of Trustees of the University of South Carolina," *Reports and Resolutions of the General Assembly of the State of South Carolina*, 1886, Special Collections, Clemson University Libraries.

reorganized institution would cost \$100,000 less than a separate school, convincing an overwhelming majority of public that the plan made sense.¹¹

The creation of the University nearly spelled the end of Tillman's political career. In January 1888, announcing his retirement to farming life near Edgefield, Tillman conceded that he could not "afford the costly luxury of 'reform' any longer." Ironically, it was the demise of one of the leading advocates of the agricultural college that propelled Tillman back into the fight. On April 2, 1888, Thomas Green Clemson died, leaving his Fort Hill property of 814 acres in Oconee County, along with roughly \$80,000, to the state for the establishment of a separate agricultural college. Clemson, the son-in-law of John C. Calhoun, who originally hailed from Pennsylvania, had spent time in Belgium studying agricultural techniques, and in 1859 played a role in the founding of Maryland Agricultural College. Clemson had also briefly served as the Superintendent of Agricultural Affairs of the United States until 1861 when he enlisted in the Confederate Army.¹²

The Clemson bequest reinvigorated the college issue, with farmers' clubs writing local papers and Tillman stumping across the state. Conservative opponents, however, were unwilling to capitulate immediately. Some argued to accept Clemson's gift, but to keep intact the agricultural school at the University with the Morrill funds. This would nullify Tillman's chief bargaining chip, the fact that a separate college need not result in

¹¹ *Charleston News and Courier*, November 29, 1887; Cooper, *Conservative Regime*, 161; *Senate Journal*, 1887, 10-11; *Acts and Joint Resolutions of the General Assembly of the State of South Carolina*, 1888, 802-806, 843; *Charleston News and Courier*, December, 1, 3, 9-10, 13-15, 1887; Hollis, *College to University*, 143-146; Neal, *Tillman: the South Carolina Years*, 104-105.

¹² *Orangeburg Times and Democrat*, March 14, April 4, 1888; *Spartanburg Carolina Spartan*, February 15, 22, 1888; Neal, *Tillman: the South Carolina Years*, 109-10; Alester G. Holmes and George H. Sherill, *Thomas Green Clemson: His Life and Work* (Richmond: Garrett and Massie, 1937), 14-15, 157-79, 193-201; Holleman, "Contributions of Tillman," 48-49; Cooper, *Conservative Regime*, 162.

increased taxation. The University also fought the proposal by demonstrating how the agricultural school in Columbia was already working for the farmers' benefit.¹³

University trustees argued that certain provisions of Clemson's will accorded the state too little power in controlling the school. Governor J. P. Richardson declared that "South Carolina . . . is no longer a pauper and need stand at no door in need of clothing, bodily or intellectually, but what she adopts should be under her control and used for her people and them only." What Richardson failed to account for was that many South Carolina farmers were indeed paupers, or close to it. Furthermore, Tillman and the Farmers' Association had been bombarding them for three years with the promise that their condition could be improved with an agricultural college, especially one not shackled to an aristocratic institution. According to Tillman supporter J. E. Tindall from Clarendon, "the farmers' movement had put into the mouths of all the politicians the *song of education*," and before the Democratic primaries the college issue had been "discussed on ten thousand stumps."¹⁴

In 1888, Tillman campaigned for the farmer movement in almost every county, resulting in the nomination of a majority of Democratic candidates who were pledged to support the faction. Subsequently, in late December the House passed the Clemson College bill with relative ease. However, in the Senate it took the tie-breaking vote of Lieutenant Governor William L. Mauldin to ensure the bill's final passage. The governor, however, postponed signing the measure until the following year, an action allowed by a

¹³ Cooper, *Conservative Regime*, 163; Address to the graduating class of the Citadel, printed in *Charleston News and Courier*, July 5, 1888; Lawton, "Farmers' College," 62; *Charleston News and Courier*, July 12, 17, 19, 30, August 6, 1888; Lawton, 57.

¹⁴ *Charleston News and Courier*, July 25, 1888; Lawton, "Farmers' College," 60-61; J. E. Tindall speech in the South Carolina House of Representatives, December 13, printed in *Charleston News and Courier*, December 14, 1888; Lawton, 59.

peculiar constitutional provision authorizing the governor to withhold signature on any bill that did not reach him more than three days before the close of the legislative session.¹⁵

The governor took serious heat from the state's farmers during the delay. Even Francis W. Dawson, the editor of the *Charleston News and Courier* who had split with the Tillman faction when Dawson publicly supported the University of South Carolina bill, implored the governor to acquiesce in an editorial titled, "Sign the Bill Governor." In November Richardson finally capitulated and endorsed the measure. Soon after the legislature passed another Clemson bill that appropriated funds for the maintenance of the college. The act donated \$15,000 of state funds to the college outright; additionally it allotted Clemson College \$15,000 annually from the Agricultural Bureau's income from a fertilizer tax. Furthermore, the Morrill land-grant funds would go to the new institution.¹⁶

The initial appropriations to Clemson College proved meager compared to what would come the following year. In 1890 Tillman won the governor's office and drastically transformed the state's agricultural institutions. He and his devotees in the legislature eliminated the two experiment stations in Darlington and Spartanburg, sold these properties, and turned over the revenue to Clemson. The new governor abolished the Agricultural Bureau; consequently, he gave to Clemson's Board of Trustees the bureau's annual income of \$25,000 as well as the profits from the sale of the

¹⁵ Lawton, "Farmers' College," 68; *Charleston News and Courier*, December 14, 15, 19, 1888; Cooper, *Conservative Regime*, 164; Neal, *Tillman: the South Carolina Years*, 132-33. Cooper, 165; Lawton, 73.

¹⁶ *Greenville News*, cited in Holmes and Sherrill, *Clemson*, 186; *Florence Farmer's Friend*, cited in *Charleston News and Courier*, January 8, 1889; Cooper, *Conservative Regime*, 165; *Charleston News and Courier*, May 24, 1889; Lawton, "Farmers' College," 73-74; *South Carolina, Acts*, 1889, 299-302; Lawton, 74.

“Agricultural Hall” in Columbia. Finally, in a stinging blow to Conservatives, Tillman eliminated the University of South Carolina, reverting it to the South Carolina College, a school dedicated to “theoretical science, law, literature, and the classics.”¹⁷

Multiple historians have summarized aspects of the preceding narrative, primarily as an account of Ben Tillman’s sudden entrée into the political arena and his subsequent leadership of the “Reform” faction of the state Democratic Party. Tillman’s farmers’ movement, the story goes, rode the hobby horse of the separate agricultural college issue—all the while exploiting class and regional distinctions among white citizens, and dredging up the specter of “negro domination”—straight into the governor’s mansion. This interpretation perceives the agricultural college issue as a tool that Tillman employed to achieve political power.

Other scholars argue that, although Tillman boasted that he intended the agricultural school to benefit “farmers” like himself, Clemson College would only serve a relative few of the white middle and upper class agriculturists. The sons of white tenant farmers, sharecroppers, and certainly African Americans, could not enjoy whatever benefits the college might offer. These scholars, therefore, see Clemson College as evidence that Ben Tillman was never a genuine “reformer,” much less a radical like some of the more zealous Farmers’ Alliance leaders and Populists. Tillman, they contend, was merely a political opportunist and a demagogue who co-opted the rhetoric of a radical, but maintained the core principals of the same Conservatives at which he angrily shook his fist. The agricultural college, these scholars insist, only reinforced class disparities

¹⁷ South Carolina, *Acts*, 1890, 687-691, 705-708; Lawton, “Farmers’ College,” 75.

among whites and, by their exclusion, further cemented the subjugation of African Americans.¹⁸

What these historians have downplayed or overlooked are the significant distinctions between the Tillmanist and Conservative conceptions of education and its relationship to the state. Scholars of higher education have noted the longstanding “tension between two impulses:” one, the commitment to the search for pure knowledge, and the other, the collection of knowledge for specific socioeconomic ends. Another point of contention throughout the development of colleges and universities, especially in the United States, had been the proper relation of the state (government) to the schools. Many argued that state control stifled educational freedom, while others—such as South Carolina Conservatives—approved of state funding, but otherwise limited influence. Conservatives saw higher education as enlightening an already privileged class of future statesmen, not training students in practical occupations. Tillmanites, on the other hand, perceived the state machinery as the proper vehicle for creating and regulating a system of higher education that was not only practical—in terms of meeting economic challenges by training students in scientific agriculture and mechanical skills—but also reinforced and propagated a desired model of societal norms.¹⁹

Tillman excoriated both the South Carolina College and the Citadel as bastions of elite privilege that produced lawyers, businessmen, and politicians, but advanced the condition of the large majority of citizen-farmers not a whit. Indeed, supporters of the separate agricultural school argued it would serve as antidote to the elitism and oligarchy

¹⁸ See Cooper, Edgar, and Kantrowitz.

¹⁹ E. D. Duryea, “The University and the State: A Historical Overview,” in *Higher Education in American Society*, revised Edition, Philip G. Altbach and Robert O. Berdahl, eds. (Buffalo, NY: Prometheus Books, 1981) 17, 28, 29; T. R. McConnell, “Autonomy and Accountability: Some Fundamental Issues,” in *Higher Education in American Society*, 44-45.

the South Carolina College had promoted for decades. Tillman did not invent this portrayal of the college; rather, he simply amplified and repeated resentments that had been simmering for decades. As historian Drew Gilpin Faust asserts in her study of planter-politician James Henry Hammond, since the 1820s South Carolina College played “an ever-expanding role in the political and social as well as the intellectual life of the state.” Available only to the aristocratic class in its earliest days, the college was undeniably an institution for grooming South Carolina’s social and political pantheon. Public criticism surfaced as early as 1842, when an anonymous contributor to the *Columbia Southern Chronicle* complained that many citizens regarded “those educated at the South Carolina College as alone fit to fill the offices and control the destinies of the state.”²⁰

The fact that the college filled its student body from the ranks of the aristocracy virtually ensured that many graduates would ultimately find their way into powerful positions. It was not simply coincidence, however, that students gravitated towards high offices—the school promoted the active pursuit of social and political position. James Henry Hammond recalled Professor Robert Henry exhorting his class to “delight in the possession and exercise of power.” Beyond rubbing common—or even “less elite”—citizens the wrong way because of their elitist nature, the Conservative leaders and students of South Carolina College understood state-sponsored higher education with an essentially distinct set of assumptions and objectives from the Tillmanist faction.

Leaders of the state’s premier fount of education emphasized a broad liberal curriculum that produced men fluent in the esoteric language of the well bred. Although

²⁰ Drew Gilpin Faust, *James Henry Hammond and the Old South: A Design for Mastery* (Baton Rouge: Louisiana State University Press, 1982), 12.

beginning in 1880 the school briefly operated under the name of the South Carolina College of Agriculture and Mechanical Arts (in order to receive federal funding under the Morrill Act for land grant colleges), and after 1882 still technically operated a small agricultural and mechanical arts school, the agricultural curriculum was almost identical to that of the general science program. Historian Daniel Walker Hollis insists that even in the years of 1880-1882, “it does not appear that the chief interest of the faculty and students was in the field of agriculture or mechanics.”²¹

In 1887, one of the preeminent exponents of Conservative philosophy, former Confederate General Edward McCrady, neatly summarized the conservative conception of higher education during a commencement address at the Citadel. During the midst of the uproar surrounding the Tillman movement and the controversy over the proposed agricultural college, McCrady, a respected conservative writer and creator of the “Eight-box” system of voting that disfranchised many African Americans and illiterate whites, reminded the Citadel graduates that their education had *not* been intended to hone their occupational skills, but to prepare them to lead their inferiors:

The State has educated you, then; not that you should become able lawyers, skillful physicians, prosperous merchants or scientific farmers on your own accounts...but it has educated you that you should be *the better citizens*. That you should be able the better to understand the laws under which you live, and the systems of government, State and national, and the better able yourselves to take part in its legislation.²²

²¹ Daniel Walker Hollis, *College to University*, Vol. II: *University of South Carolina* (Columbia: University of South Carolina Press, 1951-1956), 96; Cooper, *Conservative Regime*, 41-42; Sarah Edna Holleman, “Contributions of Benjamin Ryan Tillman to Higher Education for White Men of South Carolina from 1885 to 1895,” (unpublished Masters thesis, Dept. of Education, Clemson Agricultural College, 1952), 5.

²² “Address Delivered to the South Carolina Military Academy, at the Annual Commencement, German Military Hall, Charleston, S.C., July 27th, 1887. By Gen’l Edward McCrady.” (Charleston, S.C.: Walker, Evans, & Cogswell Co., 1887), 5.

As historian Charles Holden astutely recognized, McCrady did not suggest that the state had educated these recent Citadel graduates simply to be better men—they were to be “the” better men. In the Conservative philosophy of the day, therefore, higher education was intended to mold a select few into the leaders of the many. McCrady further encouraged the students to employ their education in the political realm, echoing the United States’ founders’ ideals of republican virtue and public service. He insisted their education left them “honor bound to devote at least a part of [their] lives to the politics of [their] State.” McCrady clarified his counsel, however, denouncing those politicians who would deny their paternalistic duty and seek office for personal gain. With obvious allusion to Ben Tillman and his fellow agitators for the agricultural college, McCrady warned the students, “God forbid that any of you, young gentlemen, should become a stirring and striving politician such...unfortunately, as are to be found in our own times.”²³

J.W. Beasley understood that the state could help the farmers’ predicament, but found the *status quo* of higher education suitable. He asserted that what the farmers of his district needed was not a college dedicated solely to agriculture, but an “experiment station where important problems shall be solved for the information of the whole community.” With an experiment station, funded by taxes on guano and the existing Agricultural Bureau, Darlington residents could, for example, understand the feasibility of profiting from a tobacco crop (instead of cotton) without risking ruin. Beasley understood that agriculturists needed more and better information, but disagreed that the state should operate a college dedicated to that end. Farmers aspiring to educate

²³ Ibid., 4. See also, Charles J. Holden, “In the Great Maelstrom: Conservatism in the Post-Civil War South” (PhD diss., The Pennsylvania State University, 1997), 141-142.

themselves, like citizens of any occupation, needed a broad based, liberal education like the kind offered at South Carolina College.²⁴

Farmers, Beasley opined, needed to read and think more. How would an agricultural college inspire them to do so, any more than “a general education in all the sciences?” Furthermore, Beasley concurred with Edward McCrady and others who argued that the ultimate objective of state-sponsored higher education was not to train students for specific careers. Speaking for himself and his community, Beasley concluded, “we want our sons educated in all that goes to enlarge and strengthen the mind, without any regard to what special business they are to follow... We can very easily teach him the business of growing crops if he is disposed to learn.” J. W. Beasley and McCrady, despite hailing from disparate socio-economic spheres, shared the belief in a fundamental tenant of the Conservative philosophy: that state-sponsored higher education should broaden and enrich the minds of the intellectually gifted, and should therefore be divorced from pragmatic concerns of occupation or the success of any given industry.²⁵

Tillmanites understood education and the state in fundamentally distinct ways than those who saw the colleges as nurturing a coterie of elite paternalist statesmen. Unlike Conservatives, Tillman supporters joined a growing number of Americans in the late nineteenth century who perceived the necessity of scientifically based, practical education, in addition to broadening the scope and activity of state machinery. Tillmanist objectives, however, were not radical social leveling, but the maintenance of independent white manhood—rooted in landownership and agricultural “producerism”—in the face of increasingly powerful corporate interests and market forces. Neither did Tillman simply

²⁴ Ibid.

²⁵ Ibid.

exploit the agricultural college issue for personal gain, or without research and consequential precedents.

Tillman studied the progress of other schools, including the Michigan Agricultural College in Lansing, and the Agricultural and Mechanical College of Mississippi in Starkville. After researching these and other agricultural colleges he became firmly convinced that a practical college dedicated chiefly to scientific agriculture was necessary. Tillman wrote that he found the agricultural colleges in Michigan and Mississippi to be “so far in advance of any of the other hybrid institutions, that [he] appealed with all the power [he] possessed for the founding of a similar institution in South Carolina.” His belief in the necessity of a separate school was only strengthened by a series of correspondence with General Stephen D. Lee, president of the agricultural college in Mississippi. Tillman sent Lee a copy of his speech at Bennettsville, and Lee’s response stressed the importance of a separate institution with administrators and instructors who understood the farmer’s life. According to Lee, the problem with “hybrid” colleges was rooted in the “literary professors who have been put in charge of agricultural colleges—men not in sympathy with agriculture or the industrial classes in any way, men who have always made their living with their brains and having no belief in any other than a literary training, or sympathy with labor—hence their general failure.” It seems clear that Tillman did not begin the push for a separate agricultural college out of mere spite for the state’s Conservative leaders. Rather, he personally investigated the varying degrees of success of other schools, and came to a

reasoned conclusion that a separate agricultural college was in the best interest of South Carolina farmers.²⁶

Tillman adherents agreed that the state should provide practical education, and further insisted that manual labor should be required in addition to agriculturally focused academic training. Labor not only benefited students with hands on experience, but also kept down tuition expenses, opening opportunities for less affluent citizens. Biographer Thornwell Haynes quoted Tillman as saying that “success in life requires self-reliance and labor; that work is honorable, that work is necessary . . . that knowledge of books is good, but not the only knowledge that is necessary, that knowledge of things is better; and that skill, energy and perseverance, with diversified pursuits, will alone make South Carolina great and prosperous.” On July 7, 1893, at the opening session of Clemson College, Tillman told the crowd of over 1,500 that “we intend to introduce you to science, and let you set to work to place South Carolina ahead in agriculture as she ought to be. Let me burn it into your hearts and brain, your motto should be ‘Work’.”²⁷

Although the unpaid manual labor of students helped keep costs lower than they might otherwise be, Clemson College officials vehemently argued against the notion of free tuition for the sons of South Carolina farmers. In 1894 President Edwin Craighead publically asserted the reasoning in favor of manual labor and against free tuition:

²⁶ Tillman, *Origin of Clemson*, 4; Charleston *News and Courier*, November 19, 1885; “A College for Farmers,” *Edgefield Advertiser*, December 3, 1885; Holleman, “Contributions of Tillman,” 37-38; see also Cooper, *Conservative Regime*, 157-58. For the significance of the concept of production, or “producerism,” as a necessary virtue to many nineteenth century farmer-laborer critics of laissez-faire capitalism, see Bruce Palmer, *‘Man over Money’: The Southern Populist Critique of American Capitalism* (Chapel Hill: University of North Carolina Press, 1980).

²⁷ Thornwell Haynes, “Biographical Sketch of Gov. B. R. Tillman of South Carolina,” (Columbia, South Carolina: B. C. Du Pre, c1894), 54; Charleston *News and Courier*, July 7, 1893; Holleman, “Contributions of Tillman,” 67.

Students taking courses in agriculture and horticulture should be required to do a certain amount of work, such as professors may deem necessary to a completion of their courses on the farm and gardens, nature's own laboratories. ...All work of this kind is not only practical, but educational in the highest sense. To abandon this in our scheme of studies is to turn out theorists and day-dreamers, whose heads are crammed with useless stuff which their hands can never turn to practical use. ...To undertake to furnish free to all young men seeking such an education...would impoverish the State and send out a horde of young men taught to rely upon the bounty and generosity of the commonwealth. Against the insidious approach of *this form of paternalism, which strikes at the very foundation of strong, sturdy, manly independence*, our college is pledged, by the very charter of its existence, to perpetual warfare.²⁸

President Craighead succinctly encapsulated the Tillman faction's core ideology of gendered state activism and education. Practical education at Clemson, he contended, produced tangible returns for farmers suffering from high shipping rates, erosion, and botanical disease—the type of education offered at the South Carolina College, contrarily, churned out “theorists and daydreamers,” with no knowledge that was useful to the white producing class. The issue of student manual labor also demonstrated the rift between the followers of Tillman—who, despite his relative affluence, exhibited coarse manners and had no formal higher education—and Edward McCrady's genteel Conservative clique. Tillman displayed his animosity to those who sneered at manual labor as beneath them, saying that students would labor “cheerfully, [because they] will feel there is no disgrace in it. That is the initial point in the character of the young man we seek to send out.”²⁹

While President Craighead perceived the state's role in promoting white farmers' prosperity and independence as proper, he also deprecated what Tillmanites deemed “socialistic” reliance on government largesse. As he noted, acceptance of government

²⁸ “The President's Report,” *The Manning Times*, November 28, 1894. Emphasis added.

²⁹ Ibid. *Edgefield Advertiser*, December 3, 1885.

“paternalism” eroded the independence and manliness that the Reformers cherished. Children, women, and African Americans were naturally dependent, Tillmanites argued, but for white men to sink to that level was shameful. Tillman often spoke of “farmers,” but never directly championed the cause of sharecroppers and tenants, even the whites among them. Tillmanites looked in fright as corporate growth, speculation, natural phenomena, and indecipherable markets were threatening to nullify the status that their sex and race inherently afforded them. Practical education, they believed, was a key factor in avoiding that fate that too many fellow white men had already suffered.³⁰

Despite the racial and sex-based discriminatory policies that critics have pointed to, Clemson College actively engaged a wide portion of the South Carolina public. Its research benefited, to varying degrees, farmers from all backgrounds. By 1905 over 3,000 young men had matriculated at the school. Most were South Carolina natives, and a slim majority studied engineering and mechanical arts, while the remainder focused on farming. Clemson continued to serve the functions previously performed by the experiment stations and the Agricultural Bureau, one of the primary duties being that of fertilizer inspection. Accordingly, officials from Washington annually ensured that the college was conducting experiments on plant and animal diseases, working on remedies for such, analyzing soil and water, experimenting with new methods of producing cheese and butter, and “other researches or experiments bearing directly on the agricultural industry of the United States.” The Clemson experiment stations also distributed thousands of pamphlets to farmers with information on multifarious concerns and products, such as meteorology, hog cholera, and the improvement of worn-out soils. In 1907 Clemson President P. M. Mell proclaimed that the experiment stations were

³⁰ “The President’s Report,” *The Manning Times*, November 28, 1894.

“teaching the farmer how to save his crops; how to care for and use his machines; how to maintain the fertility of the soil; how to keep cash accounts, and know correctly the income and outgo of the energies of the farm.”³¹

The agricultural college also proved not to be only a bastion for a select few in the upcountry. Through 1905 Charleston County supplied 197 of the college’s students, second only to Anderson. Furthermore, through the work of “train-based” farmers’ institutes, the college disseminated relevant information to farmers across the entire state. The board of trustees began, through no insistence from the state government, to spread the experiment station’s findings to farmers who could use the information. The Southern Railway provided two coaches and free travel to Clemson, enabling the school to hold twenty-six farmers’ institutes in 1906 alone. Over 6,000 farmers attended the institutes, which reached virtually every corner of the state. Additionally, in August 1906 Clemson College held a two-day institute on campus, where over 1,000 farmers attended.³²

From Tillman’s perspective, the state had a duty to furnish education that would support ideals of manly independence for the sons of its agricultural producers—but he recognized the need to provide something for their daughters as well. In the late nineteenth century, Southerners still lagged well behind the rest of the country in educational achievement and literacy rates, and women and girls in the South (white and black) received even less education than their male counterparts. In 1890 roughly 13 percent of the American population was illiterate, while the South’s illiterate citizens

³¹ Patrick Hues Mell, *The Clemson Agricultural College of South Carolina, State Agricultural and Mechanical College. The work the College has accomplished in seventeen years and what it is doing for the benefit of the people of the State* (Columbia, SC: The State Company, Printers, 1907), 12, 19, 20.

³² *Ibid.*, 12, 23.

comprised more than 30 percent of its total population. Furthermore, illiterate southern females outnumbered men by 250,000. Southern reformers and New South proponents like Henry Grady saw the remedy to southern poverty in diversification of agriculture and the growth of industry. Many looked to state institutions of higher learning for leadership in disseminating the necessary knowledge for such changes.³³

As education became the accepted key to economic progress, self-styled reformers and “Progressives” began to highlight improved education as the fundamental precondition for the betterment of society as a whole. According to the Progressive-era historian, William A. Link, paternalistic reformers believed a properly focused education would prepare poor country folk for participation in a democratic, modernizing society “by inculcating in each citizen a sense of responsibility and civic training.” Raising the level of education for all citizens would require increased and improved public schooling, which accordingly necessitated more and better teachers. But, as educational reformer Charles Duncan McIver realized, finding enough skilled teachers to fill public schools would prove a problem. McIver, a University of North Carolina graduate and Durham teacher, noted that there were plenty of women willing to take teaching jobs, but there were no public means for their higher education. In 1885, during a speech at a teachers’ institute in Winston, McIver relayed the understanding that he and his wife (also a teacher) had realized: if the southern states desired decent public elementary and

³³ Amy Thompson McCandless, “Progressivism and the Higher Education of Southern Women,” *The North Carolina Historical Review* Vol. LXX (July, 1993), 302-303; Amy T. McCandless, *The Past in the Present: Women’s Higher Education in the Twentieth-Century American South* (Tuscaloosa: University of Alabama Press, 1999), *passim*; see also Lynn D. Gordon, *Gender and Higher Education in the Progressive Era* (New Haven: Yale University Press, 1990); Thomas Woody, *A History of Women’s Education in the United States* (New York: Octagon Books, 1974); Christie Anne Farnham, *The Education of the Southern Belle: Higher Education and Student Socialization in the Antebellum South* (New York: New York University Press, 1994).

secondary schools, then public normal colleges for training teachers must also be established.³⁴

Ben Tillman first recommended the creation of industrial school for girls in April 1886, during a Farmers' Alliance convention in Columbia. The future governor coupled his advocacy of women's education with attacks on the state's military academy. Tillman called the Citadel a "military dude factory," and said it ought to be converted into an industrial college for young women. In what ostensibly seems like a contradiction of motives, Tillman simultaneously championed greater educational opportunities for women, and employed feminine-gendered language to demean the Citadel students and graduates. Calling them "effete dandies" and "dudes," Tillman suggested that Citadel men, whom he considered symbolic of the elite aristocracy, did not possess the true qualities of manhood exhibited by independent producer-farmers. Citadel men were, he implied, feminized. While this rhetoric reveals much about Tillman's perception of properly gendered power relations, he nevertheless understood that Victorian paradigms should not preclude practical solutions to real problems of the modernizing world.³⁵

Tillman was not alone in his recognition of the need for a women's institution of higher education in South Carolina. David Bancroft Johnson, a promoter of the state's free school system (commonly known today simply as "public school") and Superintendent of the Columbia Schools, presented a report in 1885 to the Columbia City School Board recommending that a training school for educators be created in

³⁴ William A. Link, *A Hard Country and a Lonely Place: Schooling, Society, and Reform in Rural Virginia, 1870-1920* (Chapel Hill: University of North Carolina Press, 1986), 94, quoted in McCandless, "Higher Education of Southern Women," 303-304; William C. Smith, "Charles Duncan McIver," in *Charles Duncan McIver Memorial Volume*, ed. William C. Smith, Viola Boddie, and Mary Settle Sharpe (Greensboro: n.p., ca. 1907), 280.

³⁵ *Charleston News and Courier*, April 30, 1886, 1; Peggy Diane Neal, "Benjamin Ryan Tillman: His Role in the Founding and Early History of Winthrop College (Senior Honors Thesis, Winthrop College, 1970), 1-2.

conjunction with the city's high school. A major problem necessitating the proposed school, Johnson believed, was the fact that the vast majority of South Carolina's educated population hailed from the wealthy upper crust of society, and perceived teaching in public schools as beneath their station. A prominent member of the school board, Dr. Edward S. Joynes, moved to accept Johnson's recommendation and appointed him head of a committee to request a grant from the Peabody Fund, a philanthropic fund established by George Peabody in the wake of the Civil War to promote southern education. Joynes, also a prominent educational reformer, had argued as early as 1863 that southern states needed higher education facilities specifically geared for the distinct (from that of men's education) education for women. After Joynes's endorsement, the president of the Peabody Fund, Robert Charles Winthrop, awarded the Columbia School Board an annual appropriation of \$1,500 for the teacher's school. In a public display of their gratitude to the head of the Peabody organization, the school board agreed with Joynes' proposal to name the institution the Winthrop Training School.³⁶

Winthrop Training School, headed by David Bancroft Johnson, opened its doors to a handful of prospective female educators on November 15, 1886. From their single-room building owned by the Columbia Theological Seminary, Johnson and his students likely wondered if the school was destined to have any notable effect for women in the state seeking educational opportunities. Despite its small size, the school prospered and caught the attention of Governor J. P. Richardson, who commended the institute in several public addresses. Although the Conservative governor opposed the creation of a

³⁶ "Hugh S. Magill, "Joint Celebration of Founder's Day," *Celebration of Founder's Day*, (n.p.: Extension Department of Winthrop College, March, 1922), 6; Edward S. Joynes, "Origin and Early History of Winthrop College," *Winthrop Normal and Industrial College of South Carolina*, Anniversary Number, VI, No. 1 (1912), 57-58; Neal, "Winthrop," 2.

separate agricultural college, Richardson urged state lawmakers to deliberate on the possibility of funding improved facilities for training young teachers. Unlike Tillman's agricultural school, aiding Winthrop would not incur great costs or split the white population (and Democratic Party) down class and regional lines. Richardson and the Conservative legislature never seriously considered taking on the operation of the teachers' school, but late in 1887 they did pass a measure providing a \$150 scholarship for each county in the state to award to a woman desiring to attend Winthrop.³⁷

The teachers' school in Columbia spelled progress for educational reformers, but it was hardly enough to affect the lack of adequate teachers statewide. Therefore, in July 1890, Edward Joynes suggested to a meeting of the Teachers' Institute in Florence that the school be dramatically expanded. The Winthrop Training School, Joynes maintained, should be handed over to the state and converted into a state college that would provide normal and industrial training for the daughters of South Carolina citizens who desired such. Dr. Joynes, aware of Ben Tillman's earlier public advocacy for women's education, sent a copy of his address to the Governor-Elect. Tillman invited Joynes for a private meeting where he expressed his approval of the plan, but also warned Joynes that he feared the public would not welcome another state-funded college so soon on the heels of Clemson College's founding. Nevertheless, the soon-to-be governor agreed to Joynes's recommendation for establishing a committee to research the costs of organizing and maintaining the proposed institution.³⁸

During his inaugural address in December 1890, Tillman lamented the dearth of industrial education for women in South Carolina. The state's modest funding for one

³⁷ *House Journal of South Carolina*, November 22, 1897, 13; *Ibid.*, December 22, 1887, 39, *Ibid.*, December 21, 1887, 41.

³⁸ Joynes, "Origin and Early History of Winthrop College," 65-66.

scholarship to the Winthrop Training School from each county was insufficient, he contended, especially when the public clearly acknowledged they needed more and better teachers. The state provided two scholarships from each county for the Citadel, and Tillman complained that many Citadel students left the state after graduating, thus denying South Carolinians any advantages from their education. The new governor then publicly announced what he had privately expressed to Joynes, suggesting that he be authorized to appoint a commission to study the costs involved in creating a women's college. Furthermore, Tillman suggested that individuals and towns desiring the college to be located in their communities should offer "inducements in the way of grounds, buildings, money, or other securities." The public and the press largely supported the women's college plan, but Conservatives bristled at the governor's attacks on the Citadel. The Charleston *News and Courier* applauded the women's industrial college as a "practical and wise suggestion," but denounced the notion of abolishing state's military academy as "cold-blooded." In October 1891, David B. Johnson wrote to Governor Tillman with news that the Peabody Fund approved of merging the Winthrop Training School with the proposed industrial college. The Peabody group pledged to continue their financial support, so long as the training of teachers would remain an integral function of the new college.³⁹

In November 1891, the Columbia City School board officially handed over Winthrop Training School to the state of South Carolina. At Tillman's behest, on December 23 the legislature passed an act incorporating the teacher's school into the newly established normal and industrial college for white women. The assembly also

³⁹ South Carolina, *House Journal* (1890), 137-139; Charleston *News and Courier*, December 5, 1890; Neal, *Tillman: the South Carolina Years*, 249; D.B. Johnson to B.R. Tillman, October 12, 1891, cited in Neal, "Winthrop," 3.

elected a board of trustees, with Tillman at its head. Throughout the next year the trustees took bids from towns across the state that desired to be the home of the women's college. Anderson seemed the likely choice at first, but the city's debts prohibited its approval. Not until April 21, 1893, did the board of trustees finally select Rock Hill, in the upper Piedmont. Construction began in May 1894—as at Clemson, the state employed convicts to build the college facilities—and Winthrop Normal and Industrial College for Women opened in October 1895.⁴⁰

Discerning Tillman's complex motives in advocating for the women's college is a trickier task than in the case of the agricultural college. While in one sense he championed the cause of opening new opportunities for women, he also shut the door on any notion of "feminism." According to Tillman, his Conservative predecessors had failed the Palmetto State's daughters, educating most in useless arts meant for the "adornment of society." Music, drawing, and painting, Tillman insisted, had no value to women forced to take on the role of breadwinners after being left widowed or orphaned. The state needed to do more than Governor Richardson's \$150 scholarship per county to the Columbia teacher's school. He argued that the state should also fund a college offering industrial arts and sciences such as telegraphy, stenography, book keeping, and the chemistry and practice of cookery. While the courses he mentioned represented primarily feminine occupations according to nineteenth century standards, Tillman was demanding state action towards preparing young women for activity in the labor market and public sphere.⁴¹

⁴⁰ Winthrop College, Minutes of the Board of Trustees, meeting of November 30, 1891; *House Journal*, November 25, 1891, 45-46, December 23, 1891, 596; *Charleston News and Courier*, December 19, 1891, 1; Minutes, January 5, 1892; Neal, "Winthrop," 3-4.

⁴¹ *Senate Journal*, December 4, 1890, 85-86.

In the years between the legislature's endorsement of Winthrop College and its opening, Tillman made clear that his promotion of the school should not be perceived as a critique of the "cult of domesticity," or an attempt to blur the lines between the widely accepted gendered spheres. In 1890, as the newly elected governor, Tillman had made the case that women needed industrial training in the case that misfortune called them to act as providers for themselves and families, but by the following year his focus shifted to the need for training public school teachers. The industrial training Winthrop would provide was now necessary, Tillman maintained, so that "the elementary teaching of useful industries may be gradually introduced into our public schools." His rhetoric places him in the same camp as educational reformers like Charles McIver, who promoted state supported education of female teachers that would in turn prepare the next generation for the modernizing world. Also like McIver, Tillman believed that education for men and women necessitated inherently distinct objectives and methods.⁴²

In May 1894, at the ceremony for the laying of the cornerstone of the main building of Winthrop College, Tillman explained in no uncertain terms what he deemed the goal in educating women. After scolding talkative members of the large crowd to "shut their mouths," the governor noted the presence of the eight battalions of Clemson Cadets (at least 500 men altogether), who attended the ceremony donned in Confederate grey. They "doubtless came," he said, "to make arrangements for obtaining wives in the future." The primary objective of women's education, he insisted, was not to train career professionals, or even to benefit the children of the state with better teachers. The goal was "to educate girls who would be suited to return to their homes and marry good men."

⁴² Ibid., *Senate Journal*, November 24, 1891, 23; McCandless, "Progressivism and the Higher Education of Southern Women," 305; see also Linda Kerber, "Separate Spheres, Female Worlds, Women's Place: The Rhetoric of Women's History," *Journal of American History* 75. 1 (June 1988): 9-39.

Illustrating the two schools' roles in promoting properly gendered societal functions, Tillman took advantage of the occasion to symbolically wed Clemson and Winthrop Colleges. Apparently no one in the crowd objected as the governor proceeded to “pronounce the two institutions man and wife.”⁴³

According to Tillman, Clemson College educated young men to be independent producers and providers, while Winthrop—despite the useful knowledge and skills it would impart—would prepare young women for domesticity and submissive roles within the patriarchal family unit. Winthrop would indeed provide training in professions for women who needed these (stenography, telegraphy, etc.) skills, but that was a practical solution for an unfortunate reality—career-driven spinsterhood was certainly not the ideal towards which women should strive. Furthermore, Tillman railed against the suffragist movement, and expressed his “hope that the time [will] never come when women are *unsexed* by their detestible [*sic*] teachings.” Independence and political participation, in both the Tillmanist and the Conservative philosophy, were virtues for white men, but an affliction for women. Nevertheless, it is important to note that the governor did not suggest women should be empty-headed “adornments of society”—rather, they should use their education, in the role of mother and wife, to benefit those around them. Tillman himself relied heavily on his own wife, Sallie Starke Tillman, to actively manage the family farm business whenever he was away in Columbia and Washington. Tillman’s speech at the cornerstone ceremony echoed the earlier sentiment of Edward Joynes, who wrote that an institution of higher education for women “should be based on the idea that *woman* is *woman* and not *man*—nor butterfly; man’s helpmate and companion—but

⁴³ “The Laying of the Cornerstone at Rock Hill,” *Anderson Intelligencer*, Wednesday, May 16, 1894.

neither his plaything nor his rival—whose highest destiny is to be wife and mother. ...--
aiming in one word to educate neither *belles* nor *bluestockings*, but women, for women's
sphere.”⁴⁴

While Tillman and his supporters employed state power to establish Clemson and Winthrop Colleges to actively promote traditional patriarchal hierarchies, they also had to reckon with the “problem” of a majority African American population whose mudsill position in society, Tillmanites feared, was becoming dangerously indefinite. In this case as well, state sponsored institutes of higher education would prove to be an essential tool in realizing a fundamental tenet of the Tillmanist agenda: the socioeconomic and political subjugation of African Americans. Unlike the cases of Winthrop and Clemson, Tillman played no part in establishing of South Carolina's state college for African Americans. As governor, however, his handling of the highest-level school for black Carolinians, commonly known as Claflin College, clearly illustrated the Tillmanist program of leveraging state resources to ensure proper power relationships between whites and blacks.

In the early post-bellum South, most education for African Americans emerged as the result of northern initiative and financial support. While the federal government through the Freedmen's Bureau helped established many basic schools, northern missionaries and philanthropists (black and white) also encouraged the development of institutes of higher education for recently emancipated southerners. Northern Baptists,

⁴⁴ Ibid.; Hollins College, *The Education of Teachers in the South: Embracing a Letter from Prof. Edw'd S. Joynes to Geo. P. Tayloe, Esq., and a Plan for the foundation of a Normal School in Hollins Institute, Virginia; To Which is Added a Catalogue of the Institute, for the Sessions 1863-64*. Lynchburg: Virginia Power-Press Book and Job Office, 1864, cited in Christina R. McDonald, ““To educate neither belles nor bluestockings:” Women and Higher Education in the South During the Progressive Era” *Studies in Popular Culture* vol 20. 2 (October 1997), 61-62.

Methodists, Congregationalists, and Presbyterians initiated the development of African American colleges; leaders of the African Methodist Episcopal Church joined the effort not long after. Many of the earliest institutions for blacks failed to survive the post-Reconstruction era due to the antipathies of Redeemer governments, and according to one scholar of African American education, “despite the word “college” or “university” in their names, virtually all during their initial years were in fact at best secondary schools.” The relatively low level of instruction at these early schools resulted from the utter lack of formal education available to blacks prior to emancipation—in most antebellum southern states, educating African Americans had been a criminal offense—and the correspondingly high illiteracy rates among the southern black population. Nevertheless, a significant number of these early southern schools persevered to become highly regarded modern universities—for example, Fisk University in Nashville, Howard University in Washington D.C., and Hampton University in Virginia.⁴⁵

In the early weeks of 1869, Lee Claflin, a prominent member of the New England Conference of the Northern Methodist Episcopal Church, and his son William Claflin, the governor of Massachusetts, donated the funds to establish an institute of higher education in South Carolina. White citizens in the state were cursing the implementation of Reconstruction programs, and the notorious Republican Governor Robert K. Scott had been elected the previous year through the overwhelming support of newly enfranchised black voters. By July, two ministers burning with missionary zeal, T. Willard Lewis and Alonzo Webster, had purchased the grounds and buildings formerly belonging to the Orangeburg Female College. With Reverend Webster as its first

⁴⁵ Alan J. Pifer, *The Higher Education of Blacks in the United States* (New York: Carnegie corp. of New York, 1973), 11-13.

president, Claflin University—named after its benefactors—received official charter on December 18, 1869, from the Republican-dominated South Carolina State Legislature. In the act of incorporation, state lawmakers stipulated that professors would not be required “to have any particular complexion,” and that prospective students would not be denied admission because of “race, complexion, or religious opinion.” It was clear—Claflin was a black school.⁴⁶

Over the next several years, Claflin remained a privately funded venture. However, the state, under Republican control, soon took up the cause of educating African Americans as well. In 1872 lawmakers established in Orangeburg (near Claflin) the South Carolina Agricultural College and Mechanics Institute for black males. The legislature granted the board of trustees the money from the 1862 Morrill Land Grant Act. The relationship between the South Carolina Agricultural College and Claflin University was unusual; at times the two institutions seemed to function as one. While each technically had its own board of trustees, the two groups convened as a single entity and elected one individual to oversee both institutions. The Secretary of the Agricultural College was simultaneously the President of Claflin University. President Edward Cooke described the tight relationship between the two schools: “For the sake of the greater economy and efficiency... the two Institutions...are operated practically as one.” In 1877 the state officially changed the name of the South Carolina Agricultural College and Mechanics Institute to Claflin College, the Orangeburg branch of the University of South Carolina. The continuing relationship between Claflin College and Claflin University,

⁴⁶ Charlestine Romelle Fairley, “A History of Claflin College” (PhD thesis, University of South Carolina, 1990), 20-21; Vivian Glover, *Men of Vision: Claflin College and Her Presidents* (Orangeburg, South Carolina: Claflin College, 1995), 1-9; *The Statutes at Large of South Carolina*, XIV, 303, cited in George Brown Tindall, *South Carolina Negroes, 1877-1900* (Columbia, SC: University of South Carolina Press, 1952), 226-227.

which due to their shared administration and professors left them essentially indistinguishable, would later generate controversy, as segments of the black and white citizenry complained their tax dollars were funding a sectarian project of the Methodist Episcopal Church.⁴⁷

During the late 1870s, the South Carolina government would find itself in the unbelievable position of funding a school for African Americans, but none for whites. For a brief period during Reconstruction, beginning in October 1873, blacks had attended South Carolina University. Many professors and students left the school in protest. In 1877, after Wade Hampton and followers ousted the Reconstruction regime, white Democrats promptly shuttered the school. The Citadel, which had been occupied by Union troops in 1865, did not reopen until 1882. Claflin College, with an all-black student body, operated as the only state college for three years until 1880, when the legislature reopened the beloved college in Columbia as the South Carolina College of Agriculture and Mechanical Arts (newly named in order to qualify for a share of the Morrill funds). Appropriating funds for Claflin sometimes proved difficult, as white citizens often balked at the notion of using their tax dollars to educate blacks. Nevertheless, in 1878 the Superintendent of Education, Hugh S. Thompson, was able to persuade the legislature to pass, as a supplement to federal Morrill funds, an annual appropriation of \$7,500. The same act, however, also replaced the former interracial board of trustees with an all-white board. Still, in light of the fact that the state was not operating a single college for whites in 1878, the Conservative regime's annual

⁴⁷ Tindall, *South Carolina Negroes*, 227; Fairley, "Claflin College," 26-27.

appropriation act for Claflin College seems relatively generous, especially when compared to Tillman's position toward the school.⁴⁸

In the area of higher education, Governor Tillman primarily focused on developing Clemson and Winthrop to prepare young, white South Carolinians for the modernizing world, and to reinforce ideals of agricultural producerism and patriarchal gender roles. He also used his power to influence Claflin College and its overall mission, although through very different tactics than in the previously mentioned cases. During Tillman's tenure, the legislature reduced state funding for Claflin, tried to divert federal dollars away from the school, and reorganized the institute to focus more on training African Americans for manual labor positions.

After Tillman was elected in 1890, the state legislature cut the \$7,500 annual appropriation to Claflin College down to \$5,000. Tillman's greatest impact on the school, however, came in preventing federal funds of potentially great benefit from ever reaching Claflin. In August 1890 Congress passed the second Morrill Act, which stipulated that money from public land sales, allocated to states for the operation of agricultural and mechanical colleges, must be equitably divided between institutions for white and black students. South Carolina's share of the new Morrill resources totaled \$15,000, which would be divided between the state's two agricultural institutions, Claflin College for African Americans, and Clemson College for whites. The state legislature readily agreed to accept the cash, declaring that the funds would be equally split between the two schools. However, it soon became clear that federal government officials and South Carolina lawmakers differed on the definition of "equitable" distribution.⁴⁹

⁴⁸ Ibid.

⁴⁹ Neal, *Tillman: The South Carolina Years*, 245.

John W. Noble, the U.S. Secretary of the Interior who oversaw distribution of the Morrill funds, denied South Carolina's acceptance on the basis that the money must be apportioned by race as a percentage of the total population. Noble cited the 1880 federal census, which enumerated South Carolina's school age African American population as 64.1 percent of the total. Writing to Governor Tillman in January 1891, Noble insisted, "I am of the opinion that the requirement for an equitable division of this fund between institutions for the education of the two races will be met by dividing the same in the said ratio of the school in this case." According to the Secretary, a "just and equitable" division of the money would allot 64.1 percent to Claflin, and 35.9 to Clemson, which at the time was still under construction.⁵⁰

Tillman responded to Secretary Noble with a list of reasons why refusing South Carolina's apportionment plan was unfair and detrimental to the state's agricultural school for African Americans. First, Tillman contended that the census from 1880 was outdated, and that the 1890 census revealed the population was closer to being evenly divided between whites and blacks, although in reality, the white population had only increased by roughly one percentage point. Furthermore, the governor insisted he had no authority to overturn the assembly's decision; since the legislature was not scheduled to reconvene until November, if Noble refused to acquiesce, the schools in question would be without critical funding for many months. Clemson was not yet open to students, but Claflin College had already increased its faculty and begun the expansion of its physical plant and class buildings in expectation of receiving its share of the Morrill grant. Because these improvements depended on receiving the funds in a timely manner, the

⁵⁰ John W. Noble to B. R. Tillman, January 31, 1891, reprinted in "A Political Trick," *The Manning Times*, March 18, 1891; see also, Neal, *Tillman: The South Carolina Years*, 245-246.

current president of Claflin, Reverend Lewis M. Dunton, joined the governor in urging Secretary Noble to agree to the state's plan, even though from his perspective it meant a disproportionate slice of the grant would go to Clemson College. Warning Noble that his actions could "cripple" Claflin, Tillman pleaded the Secretary to "weigh your options well before doing anything to injure our colored college." After refusing to accept the federal dollars on Noble's terms, Tillman also appealed to national lawmakers, and on July 29, 1892, Congress sided in favor of South Carolina, ordering the Secretary of the Interior to distribute the Morrill funds equally between Clemson and Claflin Colleges.⁵¹

Tillman's arguments relating to the updated census data and the possibility of injuring Claflin seemingly had some effect on decision makers in Washington, but it was a different logic that held the greatest weight with Tillmanites and other white South Carolinians. The Morrill funds, the governor contended, should not be divided according to population because white South Carolinians, although a minority, paid the greater share of taxes. African Americans were underserving of the extra funding because, Tillman argued, "Over 80 per cent of the school tax in South Carolina is paid by the whites, while the negroes receive the benefit of over half of it. Second, the relative demand for collegiate education, for which Congress has provided, bears no relation to the relative numbers of the two races." Even Conservatives who had approved of the earlier state appropriation for Claflin cheered Tillman's resolve. It was one thing to provide moderate funding for the school, but to allocate a greater share of the Morrill grant to black students than to whites was unthinkable. Narciso Gonzales of the *State*, and James Hemphill of the *News and Courier*—both avowed Tillman critics—supported

⁵¹ Neal, *Tillman: The South Carolina Years*, 245-246; B. R. Tillman to J. W. Noble, February 16, 1891, reprinted in *The Manning Times*, March 18, 1891.

the governor throughout his standoff with Secretary Noble. When Congress ultimately approved the state's distribution plan, the *News and Courier* ran the headline, "Feather in Tillman's Cap."⁵²

Tillman's insistence that Claflin College not receive a greater share of the grant than Clemson illustrated a commonly held belief among many nineteenth century white Americans—that higher education was usually wasted on African Americans, and moreover, that it was a potential threat to the existing racial hierarchy. Most white southerners saw education for blacks as something that should reinforce their subservient social position. On April 29, 1891, Governor Tillman visited Claflin College to inspect how it was employing taxpayer dollars. During a brief and sobering address to faculty and students, Tillman remarked that he was unsure about the very prospect of educating blacks. Claflin students, he warned, were not destined to be great leaders or innovators in a more equitable world; they were "to become the teachers of *their* race." Tillman essentially reminded the students that they were unwanted burdens to a white society that barely tolerated their existence. Although he insisted that whites did not desire black Carolinians to emigrate, he seemed saddened that "no human agency could send them back to Africa."⁵³

Tillman expressed grave concerns over the inherent dangers in educating members of a race that he considered unsuited for higher thought and civilization. As evidence, he reminded the Claflin audience of something of which they were likely fully aware: that there were a larger number of colored people in the state penitentiary than

⁵² B. R. Tillman to J. W. Noble, February 16, 1891, reprinted in *The Manning Times*, March 18, 1891; *Columbia State*, March 8, July 5, 1891, March 11, 1892; *Charleston News and Courier*, March 9, April 18, 1891, July 29, 1892.

⁵³ "Governor Tillman at Claflin," *Columbia State*, April 29, 1891.

whites. Tillman ironically linked this phenomenon with education—*too much* education, he maintained. Many black convicts, the governor said, were “young and possessed a smattering of education; [and] the records of the convicts have shown that such education as these have had, had developed into *evil*.” Tillman was obviously doubtful that the state should support an institution of higher education for blacks, and he reminded Claflin students that they shouldered a great responsibility: they would “show whether the negro could be educated or not.”⁵⁴

While visiting Claflin College, the one bright spot for the governor was his examination of the industrial departments, at which he “manifested great interest in the work and facilities.” From Tillman’s perspective, if African Americans were to benefit from education—especially that supported with taxpayer dollars—it should be practical and industrial in nature. Since the end of the Civil War and the beginning of education for formerly enslaved persons, both white and black leaders and reformers had continuously negotiated the appropriate objectives of black education. Of course, many whites simply considered African Americans intellectually inferior, and incapable of grasping the benefits that whites could claim from higher education. But as historian Leon Litwack noted, for many white southerners the prospect of educating blacks contradicted the societal function they were supposed to perform. Whites felt that, like the enslaved generation before them, blacks in the New South, although legally free, should carry out the most menial tasks. White southerners felt that blacks naturally comprised the lowest rung of society, and therefore educating them for anything else was not only a waste of time, but potentially dangerous. According to one southern white lawyer, “There’s got to be a mudsill somewhere. If you educate the Negroes they won’t stay where they belong;

⁵⁴ Ibid.

and you must consider them as a race, because if you let a few rise it makes the others discontented.” Education, from this vantage point, threatened to upset the proper racial order—it was a question, the lawyer contended, of “who will do the dirty work. In this country the white man *won’t*; the Negro *must*.”⁵⁵

School officials and government leaders across the South negotiated the nature and purpose of state-sponsored African American education throughout the nineteenth and into the twentieth century. Leaders of black colleges were often forced to acknowledge the antagonistic climate of surrounding white communities, and attempted to mollify whites whenever they considered the institutions were breaching sociopolitical norms. W. C. Handy, a black student at the Alabama Agricultural and Mechanical College succinctly summarized the goal of black education from the perspective of the local whites; he insisted school administrators strove to show the white community that the goal of the school “was not so much to lift Negroes socially, but to make better cooks, nurse maids, mechanics and share farmers of them. Thus the real benefit would come to the whites.”⁵⁶

The unique situation at Claflin College, which remained a joint venture between the state and the Methodist Episcopal Church, resulted in a wide variety of educational offerings not seen at all early southern black colleges. Since the institution’s founding in 1869 as a private denominational college, Claflin had offered many courses that most whites thought African Americans had no use for. Claflin students studied Greek and Latin by reading ancient writers like Xenophon, Plato, and Cicero; they also learned geometry, algebra, and trigonometry. Even after the state began its relationship with the

⁵⁵ Quote cited in Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Alfred A. Knopf, 1999), 95.

⁵⁶ *Ibid.*, 85.

school, Claflin continued to resemble colleges for whites; in 1887, for example, it began a law department. However, the board of trustees under Tillman's watch steered the school towards more practical training. This practical education, unlike that at Clemson College, was not intended to produce independent producers, but a subordinate underclass. Under President Denton, who had helped Tillman plead with Congress for the Morrill funds to be divided evenly between his college and Clemson, Claflin focused more on training students for mid-level skilled professions. Blacksmithing, shoemaking, tailoring, domestic economy, bricklaying, and house painting were just a few of the industrial tradecrafts stressed at Claflin during the 1890s.⁵⁷

Governor Tillman desired that Claflin conform to what historians refer to as the "Hampton-Tuskegee" model, in which industrial trades and self-help were emphasized over classical education. In 1881 Booker T. Washington, who had studied and taught at Hampton Institute in Virginia, helped found the Tuskegee Normal and Industrial Institute. There he would promote practical education in trades like bricklaying and printing—he also, however, drilled students in the "virtues" of thrift, hard work, self-help, and cleanliness. Of course, a significant number of African Americans echoed the complaint of W. E. B. Du Bois that the Hampton-Tuskegee model was patronizing to blacks, and accommodating to white racists. Washington, however, extolled the benefits of practical education and gradual progress for blacks, contending that too many African Americans were being taught "about everything except that which he depends on for daily bread."⁵⁸

⁵⁷ Glover, *Men of Vision: Claflin College and Her Presidents*, 35, 60, 64; Tindall, *South Carolina Negroes*, 229.

⁵⁸ Litwack, *Trouble in Mind*, 79.

Claflin students received mixed messages about the objectives and potential rewards of their education. While many African American professors at Claflin stressed liberal education and upward social mobility—some professors even physically fought white teachers, assigned by the state, who advocated white supremacy to their students—other voices urged them to set their sights lower. It was, however, not only white supremacists like Tillman who insisted young blacks temper their aspirations; some prominent African American leaders also gave Claflin students what they considered a straightforward dose of reality. In May 1889, Claflin officials invited Reverend Benjamin William Arnett to address faculty and students at a ceremony celebrating the twentieth anniversary of the school's founding. To the dismay of many in attendance, Arnett, a bishop in the African Methodist Episcopal Church who was born in 1838 into a free black family in Pennsylvania, delivered a message laced with hope and sobering pragmatism.⁵⁹

Bishop Arnett adamantly refuted Tillman and others who discounted African Americans' capacity to benefit from higher education. Of intellectual inferiority, Arnett insisted, blacks had been unjustly "found guilty without a trial." Arnett insisted that Claflin students were as intellectually capable as any whites, yet asserted the opportunities in the South to benefit socially and politically from traditional higher education were nonexistent. The white power structure would simply not allow it. Therefore, the best hope for young blacks was westward migration. To the many that would remain in their home region, however, Arnett presaged Booker T. Washington's

⁵⁹ Tindall, *South Carolina Negroes*, 226-232; *The Annual Address Delivered Before the Faculty, Students, and Friends of Claflin University and The Claflin College of Agriculture and Mechanical Institute*, May 22, 1889, Orangeburg, S. C., By Rt. Rev. Benjamin William Arnett, D.D., Bishop of the African M. E. Church, In the States of South Carolina and Florida (Columbia, S. C.: William Sloan, Book and Job Printer, 1889), passim, Special Collections, South Caroliniana Library.

1895 “Atlanta Compromise” speech by advising Claflin’s future graduates to focus on their own improvement, to overlook the injustice of racial discrimination, to refrain from challenging their subordinate position, and to revel in the replication of white society:

One will say that the Negro has a hard time. Well, that is true; but somebody has a harder time in some other country. It is so hard they are coming to this country by the thousands every year...The papers are filled with the cry of the poor and helpless; but not so in this land...Every fence has its bottom rail and top rail. Every nation has its under man. Every society has a bottom, middle and top. In this country the Negro is the bottom rail. Now the question is not how he got there, nor is it a question of right, nor is it a question as to who shall be the top rail; but it is, *How high shall the bottom rail be?* The higher the bottom, the higher will be the top. So let us all go to work and strive to elevate the race morally, socially, and intellectually. ... The Negro is the only race which is keeping pace in the march of progress with the Anglo-Saxon. He accepts the Anglo-Saxon language, social habits, dress, virtues and vices; adopts his religion and institutions...The Indian who resisted Anglo-Saxon civilization is either wearing the dress of his fathers or in the grave.⁶⁰

Clearly, the bishop believed expressing African American distinctiveness was unwise at best. Arnett’s reference to Native Americans suggested that if blacks resist the white power structure, they might also face near extinction. Along with encouraging black scholars to mimic white society and busy themselves polishing the bottom rail, Arnett also advised the Claflin crowd to prize agricultural and practical education in the trades over that of liberal arts or professional studies. To the question, “Shall we encourage our young men to be farmers and mechanics?,” Arnett responded, “Yes, a thousand times yes.” Because “good and abundant crops” were the basis of a prosperous society, Arnett thanked the state of South Carolina “for making an annual appropriation to so laudable and praiseworthy a cause.”⁶¹

⁶⁰ Ibid, 12, 13. Italics are present in the original.

⁶¹ Ibid., 29-30.

Not long after Ben Tillman left for the U. S. Senate in 1895 (while he continued to weigh in heavily on intrastate affairs) the legislature reorganized Claflin so that the state college for African Americans would offer a curriculum even more representative of the real socio-economic limitations placed on all black Carolinians. Ironically, the shift began with members of the African American community, particularly black Baptists who resented the Methodist Episcopal Church's influence over the supposedly public college. During the state constitutional convention of 1895, the six African American delegates proposed that the state create an institution free of any sectarian control. Senator Tillman took the opportunity to call for the establishment of a separate college in Orangeburg. By 1896 the assembly approved a bill to sever state-supported Claflin College from the private Claflin University, with a new state school taking over the grounds and facilities of the former Claflin College. The new school would carry the name of Tillman's suggestion, which epitomized the Senator's wish for it to be essentially a vocational training ground for agricultural laborers and teachers in the state's inadequate public school system. The Colored Normal, Industrial, Agricultural, and Mechanical College of South Carolina opened for the fall term of 1896, and while it offered some traditional "college" courses, the primary focus was farming and industrial skills.⁶²

The Colored Normal, Industrial, Agricultural, and Mechanical College of South Carolina would eventually become what is today a well-respected, modern institution of higher education known as South Carolina State University—but in the 1890s Tillmanites certainly did not have that goal in mind. From Tillman's questioning Claflin students as

⁶² "The Colored State College," *The People's Journal* (Pickens, SC), Thursday, November 28, 1895, 1; Tindall, *South Carolina Negroes*, 229-231; Fairley, "Claflin College," 26-30.

to their capacity to be educated, and from his battle with the Secretary of the Interior over the apportionment of the Morrill funds, it is clear that Tillman and his supporters embodied the sentiment that W. C. Handy had complained of—they believed, despite the impressive intellectual abilities of some blacks whom they considered anomalous, that education for African Americans should produce better cooks and sharecroppers. Indeed, Tillmanites’ efforts at controlling higher education for black Carolinians exemplified what one Charleston editor opined in the decade following the restructuring of Claflin: “Let us be frank and honest, the great mass of the white people of the South have no idea of educating the Negro to be a citizen... They want him to be the white man’s help, and if he is not willing to occupy a subordinate position in this country, the sooner he leaves it... the better for all concerned.”⁶³

Historians have rightly judged that Ben Tillman was not a radical like some of the most fervid members of the Farmers’ Alliance and Populist Party. His advocacy of Clemson College was not symbolic of class revolution; neither was Winthrop an effort to promote gender political equality. Like many historians have suggested, Tillman’s overall social, economic, and political objectives were quite conservative. Nevertheless, though he mastered the role of demagogue, Tillman was not merely a Hampton-Conservative in a rabble-rouser’s clothing. His methods of governance actually represent a significantly distinct understanding of the role of the state and its desired influence on society at various levels.

Tillman’s efforts in higher education may appear as modest or ineffectual “reforms” meant to bolster his own political prestige; Clemson and Winthrop were perhaps little aid to cash-strapped farmers or women denied political equality. Still, these

⁶³ Quoted in Litwack, *Trouble in Mind*, 95.

schools represented a practical style of education that departed dramatically (against much opposition) from the previous Conservative model. Moreover, Tillmanites consequentially increased the state's level of influence in higher education, and sought to mold and maintain a society based on white supremacist and patriarchal ideals. Whereas Conservative like Edward McCrady envisioned higher education as a means of shaping "the best men," who would maintain a properly ordered society more through their paternalistic guardianship than through the actual mechanisms of government itself, Tillmanites sought similar societal ends through an active state machinery. Furthermore, the Tillmanist philosophy of state education, while not radically leveling in nature, did include in its scope more non-elite white men and women than that of most Conservatives.

State-sponsored higher education, during and after Tillman's time as governor, became an active agent in reinforcing traditional sociopolitical norms. While these societal objectives were rooted in the folkways and legal standards of the antebellum South, Tillmanites' methods of securing these racial and gendered hierarchies were decidedly contemporary. Regardless of their actual efficacy, it is significant that Tillman and his supporters, unlike Conservatives, perceived the state machinery, through the creation and operation of Clemson College, as a necessary vehicle for protecting white agriculturists from the pernicious vagaries of the modern market economy. Additionally, Winthrop provided technical skills for women in the unfortunate situation of having to earn a living for themselves—which Tillmanites understood was a real need—but its primary objective was to prepare females for the important duties of marriage and motherhood. Similarly, Tillman's parsimony and circumspection in dealing with Claflin,

and the ultimate restructuring of the school that emphasized vocational training, limited opportunities for educated black Carolinians, and further enhanced the state's subjugation of African Americans.

For scholars searching for material that aptly illustrates nineteenth-century gender relations, Governor Tillman's speech during the cornerstone ceremony at Winthrop is almost too good to be true. Tillman's symbolic marriage of Clemson and Winthrop Colleges spoke volumes about his understanding of the state, higher education, and white patriarchy. By uniting the two institutions, which were both state creations, as man and wife, Tillman publicly championed the state's inherent role in educating men and women to each fulfill their conventional gender roles. Ideally the groom, Clemson, would produce for and protect the southern white family, while the bride, Winthrop, would support her husband as a strong but innately dependent helpmate. The only thing missing in the ceremony that day was an announcement that the newlyweds would adopt Claflin College as their eternally faithful servant.

CHAPTER 3

WITHIN THESE WALLS: THE LUNATIC ASYLUM AND THE PENITENTIARY

On December 4, 1890, the largest crowd seen in over a decade filled the front plaza of the State House in Columbia, South Carolina. Different faces dotted the scene than in previous gubernatorial inaugurations—there were fewer of the Charleston and Columbia elites and Conservatives, more of the Upcountry and middling set. The new governor they had come to see had changed as well. His once bushy locks were neatly trimmed, and he sported a freshly tailored coat and fashionable kid gloves. He spoke with none of the harshness that had earned him notoriety in some circles. Everything about his dress and behavior suggested that Ben Tillman was there on serious business, and soon phrases like “better government” and “more efficient” began to frame the address. Tillman declared that the agendas of Conservative leaders had interfered with the competent function of state institutions. “Offices requiring high order of business talent,” he insisted, “are given to men who can speak well or who have rendered political services, while they are wholly lacking in administrative ability. This being the case, it is small wonder that we so often find mismanagement in government business and incompetent men in high offices.” For many, Tillman’s usually brusque manner has obscured his fundamentally systematic approach to efficiency, leading one scholar to conclude, “instead of ten-point programs. . . [Tillman] bawled the language of the saloon . . . [and] sprayed out the everyday feelings of the sharecropper.” Nonetheless, when

Tillman first strode into the governor's office, he was carrying a detailed list of reform measures for the state's business.¹

Several scholars in recent years have reexamined the national state in the nineteenth century, insisting that previous presumptions of the Gilded Age, when *laissez-faire* supposedly reigned supreme, are flawed. The national state, they contend, acted as a stronger force than historians once thought. But many scholars also agree that state governments had long played a more active role than the national government. According to Brian Balogh, "Americans were far more amenable to energetic government at the local and state levels." Owing to its aristocratic traditions, however, South Carolina was a unique case. In the antebellum Palmetto State, although wealthy planters dominated the state legislature and reigned virtually unchallenged, traditions of localism and personal influence restricted the energy and scope of state government. Men who considered themselves masters of extended families, including their human property, felt the state should protect upper class privilege, but otherwise remain as unobtrusive as possible. These powerful notions of elite paternalism, which carried over into the Conservative governments following Reconstruction, retarded the type of active state mechanisms other states developed.²

¹ *Journal of the General Assembly of the State of South Carolina*, 1890, 89; quote from Robert Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1966), 109; see also Francis Butler Simkins, *Pitchfork Ben Tillman: South Carolinian* with a new Introduction by Orville Vernon Burton (Columbia, SC: University of South Carolina Press, 2002) 133. Original text 1944, Louisiana State University Press; Diane Peggy Neal, "Benjamin Ryan Tillman: The South Carolina Years," (PhD Dissertation, Kent State University, 1976), 212.

² Brian Balogh, *A Government out of Sight: the Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009), 6; for discussion of the national state as an active agent in the nineteenth century, see also Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859-1877* (New York: Cambridge University Press, 1990); Richard R. John, ed., *Ruling Passions: Political Economy in Nineteenth-Century America* (University Park, Penn.: The Pennsylvania State University Press, 2006), introduction.

As historians have demonstrated, reformers around the turn of the century promoted greater state activity in remedying social ills. Many Progressives stressed issues like health care (usually in the form of inoculations for the children of poor laborers), total prohibition, and suffrage. Tillman did not embrace this agenda, but his perception of the state as an agent of change squares with the *methods* of early Progressive politicians. Tillman was determined to run state institutions efficiently and clean up corruption. Ultimately, though, labeling Tillman as Progressive, Conservative, or something in between accomplishes little. A more useful approach is the reexamination of the Tillman era as a period of transition from localism and dispersed power to a centralized authority. Empowering the state, however, was not a simple matter—from Tillman's perspective it required a thorough cleansing of the state's body and functions, including the reorganization of inefficient institutions. If Tillman's constituency were to trust the authority of the active state, then that body needed to be healed of its festering sores.

Two of Tillman's lesser known but consequential reforms involved the South Carolina State Penitentiary and the Lunatic Asylum. Apart from his annual addresses to the General Assembly, Tillman rarely made public announcements about either of the institutions. Newspapers of the era do not brim with rhetoric about these topics, and very few official or private letters on these subjects are extant. Correspondence between Tillman and the superintendents or legislators concerning these facilities has not been well preserved. Nevertheless, the records of the superintendents of each institution, and legislative journals, reveal that under the Tillmanist regime these facilities underwent significant transformations. When Tillman took office, no state concerns represented more of an unwanted expense than the penitentiary and lunatic asylum. To the public,

both establishments had long seemed unfortunate but necessary depositories for society's misfits. Due to discriminatory laws, African American males were the primary occupants of southern prisons. This fact only entrenched whites' resistance to funding the institution. As historian Edward Ayers has noted, "spending money on black criminals was at the bottom of every white taxpayers' list of priorities." The overwhelming sentiment was that state prisons should generate enough income to sustain their own operation; therefore, the prisoners must work.³

To deal with burdensome convict populations, southern states in the post-bellum decades concocted various schemes for generating revenue through prison labor. In 1886, penal reformer John Peter Altgeld outlined four basic systems, but noted that in the southern states the convict lease system prevailed, which he described as "by far the most objectionable of all." The proliferation of convict leasing, however, cannot be fully explicated outside the context of the development of the penitentiary in South Carolina. Although many South Carolinians had long petitioned for a penitentiary, a majority of legislators never approved the idea prior to the Civil War. The reasons for that opposition reveal much about the antebellum planter-elite's sociopolitical ideology. One contemporary critic located the failure in single-minded opposition to centralized power. Benjamin F. Perry, a Unionist editorialist and state legislator who would serve briefly as governor in 1865, contended sardonically that since the Nullification crisis, South Carolinians had been so consumed by their battle with the federal government, they had no energy left for updating their antiquated ways. It was shocking, Perry maintained, that

³Edward L. Ayers, *The Promise of the New South: Life After Reconstruction*, 15th Anniversary Edition (New York: Oxford University Press, 2007), 154-155; see also Dewey W. Grantham, *Southern Progressivism: The Reconciliation of Progress and Tradition* (Knoxville: University of Tennessee Press, 1983), 127-142.

“such a people should be in favor of Rail Roads—they ought to stick to the old fashioned road wagon.”⁴

Modern scholars offer differing perspectives on antebellum lawmakers’ reluctance to endorse the penitentiary. Edward Ayers suggests that the dearth of democracy combined with leaders’ contrarian attitudes delayed establishment of the state prison. Between 1828 and 1832, when most southern states were busy erecting penitentiaries, South Carolina was facing off against Andrew Jackson in a “high noon” test of bravado over Nullification. The contest steered Palmetto State legislators down a path where they began “to define themselves in opposition to the values of ‘progress.’” South Carolinians esteemed localism and personality over centralized authority, honor over institutions. “This faith,” Ayers insists, “did not call for a penitentiary.” Historian Michael Hindus agrees with Ayers that state leaders preferred private and localized enforcement of norms, and also that South Carolina “lacked a culture of reform.” Hindus, however, insists that conflated categories of race and class affected South Carolinians’ perception of criminality *per se*. Leaders interpreted crime by whites differently than in

⁴ John P. Altgeld, *Our Penal Machinery and Its Victims* (Chicago: A. C. McClurg & Company, 1886), 95-96; Jack Kenny Williams, *Vogues in Villainy, Crime and Retribution in Ante-bellum South Carolina* (Columbia: University of South Carolina Press, 1959), 113; Frank Freidel, *Francis Lieber: Nineteenth-Century Liberal* (Baton Rouge: Louisiana State University Press, 1947) *passim*; Perry quoted in Lillian A. Kibler, *Benjamin F. Perry: South Carolina Unionist* (Durham: Duke University Press, 1946), 231, also cited in Ayers, *Vengeance and Justice*, 58; for detailed analysis of convict leasing, see Matthew J. Mancini, *One Dies, Get Another: Convict Leasing in the American South* (Columbia: University of South Carolina Press, 1996) *passim*; for discussion on convict leasing in South Carolina, see George B. Tindall, *South Carolina Negroes, 1877-1900*, with a new introduction by the author (Columbia: University of South Carolina Press, 2003); see also Matthew J. Mancini, “Race, Economics, and The Abandonment of Convict Leasing,” *The Journal of Negro History*, 63.4 (October, 1978), 339-352. Mancini argues that convict leasing was not merely a way to profit from the existence of prisoners, but a social system of subordinating blacks and effectually extending the institution of ante-bellum slavery. For a discussion on the laws employed by Southern states to control black labor, see Mark Colvin, *Penitentiaries, Reformatories, and Chain Gangs: Social Theory and the History of Punishment in Nineteenth-Century America* (New York: St. Martin’s Press, 1997), 230-235. See also Jane Zimmerman, “The Penal Reform Movement in the South During the Progressive Era,” *The Journal of Southern History* 17. 4 (1951), 462-492; Edward Ayers, *Vengeance and Justice: Crime and Punishment in the 19th-Century American South* (New York: Oxford University Press, 1984), 35-39.

other states. In South Carolina, the dominance of agriculture and high percentage of property ownership among whites nurtured a distinct set of assumptions for the origins and appropriate responses to criminal offenses. As opposed to black crime, which could be chalked up to inferiorities of race, and northern white criminality that might result from environment, in South Carolina white crime was explained as originating from *passion*.⁵

The notion that passion engendered white crime had three notable consequences for lawmakers' approach to the penal system. First, leaders thought crime was not a major threat to society; nor was it something they could remedy. The state could no sooner eliminate white crime (particularly assaults and murders) than it could snatch the invisible fire burning beneath a southern man's breast. Secondly, leaders assumed that there was no flaw within transgressors that could be corrected—vengeance, not rehabilitation, was the proper objective of punishment. Finally, the dominant view among South Carolina officials was that reformation of individuals was pointless or even impossible. According to Hindus, this perception of the social order, in which black crime was controlled by slavery, and white crime was not overly serious or fixable, precluded the penitentiary.⁶

Years of war and the changing of leadership in South Carolina would significantly alter the prevailing wisdom on the penitentiary. In 1866 the institution was finally realized under the temporary leadership of Governor Benjamin F. Perry, a strong penal advocate. In the first years of the South Carolina Penitentiary, commentators praised the

⁵ Ayers, *Vengeance and Justice*, 58, 59; Michael Hindus, *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878* (Chapel Hill: University of North Carolina Press, 1980), 215-225, 242-243.

⁶ Ibid.

facility as a symbol of economic efficiency and modern progress. According to the *Charleston Daily News* in 1868:

There can be no question that [the Penitentiary] is likely to become the most important of the kind in the Southern country. 1st. Its general plan, arrangement and management are based upon the best models which the country affords. 2. Its location upon the banks of a stream whose water power is almost unlimited, affords advantages for manufacturing purposes certainly not surpassed by those of any similar institution, and, the state is likely to derive benefit from this hitherto new and untried system of punishment, in the sense that it will not only be self-supporting, but will *supply a want that has been experienced ever since the change from the former condition of affairs*.

What may be the effect of this enterprise, although penal in its objects, upon the prosperity of Columbia is yet to be determined. Possibly the development of the remarkable water-power of the Congaree River and the adjacent canal, in its application to the manufacturing purposes of the penitentiary, may direct to that locality the *attention of capitalists abroad*, and the consequent improvement of that portion of the city of Columbia....Certainly up to the present hour the most remarkable success has attended the undertaking.⁷

This passage highlights the objective of postwar leaders in South Carolina—the penitentiary would provide a means of social control that was not necessary in antebellum era. The “want” that had been prevalent “since the change from the former condition of affairs,” is certainly that of a controlling authority for the emancipated population. Additionally, the writer hoped the penitentiary, with its ready supply of cheap labor, would induce capitalists to invest in South Carolina and build its meager manufacturing sector. But this optimism was soon replaced with sobering gloom. In 1873, as the country reeled from financial disaster, Governor Franklin J. Moses announced that it had, “cost much more to maintain the State Penitentiary during the present year than at any former period.” The prison was not “self-supporting,” as earlier hoped—it was, in fact, operating at a deficit of over \$17,000. The Moses government was

⁷ “The State Penitentiary,” *The Charleston Daily News*, Wednesday Morning, February 5, 1868, 1. Italics added for emphasis.

notorious for financial malfeasance, and the continuing construction of the penitentiary represented, according to historian Matthew Mancini, “a classic source of corruption and jobbery which ended up costing half a million dollars.”⁸

Although the institution never quite sank to the depths plumbed in Arkansas, Florida, Alabama and Georgia, the South Carolina Penitentiary during the 1870s and 1880s brimmed with human misery. Overcrowded cell blocks with no indoor plumbing or heat, and noxious fumes from kerosene lamps, plagued the institution. Neither the Reconstruction nor Conservative regimes made any significant effort to improve the situation. In 1873 the state suffered from such financial woe that Superintendent J.B. Dennis struggled to find any means by which to feed and clothe the inmates. Dennis declared the institution to be “in an exceedingly crippled and embarrassed condition financially—the indebtedness at the close of the last fiscal year being \$102,238.40.” The state legislature, still under Republican rule, showed no willingness to amend the situation. Ultimately, with no money to feed his charges, Dennis was forced to lease convicts to private companies. The initial foray lasted under two years, as African American congressmen, shocked by the abuses of the system, helped to overturn the lease law they had originally supported.⁹

Finances were not merely a matter of numbers; prisoners felt the lack of funds on their bared skins and in their empty bellies. According to Dennis, the public credit was so damaged that “all the merchants applied to refused to sell goods on the faith of the state.”

⁸ “Annual Message of His Excellency Gov. F. J. Moses, Jr., Delivered to the General Assembly of South Carolina, January 14, 1873,” *The Anderson Intelligencer*, Thursday Morning, January 23, 1873, 1; Mancini, *One Dies, Get Another*, 199.

⁹ *Penitentiary Report, Reports and Resolutions of the South Carolina General Assembly* (1873), 116-18, 526-27, cited in Mancini, *One Dies, Get Another*, 198-99; *Transactions of the Third National Prison Reform Congress*, Vol. 3, edited by Enoch C. Wines (1874), 362.

As a result, the prisoners had insufficient clothing, and “there were among them no shoes, blankets, or hats.” In 1873 the state was either not willing or not able to supply the prisoners’ basic needs. Fortunately, a Columbia merchant, Hardy Solomon, supplied the prison with provisions “at great personal sacrifice to himself.” Governor Moses thanked Solomon for the “example of public spirit” that had prevented the possibility of inmates being turned out into the streets.¹⁰

After Wade Hampton and his followers “redeemed” the state in 1876, Conservative leaders did essentially nothing to remedy the horrid conditions. In an attempt to defer costs and induce capital investment, the legislature again sanctioned convict leasing in June of 1877. Several months before the law passed, Superintendent Theodore Parmele had already attempted to alleviate overcrowding by sending 150 convicts to work on the plantation of John Seegers. In return Seegers paid the state nothing; he promised only to maintain and guard the prisoners. However, the planter was lax in the fulfillment of his pledge. Consequently, the state earned nothing for the deal except for the escape of thirty-four convicts. Despite this absurd episode, leasing convicts, not to individual planters but to corporate railroad and canal firms, became the standard practice in South Carolina for the better part of a decade.¹¹

Reformers and historians have offered varying causal factors for convict leasing. Julia S. Tutwiler, heiress to a former slaveholding family, located the germ in the breakdown of the master-slave relationship. Emancipated blacks (who made up the vast majority of prison populations) she maintained, “suddenly freed from all restraints,” had

¹⁰ *Transactions of the Third National Prison Reform Congress*, Vol. 3, edited by Enoch C. Wines (1874), 362.

¹¹ Penitentiary Report, *Reports and Resolutions*, 1877, cited in Mancini, *One Dies, Get Another*, 206-207.

sunk into a state of criminality. Bankrupted states had no choice but to lease their prisoners. Even George Washington Cable, a rare southern white critic of racial subjugation, confessed that between slaves and their owners had existed a “really tender and benevolent” bond of protection and dependency. Although he deplored Jim Crow, Cable conceded that the end of slave-based paternalism had led to the “depravity of the negro.” As historian Mary Ellen Curtin explains, by the 1880s even northern reformers in the National Prison Association accepted the idea that formerly enslaved blacks were biologically predisposed to criminality.¹²

Beginning in the 1940s, social scientists began analyzing statistical data to expose leasing abuses. Many of the works that followed also built upon C. Vann Woodward’s *Origins of the New South*, in which he denounced conservative Democrats for perpetuating the system for personal gain. According to Woodward, “the convict-lease system did greater violence to the moral authority of the Redeemers than did anything else.” While he primarily cited retrenchment policies, increasingly strict punishments for property violations, and personal greed as the reasons for convict leasing, more recent studies have followed the framework put forward by Edward Ayers. He and others analyze multiple factors: economy, politics, ideology, culture, and of course, race. Some scholars have insisted that leasing was simply another means of enslaving blacks. As Alex Lichtenstein points out, however, this theory does not account for the fact that strenuous reform movements appeared in the South at the same time that racist furor was

¹² Julia S. Tutwiler, “Our Brother in Stripes, in the School-Room,” *Journal of Proceedings and Addresses of the National Educational Association, Session of the Year 1890* (1890), 601-602, in Paul m. Pruitt, “The Trouble They Saw: Approaches to the History of the Convict Lease System” *Reviews in American History* 29. 3 (2001), 395-402; George Washington Cable, *The Silent South* (1889, reprint 1969), 14, 95; Mary Ellen Curtin, *Black Prisoners and Their World, Alabama, 1865-1900* (Charlottesville, Va: The University Press of Virginia, 2000), 170-172.

near its apex. Despite variations, most historians agree on three basic factors that drove the system: the financial crisis after the war; the goal of recruiting industry through the enticement of cheap labor; and finally, the desire among whites for a tool of social control to fill the power vacuum emancipation had left.¹³

In 1878 the first shocking case of leasing abuse in South Carolina occurred at Camp Number Five, a barracks housing workers on the Greenwood and Augusta Railroad in Edgefield County. The railroad was the first company to lease South Carolina prisoners outside the prison walls. During an inspection, the state-appointed physician discovered moribund prisoners crowded together in a shack, teeming with insects and rats. The superintendent ordered twenty-six of the sickliest convicts back to the prison; nevertheless, thirty-nine inmates eventually died working for the Greenwood and Augusta. Being sent back to the prison was no guarantee of improved conditions. During the same year the physician reported that the prison was rife with dysentery and

¹³ Revisionist scholars include Hilda Jane Zimmerman, "Penal Systems and Penal Reforms in the South Since the Civil War"; Blake McKelvey, *American Prisons: A History of Good Intentions* (Montclair N.J.: Patterson Smith, 1977); Allen Johnston Going, *Bourbon Democracy in Alabama, 1874-1890* (Montgomery: University of Alabama Press, 1951); Mark T. Carleton, *Politics and Punishment: The History of the Louisiana State Penal System* (Baton Rouge: Louisiana State University Press, 1971); see also C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951). "Post-revisionist" works include Edward Ayers, *Vengeance and Justice*, and *Promise of the New South*; Mancini, *One Dies, Get Another*; Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York: Verso, 1996); Karin A. Shapiro, *A New South Rebellion: The Battle Against Convict Labor in the Tennessee Coalfields, 1871-1896* (Chapel Hill: University of North Carolina Press, 1998); Martha A. Myers, *Race, Labor, and Punishment in the New South* (Columbus: Ohio State University Press, 1998); Mary Ellen Curtin, *Black Prisoners and Their World: Alabama, 1865-1900* (Charlottesville: University Press of Virginia, 2000). For works that stress the primacy of racism as the major factor behind convict leasing see, Milfred C. Fierce, *Slavery Revisited: Blacks and the Southern Convict Lease System, 1865-1933* (Brooklyn N.Y.: African Studies Research Center, Brooklyn College, City University of New York, 1994); David Oshinsky, "Worse Than Slavery": *Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press, 1996); and Douglas Blackmon, *Slavery By Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2009). For a brief historiographical account of the interpretations of convict leasing, see Paul M. Pruitt Jr., "The Trouble They Saw: Approaches to the History of the Convict Lease System," Review of *Black Prisoners and Their World, 1865-1900*, by Mary Ellen Curtin *Reviews in American History* 29, no. 3 (Sep., 2001): 395-402.

tuberculosis. As a result, over one-sixth of the entire prison population died within the year.¹⁴

Conservatives failed to ameliorate the human suffering or the financial mess. In 1879 the new superintendent, Thomas J. Lipscomb, reported that in the previous two years eighty-two leased convicts had escaped—and another 153 prisoners had died. The following year another ninety-four inmates had perished. Lipscomb hypothesized that the inmates would be better off as slaves. If they were *property*, he postulated, contractors “would look after them with greater zeal, and not leave them . . . to the ignorance, inattention, or inhumanity of irresponsible hirelings.” Contractors subjected the leased convicts to endless work, near-starvation, and exposure. At times they tortured prisoners, or killed them outright. In 1884 an overseer on the Savannah Valley Railroad beat convict Henry Porter almost to death. Lipscomb, who had served as superintendent for seven years by that time, told Governor Hugh S. Thompson that it was the worst case of individual cruelty he had ever witnessed. It was one of the “irresponsible hirelings,” a white overseer from Georgia named A. W. Jackson, who had beaten the prisoner, and Lipscomb subsequently swore out a warrant for his arrest. Despite the drawbacks of leasing, Lipscomb found no other way to meet the institution’s financial needs.¹⁵

After the depression following the Panic of 1873, business owners began asserting more control in their contracts with states. According to historian Rebecca McLennan, as large contractors began to monopolize sections of prison labor, and as states began to

¹⁴ Penitentiary Report, *Reports and Resolutions*, 1877, 1878, cited in Mancini, *One Dies, Get Another*, 206-207.

¹⁵ Penitentiary Report, *Reports and Resolutions*, 1880, 55, cited in Mancini, *One Dies, Get Another*, 198-99; *Annual Report of the Board of Directors and Superintendent of the South Carolina Penitentiary*, 1885, 10-11, hereafter referred to as Report of the Penitentiary; *The Atlanta Constitution*, September 2, 1887, 1.

consolidate prison contracts, “contractors were able to influence...the way things were done in prisons.” McLennan argues that dirt-cheap costs were not the only, or even the most enticing factor of convict labor; it also ensured greater control of the work force. The 1870s and 1880s was a period of violent labor strikes nationwide, and the Knights of Labor were organizing the first significant national labor union. Convicts, however, could not bargain for better wages, unionize, or strike. They could not avoid certain jobs because of dangerous conditions. Prisoners could not move west in search of the main chance. Apparently, from many contractors’ perspectives, convicts could do with or without food. In financially devastated South Carolina, Conservative lawmakers for a time bowed to the demands of contractors to ease some of their burden.¹⁶

Hiring out convicts to brutal taskmasters may have helped railroad and canal builders to clear more profits, but it hardly allowed the penitentiary to function self-sufficiently and still maintain suitable conditions. Between 1885 and 1890, the last five years of Conservative control in South Carolina, the Board of Directors pled with Governor John P. Richardson for additional funding, to overlook the institution’s existing debt, and to purchase a large plantation where convicts might be usefully employed. Additionally, they stressed overcrowding in the prison building and the lack of decent sanitation. Inadequate funding remained the core problems. After the atrocious death rates of the late 1870s and early 1880s, in 1884 the General Assembly passed a measure requiring leased convicts to be supervised by guards who were responsible to state officials rather than the contractors. Additionally, all contracts would establish clear requirements for the feeding, lodging, clothing, and “humane treatment” to be provided

¹⁶ Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776-1941* (New York: Cambridge University Press, 2008), 106-111.

by the contractor. The legislature and prison officials intended these measures to improve prisoner treatment, but the plan meant expenses, and contractors frowned on the regulations. Subsequently, the superintendent found it “almost impossible” to find companies willing to hire out the prisoners. In 1885, after less than a year into the experiment, the legislature repealed the laws. Inmates would again potentially suffer the abuse of overseers outside of the state’s watch. The state considered abandoning the laws a financial necessity, but the change only reinforced the previous status quo.¹⁷

By 1887 the penitentiary still owed the state \$25,000—with no means to repay the debt—and the Board of Directors asked the legislature for an additional \$100,000 for necessary improvements to the prison house. While leasing out convicts had resulted in deaths, the prospect of being unable to lease the prisoners created other difficulties. Businesses opting out of their contracts meant a significant reduction in revenue, but it also resulted in more inmates being housed in the actual prison building. The structure was already short of space when hundreds of prisoners were working and residing outside the walls. The drying up of leasing contracts meant a severely overcrowded, unsanitary prison and a nightmare for the physician.¹⁸

In the late 1880s prison officials began working some convicts on several different farms. In agreement with penal authorities across the South, the Board opined that agricultural labor would prove more healthful to the prisoners, and more profitable to the penitentiary. Convict farming in South Carolina never reached the magnitude that it did in Louisiana and Mississippi, where the prison farm became the core of the penal

¹⁷ *Columbia Daily Register*, December 10, 1884; Albert D. Oliphant, *The Evolution of the Penal System of South Carolina from 1866 to 1916* (Columbia, S.C., 1916), 8, also cited in Tindall, *South Carolina Negroes*, 274.

¹⁸ *Report of the Penitentiary*, 1885, 10-14; *Report of the Penitentiary*, 1887, 11-14.

system. The problem during Conservative rule in South Carolina was organization. In 1888, out of a total population of 1000, the prison had 358 inmates laboring on four private farms and one state-owned farm. The system, however, was plagued by two major problems: one of nature, and one of design. The penitentiary did not hire their inmates out for fixed wages—prisoners worked for shares of crops harvested on private lands. Unfortunately, the late 1880s was a period of unusually low crop prices and droughts across the South. A second major obstacle was the farms' location between the Saluda and Broad Rivers. Year after year the superintendent reported that the freshets of the overflowing rivers had flooded and destroyed large portions of their crops. In a cruel twist of irony and shortsightedness, the penitentiary had attempted to raise revenue by turning their inmates into sharecroppers in a flashflood zone.¹⁹

Superintendent Lipscomb and the Board of Directors routinely petitioned the governor and the General Assembly for the purchase of a large plantation outside of the flood zone, and the erection of a new hospital building. In 1887 Lipscomb reiterated his request to Governor Richardson that the state purchase a large tract of land relatively close to the prison, thereby making it possible to bring about the “termination of existing contracts,” and the ability to work convicts “entirely under the supervision of the officers of the State.” Later that year, officials attempted to purchase such a farm, insisting it was necessary for the health of the convicts. However, the legislature blocked the plan. There is no record of the specific reasoning for the Assembly’s prevention of the acquisition, but it seems that outstanding debt was likely the obstacle.²⁰

¹⁹ *Report of the Penitentiary*, 1887, 3-4; *Report of the Penitentiary*, 1888, 6; Zimmerman, “The Penal Reform Movement in the South During the Progressive Era,” *Journal of Southern History*, 463-467; *Report of the Penitentiary*, 1887, 2-4; *Report of the Penitentiary*, 1888, 3-4.

²⁰ *Report of the Penitentiary*, 1887, 8; *Report of the Penitentiary*, 1888, 4.

Thwarted in their attempt to purchase a large farm, prison officials faced the task of managing the overflowing prison. The undertaking, however, involved much more than simply finding beds for the extra bodies. With no heat, no adequate lighting, and a woefully deficient system of sanitation, authorities struggled with an odious occupation. In 1885 the superintendent had harried the governor, stressing that the prison needed a new ward. The current building, Lipscomb stated, housed four hundred men over its intended capacity. According to the Surgeon of the Penitentiary, the situation represented a “violation of all sanitary rules.” By 1889, the last full year of Conservative government, sanitation in the prison had become so wretched that physician D. S. Pope issued a special report, stressing the urgent need for a larger and better-equipped hospital building. Pope noted the prevalence of measles, dysentery, and pneumonia that had caused eighty-six deaths during the previous year. Overcrowding of the prison and the hospital had led directly to a death rate of nine percent.²¹

Lipscomb’s and Dr. Pope’s pleas to the government for structural improvements went largely unanswered. Conservative lawmakers never moved to ameliorate the institution’s ills. When Ben Tillman ousted the Conservative faction in 1890, however, the situation soon began to change. Prison reform was a key issue for southern reformers in the early 1890s, especially for the white supremacy champion in Mississippi, James K. Vardaman, who openly expressed his admiration for South Carolina’s new governor. Vardaman overhauled the Mississippi penal system, which had seen more corruption and cruelty than any state—into one completely revolving around a state-operated farm. Although Tillman did not steer South Carolina in exactly the same direction, the two

²¹ *Report of the Penitentiary*, 1885, 12; *Report of the Penitentiary*, 1889, 9; Report of the Physician, in *Report of the Penitentiary*, 1889.

leaders shared many reform ideas. Tillman approached the penitentiary with two clear objectives: to make the prison economically self-sufficient and even profitable; and, to eliminate inhumane conditions by upgrading the sanitation and restructuring the convict labor system to prevent mistreatment.²²

Tillman argued that convicts had for too long been hired out for agricultural share work. Since the country was in an agricultural depression, the state failed to benefit from the labor it had to sell. He insisted that convicts ought to be hired out to the highest bidder, whether to private businesses or public operations, no matter what the job. Furthermore, Tillman suggested the penitentiary should continue to provide food, clothing, and guarding for convicts in order to prevent mistreatment. His plan conformed exactly to the system of reformer and Secretary of the National Prison Association, Enoch Cobb Wines. Under the “contract system,” only the labor of the prisoner was hired out, while the feeding, clothing, sheltering, and guarding were still managed by the prison. Contrarily, in Wines’ estimation, under the lease system “the whole control and management of the prison . . . is turned over to the lessee, who is . . . always a party whose object is to make money—first out of what the convicts can earn, and next out of what can be saved from the cost of feeding, clothing and housing them.” According to Wines, “the system is injurious to the prison, because the lessee . . . thinks only how he can use [the prisoner] to the greatest pecuniary advantage, and he cares little whether the gains are made to the profit or prejudice of the discipline and good order of the institution.” During the first year of his second term as governor, Tillman pushed the legislature into enacting the policy. The 1893 statute required that all labor contracts

²² William F. Holmes, *The White Chief: James Kimble Vardaman* (Baton Rouge: Louisiana State University Press, 1970), 86, 150-177, 390.

would stipulate hours of work, that only state officers would supervise and punish convicts, and that no labor would proceed until the state physician had inspected the site and deemed it safe and healthy.²³

Tillman was determined to reorganize the penitentiary and make it profitable, and he started at the top. He replaced Superintendent Lipscomb with W. Jasper Talbert, a former Confederate officer and loyal Tillmanite. Although little correspondence between Tillman and the superintendent is extant, it seems clear that Tillman picked Talbert with particular reforms in mind. The two were political allies: like the governor, Talbert was a Farmers' Alliance leader from Edgefield, and in 1892 Tillman appointed him to represent the state at the Democratic National Convention. The appointment might have seemed to critics like blatant cronyism, but Talbert did increase the penitentiary's profits while promoting more humane care of the prisoners. Although 1891 saw little change in the prison's finances, due to the necessary fulfillment of pre-existing contracts for the Columbia Canal and share work on various farms, Tillman managed to pass legislation which stipulated that the Board were "instructed...to hire or work [convicts] on farms in healthy locations and which are exempt from danger of overflow."²⁴

Talbert began immediately to revamp prison operation according to Tillman's wishes; he started contracting the convicts at fixed wages instead of on a share basis. He also leased for \$25,000 annually the institution's newly constructed dam and

²³ *The Revised Statutes of South Carolina, Containing the Civil Code of Procedure and the Criminal Statutes*, Vol. 2, Sec. 573, 455; *Senate Journal*, 1890, 90; Enoch Cobb Wines, *The State of Prisons and of Child-Saving Institutions in the Civilized World* (Cambridge: University Press, J. Wilson & Son Publishers, 1879), 111-12. Matthew Mancini warns that accepting contract and convict-lease practices for what they propose to be obscures the fact that they were in actuality, very similar. He suggests that contract labor, supervised by state officers, was still a system of exploitation and abuse. However, the evidence suggests that in South Carolina the switch to contract system did largely improve prisoner conditions; see Mancini, *One Dies, Get Another*, 20.

²⁴ *Senate Journal*, 1890, 90; South Carolina, *Acts*, 1891, 1080-81; *Senate Journal*, 1891, 15-16; *House Journal*, 1892, 16-17.

hydroelectric plant on the Congaree River to the Electric Street Railway and Light Company of Columbia. Furthermore, during Tillman's first year the state purchased a large farm, fulfilling former superintendent Lipscomb's constant appeal. Talbert sent many of the state's convicts to work on the plantation in Sumter, known as DeSaussure Place. By the end of 1892 it was clear that the Tillman-Talbert strategy was working. In 1891 the Board of Directors reported that convict labor had resulted in revenues of \$25,922; the 1892 report showed earnings of \$39,681. DeSaussure Place, safely situated outside the reach of overflowing rivers, produced ample amounts of corn and cotton for market, as well as various vegetables for internal consumption. In a single year the penitentiary had increased revenue from convict labor alone by over \$13,000. Notably, this spike in income did not come from any cutbacks on prisoners' essential needs. In 1892 the expenditures on food for prisoners rose from \$13,232 the previous year to \$17,169. Funds for clothing also increased dramatically, from \$542 in 1891 to \$2,334 in 1892. The penitentiary therefore had increased funding for prisoners and improved their living conditions, while simultaneously boosting revenues to the state. The Committee for the Penitentiary in the legislature praised Superintendent Talbert and Governor Tillman when it reported in 1892 that "the institution [was] well kept and in excellent condition, . . . more than self sustaining . . . [and that] the health of the prisoners for the past year, has been *unusually* good and the death rate considerably less than that of previous years."²⁵

²⁵ The revenues and expenditures for the Penitentiary are itemized in the *Senate Journal*, 1891, 14-15, and *House Journal*, 1892, 16-17. The confirmation of the Penitentiary's contract with the Columbia Electric Street Railway, Light and Power Company is in South Carolina, *Acts*, 1892, 94-95; *House Journal*, 1892, 411-12. Italics added.

The governor heard cries of corruption from his political enemies. In spring 1891 Narciso G. Gonzales reported in the *Columbia State*—a newspaper created specifically to denounce Tillman—that some prisoners claimed that they had insufficient food, clothing, and medical care. If the governor refused to investigate, it would prove that Talbert had been appointed as a political favor, and that Tillman had a “flexible and adjustable conscience.” To the credit of Talbert and Tillman, the Board of Directors investigated for several months and exonerated prison managers of any misdeeds. The inquirers found inmates not lacking in any essentials, especially the quality or quantity of their food. They also noted the significant decline in the death rate. The number of prisoner deaths during the Tillman administration (1891-1894) compared favorably to his predecessors. From 1888 to 1890, deaths of convicts reached over 100 each year, with 111 in 1890. Tillman’s administration accounted for 69 in 1891; 42 in 1892; 55 in 1893; and 51 in 1894.

After four years of Tillman and Talbert’s leadership, the penitentiary’s death rate had dramatically dropped from 13.1 percent to 4.8 percent. Board Chairman T. J. Cunningham asserted in his report that “the Board never at any time had occasion to find fault with . . . [Superintendent Talbert’s] management of the institution.” Upon his departure from office, Tillman praised Talbert’s management: “While I do not take any credit myself for this altogether creditable showing, as a part of the Reform administration, the present Superintendent and Directors of the Penitentiary can well challenge comparison with their predecessors and merit the well done of the people.” In the case of the penitentiary, Tillman affected not only fiscal reform, but also humanitarian reform that activists like E. C. Wines had been urging for decades.

Furthermore, under Tillman the state took far greater control over the convicts' labor and care.²⁶

Tillman's reforms did not reflect a single-minded humanitarianism or compassion for criminals. Curbing prisoner abuse and improving overall welfare eventually made more productive workers. Furthermore, Tillman did nothing to change the system that meted out sentences to petty offenders that were far out of proportion to their crimes, or that resulted in a prison population that was well over 90 percent African-American. However, it seems evident that improving the health and treatment of the convicts was a goal in itself. The quest for efficiency—and if possible, productivity—primarily guided Tillman's actions. By decreasing corruption and promoting what modern leaders would call “transparency,” while improving prisoner treatment, Tillman shared *some* characteristics of early Progressive leaders. Within that framework, however, Tillman was also drawing a line of distinction between previous Conservative leaders and his own administration: he employed convicts primarily as a tool of the active state machinery, not as a cheap labor pool for private businesses. Whether prisoners labored at Clemson and Winthrop Colleges, or on state-owned farms, their labor under the Tillmanist government primarily benefited the state, not railroads and other corporate interests as they had during Reconstruction and the Conservative period.

While the penitentiary represented an undesirable, albeit necessary expense to the public, one “advantage” to operating the prison was that it was full of workers who could earn at least a modicum of revenue. The lunatic asylum did not have the same option. As a care center for individuals deemed mentally incapable of functioning in society, the

²⁶ Columbia, *State*, June 13 and 22, 1891; *House Journal*, 1891, 38-39; South Carolina, *Reports and Resolutions*, 1892, II, 400-402. Neal, *Tillman: The South Carolina Years*, 237-38; *Senate Journal*, 1894, 47.

lunatic asylum in nineteenth-century America held a different position in the public mind than the penitentiary. Asylum patients were to be pitied, not despised like prisoners. For many reformers around the country, the asylum was an important symbol of modern civilization. According to historian Peter McCandless, in South Carolina the asylum was “as much an expression of civic pride as of humanitarian, medical, or social-control arguments.” Nevertheless, as an institution that required public funding—in a state where money was scarce—the asylum suffered many of the same problems that plagued the prison. As with the penitentiary, the Conservative regime addressed only a minimum of the hospital’s most pressing needs.²⁷

Since the Civil War the asylum’s biggest concerns had been overcrowding, an under-trained and unorganized staff, and a meager budget. Emancipation had exacerbated overcrowding, through the admission of African Americans who had previously been excluded. In 1882 the asylum superintendent insisted the institution was severely overfull, and that the problem would be worse if he had not “liberally tried the system of release on probation.” He argued that many patients were “more depressed by Asylum surroundings,” and that in many cases the subject’s “constant fretting to go home counteracts all other influences.” The superintendent allowed many patients into the care of friends or family for a three-month trial period. Furthermore, he placed the blame for

²⁷ Peter McCandless, *Moonlight, Magnolias, and Madness: Insanity in South Carolina from the Colonial Period to the Progressive Era* (Chapel Hill: University of North Carolina Press, 1996), 40-41. See also Barbara Bellows, “The Founding of the South Carolina Lunatic Asylum,” *South Carolina Historical Magazine*, 82, (1981): 263-72. Although the term “Lunatic Asylum” seems not only outdated, but also politically incorrect and offensive, it was the correct and technical term for a mental institution in nineteenth-century South Carolina. Therefore, since the terms “lunatic” and “asylum” are historically accurate, they will be used frequently in this discussion. Any attempt to replace these terms with modern, politically correct descriptions would be anachronistic and not representative of the discussed era.

the situation of the great amount of state debt, and the “years of misrule” by Republicans during Reconstruction.²⁸

The burden of overcrowding fell heaviest on African American patients. Black men resided in a wooden building separated from the main structure, and in 1881 the superintendent found it necessary to “construct a cheap, single story lodge for the colored women.” In many instances two black women occupied rooms that were designed for a single patient. The superintendent assured Governor Thompson that the rooms were “conveniently arranged and comfortable,” but added that “danger of fire [was] a constant source of anxiety.” To be sure, African American patients received inferior housing compared to whites, but overcrowding and outdated facilities were problems throughout the institution.²⁹

An ever-diminishing supply of funding hampered the asylum’s ability to provide patient care. During every year of Conservative rule, spending on patients had decreased significantly. In 1876 the *per capita* cost had been \$202. By 1888 that number had dipped to \$137. In an effort to solicit more resources from the state, the Board of Regents drew up a list of comparative figures on spending for mental hospitals across the country, highlighting South Carolina’s pitiful position. According to their findings, South Carolina expenditures were well below the annual average per capita cost of \$158 in the Southern States, and desperately far behind the \$295 allotted by New England states. To counter the effects of the decreasing allowance, asylum officials cut back on staff and put capable patients to work in the laundry, kitchens, and sewing rooms. During the 1880s female patients produced almost all of the clothing for the patient population. For the

²⁸ *Annual Report of the South Carolina Lunatic Asylum, for the Fiscal Year 1881-82* (Columbia, SC, 1882), 11, 14, 20, hereafter referred to as *Report of the Asylum*.

²⁹ *Report of the Asylum*, 1881-82, 12, 21; *Report of the Asylum*, 1887-88, 12, 13.

Conservative regime the cutbacks were actually a source of pride. Prior to losing to Tillman in 1890, Governor Richardson concluded his address to the General Assembly by congratulating himself for the frugal manner in which the asylum had recently been operated. Richardson marveled at the fact that for only thirty-seven cents a day, each patient was provided with “food, lodging, clothing, light, fuel, washing, medicine, and medical attention.” this was especially miraculous because the state was dealing with “repairing and refurnishing in a population [that was] peculiarly destructive.” The meager funds were thus proof that “there can be no possible ground for the charge of extravagant management.” Conservative leaders never reversed the decreasing trend in *per capita* funding for the asylum, and unfortunately for patients, neither would the Tillman administration.³⁰

Although the legislature never increased *per capita* expenses in the asylum during Tillman’s tenure, the new governor did correct serious defects in the hospital’s administration and the system of admission. Furthermore the government approved funding of \$100,000 for general upkeep of the main hospital building, \$1,000 to improve the sanitary conditions of the bathrooms, and \$150 for the asylum’s library. Tillman did not call for cutting allotted funds, which he contended was “about one-fifth of [the] entire State expenditure.” Instead, he envisioned a different strategy for caring for the state’s mentally ill, which he maintained society must do “for the sake of humanity.” Tillman concluded that two points were certain: “(1) There are people in the Asylum who ought not to be there because they can be more economically supported elsewhere; and (2) A change should be made in the law so as to require each county to support its own insane.” The new governor’s plan would ease the asylum’s overcrowding and expenses by shifting

³⁰ South Carolina, *Senate Journal*, 1890, 35-36; *Report of the Asylum*, 1887-88, 15, 17.

needy but harmless individuals to county homes or poorhouses. Under Tillman's plan, the state could provide more than adequate care for the remaining patients, without increased appropriations or higher taxes.³¹

Tillman also faulted the system of on two other points. First, he insisted that many patients who were capable of paying for their care were actually living off the state's dole because their families had taken advantage of the patient's property. The law read: "lunatics who have property shall be supported from the income therefrom." Tillman insisted he knew of cases where family members had taken the property of patients, while "the County Commissioners whose duty it is to enforce [the law] . . . have winked at the wrong to please some friend, and curry favor with an influential voter." The next problem was the procedure for assigning members to the Board of Regents. At the time, all six regents were appointed simultaneously for six-year terms, and were then replaced by a new group. Tillman complained that this was an inefficient practice because there was no chance of "injecting new blood into these important administrative positions" during their tenure, and because there was too a great risk for dangerously "abrupt change" when replacing the entire board and not benefiting from any of its experience.³²

During his first year in office the only measure Tillman was able to get through the legislature addressed the structuring of the Board of Regents. In 1827 the legislature had passed a bill extending the power to oversee operation of the asylum and appoint employees to a board of nine regents. On December 5, 1891, lawmakers endorsed a statute that permitted the governor to reduce the board to five regents, and that those individuals would subsequently draw lots whereby two would serve for two years, two

³¹ *Senate Journal*, 1890, 86-87.

³² *Ibid.*

would serve for four years, and one for six years. When Tillman asked four of the regents to resign, the entire board quit; Tillman considered this proof that they were unwilling to help the state in needed reform. The new system ensured the Board would continuously have both men with new ideas and those with experience.³³

Tillman pushed harder for change in his second year in office. Replacing the asylum's top officer would prove to be Tillman's most enduring reform. In April 1891 a legislative committee began investigating serious charges of corruption and patient neglect at the asylum; the source of the allegations was undisclosed. The committee interviewed several employees and found, among other "reprehensible irregularities," that one inmate had been permitted to carry a pistol. The asylum also employed the patient, referred to only as Milne, as a carpenter and painter. Milne had a key giving him access to the entire building, including the female rooms. According to the committee's initial findings, allowing potentially violent inmates to mix unrestrained with the other patients had resulted in injuries and at least one death. Moreover, a number of people questioned maintained that the superintendent made only infrequent and irregular visits, and that he had provided an additional male inmate with a key to the female wards. When Tillman later learned that the armed inmate had killed one of the attendants, he recalled the committee to address the problem. Committee members Dr. T. J. Strait, a state senator from Lancaster, and Dr. H. P. Goodwin, a representative from Greenville, joined Tillman and a stenographer in conducting another series of interviews with both staff

³³ McCandless, *Moonlight, Magnolias, and Madness*, 64; *Acts and Joint Resolutions of the General Assembly of the State of South Carolina*, 1891, 1117.

members and patients. The committee determined there had been “very lax discipline and negligence, attributable to the Superintendent, Dr. P. E. Griffin.”³⁴

Tillman invited Griffin to defend himself, but Griffin refused, demanding instead that he be given a formal hearing before the Senate or the Board of Regents. He did repudiate all the charges. On May 18, 1891 Tillman ordered Griffin to resign after he declined to defend himself to the governor in person. In July Tillman appointed Dr. John W. Babcock as the new superintendent. Tillman’s foes claimed that it had been his intention all along to oust Griffin and replace him with a political friend. While this may have appeared to be a legitimate complaint, Babcock’s record suggests he was a highly skilled physician and genuinely concerned with running a modern and humane institution.³⁵

Originally from Chester, South Carolina, Babcock had won the highly esteemed Story Scholarship at Harvard University. He also had experience as an assistant physician at Massachusetts’s most acclaimed mental health institution, McLean Hospital. Nevertheless, Tillman’s actions in this case prompted accusations of corruption and political bossism. Although Babcock had been in Massachusetts during the rise of the Tillman movement, his family members in South Carolina were clearly Tillman supporters. Columbia *State* editor Narciso G. Gonzales protested that the charges against Griffin were never satisfactorily proven. James C. Hemphill of the Charleston *News and Courier* echoed Gonzales’ sentiment, accusing Tillman of acting illegally in Griffin’s

³⁴ *Senate Journal*, 1891, 12; McCandless, *Moonlight, Magnolias, and Madness*, 239; Charleston *News and Courier*, April 3, 1891; Columbia *State*, May 21, 1891; *Senate Journal*, 1891, 12-13.

³⁵ B. R. Tillman to P. E. Griffin, May 9, 1891, and P. E. Griffin to B. R. Tillman, May 20, 1891, Governor Benjamin Ryan Tillman Papers, SCA; Columbia *State*, May 21, 1891; McCandless, *Moonlight, Magnolias, and Madness*, 242.

dismissal. Tillmanites, however, insisted the dire situation at the asylum called for an immediate change in leadership.³⁶

While it is impossible to determine beyond doubt Tillman's personal motivations for replacing Griffin with Babcock, it seems likely that the governor desired to take advantage of Babcock's education and training at one of the most prestigious hospitals in the country. During his administration Tillman willingly adopted other "progressive" programs that he deemed successful, as was the case of the controversial Dispensary, which he modeled on similar schemes in Gothenburg, Sweden and Athens, Georgia. While Tillman realized he would not be able to provide the same amount of funding that hospitals in the Northeast received, he also knew the South Carolina asylum would still benefit from their programs of operation. Babcock was no political puppet; he argued against Tillman's plan to send many patients to county facilities, a measure that was never passed. Moreover, Tillman had no reason to malign former Superintendent Griffin or to invent accusations. He had summarily replaced the penitentiary superintendent, Thomas Lipscomb, with no concomitant uproar.³⁷

Superintendent Babcock proved to be more than qualified for the position. Dealing with the same scant funding that had bedeviled his predecessor, Babcock fundamentally improved operations by implementing a new system of rules and regulations, and by establishing a nurses' training school structured on principles of modern health care. He found the proficiency of the nursing staff to be wholly

³⁶ McCandless, *Moonlight, Magnolias, and Madness*, 244; *Columbia State*, May 19-21, 1891; *Charleston News and Courier*, May 20, 22, 1891 Neal, *Tillman: The South Carolina Years*, 236.

³⁷ *Report of the Asylum*, 1894-95, 14. For sufficient discussions of the South Carolina Dispensary see, Simkins, *Pitchfork Ben Tillman*, 234-261; Neal, *Tillman: The South Carolina Years*, 328-354; and John Evans Eubanks, *Ben Tillman's Baby: The Dispensary System of South Carolina, 1892-1915* (Augusta, Ga., 1950).

inadequate. Up until that time the asylum had no system of education and training for the people who cared for patients. In 1891 Babcock established the South Carolina Lunatic Asylum Training School for Nurses, a two-year program (located on the hospital's grounds) that would prepare nurses especially in the care of patients with mental afflictions. The school's charter expressed its intent to train students in the following practices:

The general care of the sick, the managing of helpless patients in bed, in moving, changing bed and body linen, making of beds, etc; giving baths, keeping patients warm or cool, preventing and dressing bed sores; bandaging, applying of fomentations, poultices and minor dressings; the preparing and serving of food; the administering of enemas and the use of the catheter; attendance upon patients requiring diversion and companionship; the observation of mental symptoms, delusions, hallucinations, delirium, stupor, etc.; and the care of excited, violent, and suicidal patients.³⁸

In the first year of the school's operation, the Board of Regents commended Babcock's creation. The twenty-three students gave "every evidence of securing to the Asylum and to the State more skilled and efficient nurses." By 1895 officials declared the training school had proven "each year to not only be a benefit, but a *necessity* to the proper care of the insane." The training school set the foundation for what Tillman and Superintendent Babcock envisioned the asylum would become, a modern institution that would no longer be a black mark on the state.³⁹

Overhauling the negligent management of the hospital—laxity that had led to alleged rapes and a death at the hands of a pistol-packing inmate—also proved a major challenge. To rectify the slipshod management, Babcock enacted a detailed catalog of rules and regulations. The new list of procedures included guidelines and proscriptions of

³⁸ *Report of the Asylum*, 1891-92, 75, 76.

³⁹ *Report of the Asylum*, 1891-92, 66; *Report of the Asylum*, 1894-95, 7. Italics added.

behavior for every asylum employee, from the superintendent to the laundry attendant. Babcock's rules clearly stressed that heedless supervision of employees would be tolerated no longer. All nurses and attendants would be subject to frequent inspection and surveillance, and failure to comply with the new rules would result in immediate termination. Under the preceding administration, several male employees and even inmates had unrestricted access to the female wards, a problem that Babcock specifically addressed:

No male employee shall visit the wards of the women's department, nor any female employee the wards of the men's department except by special permission. Any work in the women's department requiring a male employee must be reported by the Matron, and will be provided for by direction of the officers. When assistance is required in the management of difficult or intractable patients, the Assistant Physician of the department in which it occurs must be applied to, and he will render the necessary aid and direct the proper course to be pursued.⁴⁰

Additionally, in every section of the rules manual, Babcock emphasized the necessity of treating patients with kindness and respect. All of the superintendent's reports expressed the idea that concern for the patients' welfare, happiness, and recovery should guide the asylum's procedures.

As he left office, Tillman declared that the prison and asylum were "both in a better condition, as regards their buildings, sanitary arrangements and their entire administration, than ever before in their history. It is no vain boast to say that they will compare favorably with any institutions of the class in the United States." The latter claim may have been wishful thinking, but the former rang true. Neither facility emerged as a paragon of enlightened modernity during the Tillman era. Both still suffered from insufficiencies of space and funding. Although Tillman did appropriate significant funds

⁴⁰ *Rules and Regulations for the Government of the Lunatic Asylum of South Carolina*, Compiled by the Superintendent and Adopted by the Regents (Columbia, S.C., 1891), 11, 12, 17.

that improved the physical structures, the state's *per capita* allotment to wards of each institution still ranked among the lowest in the county. Tillman's reforms were not revolutionary, but they were transformative in the sense that the fundamental operations of each establishment had been remarkably altered. The asylum's budget did not increase, but the governor did introduce essential changes that dramatically upgraded the skill and efficacy of employees and the treatment of patients. Moreover, to do so he capitalized on education and talent of an individual who had been molded by pioneering universities and hospitals in the North. Tillman's actions proved to be much more reformatory than anything the Conservative regime ever attempted.⁴¹

The penitentiary had also stagnated under Conservative control, and subsequently benefited greatly during Tillman's tenure. The contract system resulted in substantially fewer cases of abuse and a much lower death rate. The new state farm and improvement of cell blocks meant greater revenues and increased supplies of food and clothing, as well as improved living conditions for inmates. Moreover, because the prison farm generated these new funds, Tillman could honestly tell voters he had trimmed the penitentiary's percentage of state expenditures. Like the asylum, though, reform to the penitentiary only went so far. A truly enlightened reformer might have challenged laws that targeted black men and sentenced them to absurd terms for minor offences. While Tillman did issue pardons for individual blacks at times, in no way did he seek to make the justice system more racially equitable.

Still, the Tillman administration's penal reforms definitely mark a significant divergence from its Conservative predecessors. Whereas Conservatives readily exploited the prison population for the sake of enticing corporate investors, Tillman and his

⁴¹ *Senate Journal*, 1894, 45.

followers used the penitentiary not to warm up to capitalists, but to benefit the state government and hopefully reduce taxes for white male producers. The changes he instigated in both institutions may not have directly affected many of his core constituents, but they were important symbols of the improved health of the state machinery as a whole. The state, for Tillman, was a vital tool in maintaining social order, curbing the volatile force of markets, and booting the status of white producing families. If the new state colleges, the strengthened railroad commission, the Dispensary, and state authority over monopolies were to function as Tillman desired, the state itself must be cleansed. The asylum and penitentiary had been lesions on the state's body—so long as they continued to molder, they would limit the state's influence in multiple capacities. From Tillman's perspective, by eliminating abuses in state institutions, he was attempting to shore up the state's "moral authority," which, as C. Vann Woodward would later affirm, the Conservatives had done much to undermine. That said, however, Tillman also made permanent consignment of African Americans to mudsill status a primary objective for his "morally sanctioned" state. Ironically, for most modern observers, it was this very reasoning that obscured his more laudable measures as governor and sealed his legacy as one of moral bankruptcy.

CHAPTER 4

DOWN BY THE COOSAW: THE PHOSPHATE INDUSTRY AND MONOPOLY

In the early 1870s, phosphate mining for export and the production of domestic fertilizers grew into a lucrative industry in South Carolina. Promoters boasted that phosphate mining companies provided work for lowcountry men, black and white, and paid significant royalties to the state. But when Ben Tillman assumed the governorship in 1890, he condemned the state's largest phosphate corporation as the "*octopus* which . . . has kept the water turbid with its inky fluid." The term "octopus" was lost on no one; during the Gilded Age that image connoted one idea—monopoly. The phosphate industry in South Carolina, Tillman declared, symbolized an evil that plagued the nation at large. The most easily discernible development in the late nineteenth century was the meteoric rise of industry and corporate power. Railroad expansion tied cities to the countryside, creating new markets for new goods, while technological developments and industrial jobs propelled people from farms toward urban centers. Another conspicuous feature of "modernization" was corporate growth and market dominance. In order to ensure profits in unpredictable markets, many corporations merged or formed holding companies and trusts. Companies like Standard Oil and American Tobacco, for example, were able to weather the depression of the 1890s by eliminating competition and keeping prices artificially high. In reaction to this corporate consolidation and the creation of a perceived

“plutocracy,” there were widespread calls for state and central governments to limit the size and power of these massive corporations.¹

As the Rockefellers and Goulds built and ruled over new empires, many South Carolinians—along with other farmers and laborers across the country—suspected corporate dominance was somehow perpetuating their diminishing status. The Civil War had left many Southern landowners wholly or nearly bankrupt. Without slavery, which had sustained the plantation society as both labor and collateral, many lands were foreclosed to creditors or divided up among tenant farmers and sharecroppers. Farmers struggled with high credit and shipping rates, tariffs, and new foreign competition for their chief export, cotton. Money was so scarce that many were forced to find credit through merchants and solvent landowners. In the words of one historian, the South was developing industrially due to Northern “carpetbag” investors, and an important segment of this “commercial revolution” was a “dynamic class of town merchants who quickly established themselves as important “middlemen” in the busy and expanding Upcountry cotton trade.”²

In the decade before Ben Tillman’s election, cotton production in the South Carolina Upcountry increased by over 30 percent, while corn cultivation grew by less than 15 percent. The increased reliance on cotton made farmers dependent on imported food, rendered them susceptible to fluctuating world markets, and depleted the soil.

¹ John Whiteclay Chambers II, *The Tyranny of Change: America in the Progressive Era, 1890-1920* 2nd Edition (New Jersey: Rutgers University Press, 2000) 1-5, 54-61; Morton Keller, *Affairs of State: Public Life in Late Nineteenth Century America* (Cambridge, Mass.: Harvard University Press, 1977), 372; Ely, *Justiceship of Fuller* 57, 127-129.

² Joseph Church, “The Farmers’ Alliance and the Populist movement in South Carolina,” (M.A. Thesis, University of South Carolina, 1953), 2-3; Lacy K. Ford, “Rednecks and Merchants: Economic Development and Social Tensions in the South Carolina Upcountry, 1865-1900,” *The Journal of American History* 71:2 (1984), 305; Lacy K. Ford, “Rednecks and Merchants: Economic Development and Social Tensions in the South Carolina Upcountry, 1865-1900,” *The Journal of American History* 71:2 (1984), 298.

Southerners planted so much cotton because it was often the only crop for which they could receive credit. Merchants advanced goods in return for a lien on farmers' future harvest, and many would only trade credit for cotton. Furthermore, eager to collect on their credit advances, lending merchants collected and sold the cotton immediately after harvest, when the market was flooded; the corresponding low prices frequently meant sale proceeds fell short of repaying the debt. By 1881 more than three quarters of all farms in South Carolina had at least a partial lien on their crop. According to John D. Hicks, "the effect of crop liens was to establish a condition of peonage throughout the cotton South." As a result of this cotton "mania," many farmers grew dependent on manufactured fertilizers, of which phosphate was a key ingredient. For farmers hoping to escape the cotton-debt cycle, the industry responsible for one of their chief necessities—phosphate fertilizers—became a more crucial element of their survival than ever before. Additionally, as a key generator of state royalties that affected the budget and subsequent levels of taxation, the phosphate industry was highly politicized from the 1870s to the 1890s.³

Beginning in the late 1870s, the crop lien system and other obstacles to agricultural prosperity spurred farmers to organize on a massive scale. The most notable group, which in 1892 would morph into the Populist Party, was the National Farmers' Alliance and Industrial Union. In the same year he began assaulting Conservatives, Ben Tillman created a Farmers' Association that would eventually operate in tandem with the South Carolina State Farmers' Alliance, which was initiated in 1887. Tillman also became a prominent Alliance member—he helped found a chapter, or "sub-alliance," in

³ Ford, "Rednecks and Merchants," 306; John D. Hicks, *The Populist Revolt: A History of the Farmers' Alliance and the People's Party* (Minneapolis: The University of Minnesota Press, 1931), 40-45; see also Church, 3; Ford, 309.

Edgefield—and as governor he pledged to support *most* of the group’s objectives. The Farmers’ Alliance had an ambitious agenda—including public ownership of railroads and telegraphs—which they delineated in the 1890 “Ocala Demands.” Nevertheless, the overarching essence throughout the movement (and other similar groups that preceded them) was a fear and distrust of concentrated wealth and economic power.

Agricultural insurgents in the 1880s and 1890s, including Tillman, displayed a prominent strain of Jeffersonian and Jacksonian ideals about concentrated wealth. As president, Andrew Jackson had encouraged the federal and state governments to “check the spirit of monopoly and special privilege.” The Alliance also embodied agriculturalists’ dawning suspicion that the laissez-faire capitalist system was broken—or, more likely, that the game was rigged, and not in their favor. A North Carolina editor complained, “There is something radically wrong with our industrial system. There is a screw loose...The railroads have never been so prosperous, and yet agriculture languishes. The banks have never done a better or more profitable business, and yet agriculture languishes. Manufacturing enterprises never made more money or were in a more flourishing condition, and yet agriculture languishes.” Mary Elizabeth Lease, a fiery Alliance speaker, shouted that the government was “no longer of the people, by the people, and for the people, but a government of Wall Street, by Wall Street, and for Wall Street. The great common people of this country are slaves, and *monopoly* is their master.” One southern Populist, J.A. Transom of Pfafftown, North Carolina, insisted that if the party platform needed encapsulating, “‘Tis easily done. The one word

‘antimonopoly’ expresses every demand in, and outside the Omaha platform necessary to establish justice among us.”⁴

Ben Tillman did not walk lockstep with the Farmers’ Alliance; nor did he brook any third-party talk within the Democratic fold. Tillman did not approve of government ownership of railroads, or the radical credit scheme known as the Subtreasury plan. In fact, his insistence on party loyalty and white solidarity, combined with the reform measures he introduced as governor, helped to prevent the development of a radical Populist movement in South Carolina. Nevertheless, Tillman shared the belief that the producers of goods that generated wealth should retain the greatest share of that wealth. The Farmers’ Alliance and its likeminded forerunners—the Grange, the Agricultural Wheel, and the Greenback Labor Party—insisted on the labor theory of value (which insisted that the value of any commodity was directly related to the amount of labor needed to produce or obtain it) and the supremacy of labor to capital. In 1878 the Greenback Labor Party’s platform conveyed the “producerist” understanding that Alliancemen and Tillmanites would later champion. Their mission, the platform stated, was to “secure to the producers of wealth the results of their labor and skill, and muster out of service the vast army of idlers who, under the existing system, grow rich upon the earnings of others.” Charles Macune, perhaps the most influential Alliance leader in the country, espoused the same doctrine, maintaining that the Farmers’ Alliance represented “a mighty lever that would lift the burdens and weight from labor and the productive industries of the country.” Contrarily, New South leaders and Conservatives in South Carolina had few misgivings about concentrated capital and market domination at the

⁴ Jackson quoted in Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1992), 346-347; following quotes in H. W. Brands, *American Colossus: The Triumph of Capitalism, 1865-1900* (New York: Doubleday, 2010), 436, 441.

expense of labor. According to historian Paul Gaston, advocates of industrialization and economic investment in the post-Reconstruction South displayed barely a “modicum of awareness of the dangers of monopoly capitalism...[they] felt that industrial development held the answer to the region’s economic problems.”⁵

While Ben Tillman may not have endorsed every measure the Farmers’ Alliance demanded, he certainly sided with the group on the issue of concentrated corporate wealth. In a marked divergence from his Conservative predecessors, he told South Carolinians that state and federal courts were protecting “corporations and the power of money,” and thus harming hardworking private citizens. “It is a notorious fact,” Tillman declared, “[that] the protection thrown around corporations by those Courts, are today the greatest menace to American liberty.” Accordingly, as governor, Tillman attacked the first monopoly he found. The Coosaw Mining Company enjoyed state-granted exclusive rights to the greatest deposit of phosphate in the state, which at the time was considered the largest in the world. State grants for exclusive rights to mine specific areas reflected a perceived necessity to promote the fledgling phosphate industry in the wake of the Civil War. This understanding, however, was far from universally shared, and the political contests waged over the issue of exclusive mining rights underscores the distinction between Tillmanites and Conservatives, especially regarding how they perceived corporate activity, the state, and publicly owned natural resources.⁶

⁵ The Greenback Labor Party’s platform is quoted in Matthew Hild, *Greenbackers, Knights of Labor, and Populists: Farmers-Labor Insurgency in the Late-Nineteenth-Century South* (Athens, Ga.: University of Georgia Press, 2007); Charles Macune quoted in Charles Postel, *The Populist Vision* (New York: Oxford University Press, 2009), 104; Paul Gaston, *The New South Creed: A Study in Southern Mythmaking*, with a new afterword by the author and a new introduction by Robert Jefferson Norrell (Montgomery, Al.: NewSouth Books, 2012), 125.

⁶ “Message from the Governor,” Journal of the Senate of the General Assembly of the State of South Carolina, Being the Regular Session Commencing November 22, 1892 (Columbia, SC: Charles A.

War and emancipation virtually destroyed the basis for much of the coastal region's affluence and power. Conveniently, though, a new source of revenue rested just below their feet, waiting to be tapped. Large quantities of phosphate rock, incorporated with the remains of prehistoric creatures, lay buried under the land and rivers. In 1843 Edmund Ruffin, the notorious fire-eating secessionist, conducted a geological survey and reported marl deposits—a type of sedimentary rock or soil consisting mainly of calcium carbonate and clay—located primarily along the coastal river beds between Charleston and Beaufort. These deposits were rich in carbonate of lime, a vital component for manufactured fertilizer. The South's dependence on cotton for credit, and the soil depletion attendant to cotton planting, combined to make manufactured fertilizers seem absolutely essential.⁷

The earliest attempt at land mining around Charleston required intense physical labor, which was performed almost entirely by formerly enslaved African Americans. From the start, phosphate mining was linked with northern capital and Republican government, two stigmas that would only fuel Tillman's enmity towards the industry. In 1867, two scientists, Francis S. Holmes and Dr. N. A. Pratt unsuccessfully attempted to convince Charleston investors to organize a mining operation. Evidently, Charlestonians were apprehensive of ventures that broke with plantation tradition. Holmes, a professor at the College of Charleston, and his associate Dr. Pratt, could find no backers in the Lowcountry. According to Holmes, he had “walked Broad Street almost daily for six

Calvo Jr., State Printer, 1893), 22. Hereafter cited as Senate Journal; Senate Journal, 1890, 97. Emphasis added.

⁷ Philip E. Chazal, *The Century in Phosphates and Fertilizers, a Sketch of the South Carolina Phosphate Industry* (Charleston, 1904), 55-56. Special Collections, Clemson University Libraries; and Tom W. Shick and Don H. Doyle, “The South Carolina Phosphate Boom and the Stillbirth of the New South, 1867-1920,” *The South Carolina Historical Magazine*, 86. 1 (1985), 1-3.

weeks, explaining everything and urging upon everyone who heard him to beware that the golden opportunity not be lost . . . to grasp it at once, or foreign or Northern capitalists would certainly take it up.” Sure enough, after only a few days into a trip North, Holmes and Pratt found eager investors in Philadelphia, and soon they created the Charleston Mining and Manufacturing Company—the first phosphate mining firm in South Carolina—with one million dollars in paid capital. The company’s officials urgently moved to gain control over all of the phosphate beds in the area surrounding the Ashley and Cooper rivers, setting the precedent for monopolistic acquisition of territory that would define the industry until its demise.⁸

By 1870 there were twelve companies mining phosphate around the Charleston area, and the industry changed dramatically that year when prospectors began testing the riverbeds. It was soon evident that the preponderance of phosphate rock was not in the dry land, but buried beneath the riverbeds—and the Coosaw River, located in the lowcountry county of Beaufort, would prove to hold the mother lode. Furthermore, the industry changed not only because of the location of the phosphate and the techniques and machinery required to access it, but also by the nature of how mining companies could operate legally. Where land mining simply involved purchasing or leasing land from private owners, rivers were state-owned. Mining on publicly owned land required legislative approval and licensing; and it allowed the state to grant monopoly rights in certain territories to those companies deemed most favorable, usually those with the most

⁸ Francis S. Holmes, “The Carolina Phosphates; How, When, and by Whom Discovered, and their Commercial Value Ascertained,” handbill, August (?), 1878, in William Ashmead Courtney Papers, Vol. I, South Caroliniana Library, Columbia, SC, quoted in Shick and Doyle, “The South Carolina Phosphate Boom,” 4-6.

capital and political clout. Additionally, since the phosphate rock to be mined was on public property, the state would insist on taking a cut of the profits.⁹

On March 1, 1870, the South Carolina legislature granted George Walton Williams, a Charleston cotton merchant, along with seven of his partners, “the right to dig, mine, and remove, for the full term of twenty-one years, from the beds of the navigable streams and waters within the jurisdiction of the State, the phosphate rock and phosphatic deposits.” The state’s charter required the group to pay an up front bond of \$50,000, to issue regular and correct returns to the General Assembly, and to pay a one dollar royalty to the state for every ton of phosphate rock mined. Furthermore, the grant stipulated that the beneficiaries of the charter “shall not in any way interfere with the free navigation of the navigable streams and waters of the State, or the private right of any citizens residing upon or owning the lands upon the banks of the said navigable rivers and waters of the State.” Williams and his associates parlayed the promising grant into the creation of the Marine and River Mining Company. The state’s grant allowed Williams’s new company to mine phosphate in the state’s rivers and streams, but almost immediately the question arose as to whether or not this right was exclusive.¹⁰

⁹ Ibid., 8-9. Most of the rivers and streams containing worthwhile amounts of phosphate rock were in Colleton and Beaufort Counties. Beaufort County, where the Coosaw River is situated, is at the southern tip of the state, on the coast near the Georgia border. Hilton Head Island is also in Beaufort County.

¹⁰ In 1870 South Carolina and all eleven former states of the Confederacy were undergoing federal Reconstruction. Republicans and African Americans dominated South Carolina’s legislature. This reality, along with the fact that the Assembly seemed eager to invite Northern capital and industry to the state, would negatively color the opinions of those who opposed the phosphate companies’ monopolistic practices. *Report of the Attorney General to the General Assembly of South Carolina Concerning the Phosphate Interests of the State, under Joint resolution Approved June 9, 1877* (Columbia, 1877), 4-6, in Shick and Doyle, 9; see also E. Merton Coulter, *George Walton Williams: The Life of a Southern Merchant and Banker, 1820-1903* (Athens, 1976), 151-62; *An Act to Grant to Certain Persons therein named, and their Associates, the Right to Dig and Mine in the Beds of the Navigable Streams and Waters of the State of South Carolina for Phosphate Rocks and Phosphatic Deposits*, reprinted in “The Marine and River Phosphate Mining and Manufacturing Company of South Carolina. Statute Law, Organization and By-

Only five months after the issuance of the Marine and River Company's grant, the Supreme Court of South Carolina decided that these rights were indeed exclusive because the phosphate to be mined, and the riverbeds in which it was buried, were solely the property of the state. The state, they suggested, had complete authority over who mined its property. Soon after, though, George Williams and his partners informed the state Attorney General, D. H. Chamberlain, that other individuals were intruding upon their rights by removing phosphate deposits from the bed of the Stono River. Attorney General Chamberlain filed for injunction against the alleged intruders. In *The State v. C. and F. Deignan, et al.*, Associate Justice A. J. Williard held that the phosphate in the state's rivers was the exclusive property of the state, and that the defendants had wrongfully appropriated said property. Justice Williard cited the U.S. Supreme Court in *Martin v. Waddell* to establish the state's exclusive claim to ownership of the riverbeds. In this case involving a controversy over rights to oyster fisheries in the waters of New Jersey, Chief Justice Roger B. Taney had concluded that ownership of rivers and riverbeds had previously belonged to the monarch of England, and after independence that ownership had been transferred to the individual states. Taney wrote in his majority opinion, the American states "hold the absolute right to all their navigable waters and the soils under them for their common use subject only to the rights since surrendered to the general government." The state's claim of exclusive ownership was thus firmly established. The question still remained, however, as to whosm the rights to control the state's property belonged, the government, or the people?¹¹

Laws." Opinion of Hon. A.J Williard, Associate Justice S.C. of South Carolina (Charleston, S.C.: Walker, Evans, and Cogswell, 1871), 16-17, Pamphlet Collection, Duke University Libraries.

¹¹ *Martin v. Waddell*, 41 U.S. 367 (1842); Justice A.J. Williard's opinion in *The State v. C. and F. Deignan* is fully recorded in "The Marine and River Phosphate Mining and Manufacturing Company of

Associate Justice Williard also addressed the defendant's claim that they had the right to dig and remove phosphate from the state's rivers because, as citizens, that right belonged to them as well as all citizens of South Carolina. Williard found that the state government—which acted as an “agent” for the citizens—controlled the state's property. He also wrote that if the defendant's basis for their claim was that “the soil of the navigable streams is for the use and benefit of the whole public,” then they must establish the rights of citizens to enter upon any part of the state's domain. Williard wittily insisted that if that contention were true, then it followed that every citizen had the right to “enter the State arsenal and appropriate the arms to his individual use, or the State library, and claim his share of the books.” Therefore, Williard maintained that the state government, not the citizenry, had control of the public waters; and since their grants to mine were exclusive by nature, that government had the power to create monopolies.¹²

South Carolina's government had established the power to grant exclusive rights on its rivers, but initially did not intend to invest that privilege on a single company. The state profited through royalties on every ton of phosphate mined, and no single firm had the necessary capital or wherewithal to mine all the deposits in the Lowcountry. Accordingly, by 1877 the General Assembly had issued grants, in similar terms to that of the Marine and River Mining Company, to six other companies. Within a year, though, the Marine and River Company had gone bankrupt, and subsequently sold their rights to the Coosaw River Mining Company, a Charleston-based joint stock company led by

South Carolina. Statute Law, Organization and By-Laws.” Opinion of Hon. A.J Williard, Associate Justice S.C. of South Carolina (Charleston, S.C.: Walker, Evans, and Cogswell, 1871), 16-17, Pamphlet Collection, Duke University Libraries.

¹² A.J. Williard, *supra*, 20-21.

Robert Adger. This firm operated primarily on the Coosaw River in Beaufort County, which is situated on the coast south of Charleston, near the Georgia border.¹³

The question of “exclusivity” had originally pertained to mining rights in general, but future controversies would largely hinge on companies’ exclusive rights to mine specific territories, and the intended duration of those rights. In 1876 the General Assembly passed an act intended to settle any discrepancy as to when the Coosaw Company’s returns of tonnage mined should be made, and when royalties should be paid. The measure was of considerable consequence because in Section 3 it stated that the company should from “thenceforth have the *exclusive* right to occupy . . . all that part of the said Coosaw River above mentioned” for as long as they made faithful returns and royalty payments. Later, the company’s litigators would point to this stipulation, arguing that they should have not only exclusive, but *perpetual* rights to the Coosaw River.¹⁴

The General Assembly researched the situation before issuing exclusive rights to any company. After being directed to investigate the charters of the various mining companies on the river in a special legislative session in 1877, Attorney General James Conner recommended to lawmakers that a monopoly be granted to a single company because of the large amount of capital required to finance such an operation. Although they indeed issued exclusive grants to certain large companies, the “Radical” Republicans did continue to adhere to the “general rights” concept, whereby small operations engaged only in hand picking the phosphate rocks could continue to legally conduct business. They did not see these small operations as interfering with the success of larger firms. The Republican-dominated Assembly had held the philosophy that monopolies against

¹³ Coulter, 151-62; Shick and Doyle, 9.

¹⁴ South Carolina, *Acts and Joint Resolutions of the General Assembly of the State of South Carolina*, XVI, 198. Emphasis added.

comparably sized companies were necessary to urge investors into ventures that required great amounts of capital, a belief that was quite common during the early industrial period. This way of thinking would continue under the Democratic leaders who followed in the wake of Reconstruction; the philosophy, however, was not universally shared.¹⁵

The phosphate industry changed somewhat in the late 1870s when Wade Hampton and native Democrats reclaimed control of the state. According to Tom Shick and Don Doyle, “the next stage in the history of the phosphate industry, beginning in the late 1870s, would involve consolidation of the industry through competition and government franchise, improved efficiency, and a major expansion in the scale of production.” Shick and Doyle may be correct concerning the original intent of the government, but the improvement of the industry through “competition” was only a fleeting notion. Soon, the legislature reinforced the actions taken in the act of 1876 that granted the Coosaw Company exclusive rights. On March 22, 1878 the Assembly passed a comprehensive Phosphate Act favoring large companies and ending the “general rights” theory by requiring a “bond of surety in the penal sum of \$50,000 for payment of royalty” and also granting exclusive rights for mining companies with machinery and equipment already in specific territories. By granting monopoly privileges to operators in certain territories, the state aimed to guarantee larger and more efficiently recoverable earnings from phosphate royalties. The action, however, would not go undisputed.¹⁶

¹⁵ *Acts*, XVI, 320-21; *Charleston News and Courier*, January 18, 1878; Cooper, *Conservative Regime*, 121.

¹⁶ Shick and Doyle, 18; *An Act to Protect the Rights and Interests of the State in the Phosphate Rocks and Phosphatic Deposits in the Navigable Streams and Waters of the State*, in *South Carolina, Acts and Joint Resolutions of the General Assembly of the State of South Carolina*, XVI, 615-624; Edward McCrady Jr., *The Phosphate Question Discussed and the Arguments of the Opponents of the Act of March 22, 1878 Replied to* (Charleston, 1878), 4, in Shick and Doyle, 20.

Historians have paid little attention to Ben Tillman's battle with the Coosaw Company, and when they do allude to the issue, it has been in terms of political trickery and the manipulation of class-based animosities. Tillman, his critics insist, played on the economic naiveté of lower-class whites by attacking the Coosaw Company as a monster monopoly, ultimately ruining a prosperous industry that had generated significant state revenue. That interpretation, however, fails to recognize the sharply defined contest over exclusive rights in the South Carolina phosphate industry that had existed for over twelve years when Tillman took office. Almost a decade before Ben Tillman began his first attack on the Conservatives, an organized antimonopoly faction had campaigned to restrict the state's granting of exclusive privileges. On March 13, 1878, Major George L. Buist, a representative from Charleston, expounded his faction's anti-exclusivity position before the General Assembly. Buist declared that pro-monopoly legislators were subverting democracy by trying to sneak the proposed Phosphate Act through the Assembly without first consulting the citizens. The legislation Buist described was "prejudicial to the true interests of the State and people... [and had] never been brought to the attention of our constituents... If the interests of the masses are to be sacrificed on a public question for the benefit of the few, it behooves those who hold to those opinions to submit them frankly to the arbitrament of those they seek to represent." According to Buist, South Carolina lawmakers were attempting to fleece the people in order to further enrich a powerful business clique. "But when the gentleman," Buist continued, "by whose system of exclusive rights a monopoly is necessarily created, endeavors to impress upon the House the idea that the plan of the minority favors such monopoly, he advances an argument that cannot command respect or acquiescence." In short, Buist complained

that lawmakers who wished to grant exclusive rights to well-heeled companies were insisting that the plan was unanimously agreed upon, but that they had never actually explained their proposal to the people of the state.¹⁷

Buist maintained that fair and equal competition be attempted before the legislature declare exclusive rights the best option. The Coosaw River may have held the largest deposit, but other valuable regions were also at stake. Why, he asked, were the profitable regions of Beaufort River and Patriot Creek being designated to a single firm, when seven other companies were applying to mine there, and furthermore hundreds of individual men, black and white, might make a living on these public resources through small-scale mining ventures? Buist demanded to know, “who can assert the State will suffer detriment by free competition in this business, and by the grant of impartial and equal rights to all, until a fair trial has been made of such system?” Since the industry’s birth in the Lowcountry, he added, mining had been dominated by moneyed interests with exclusive privileges—to assert that this was the only feasible way to manage the phosphate resources, without even attempting the alternative of open competition, smacked of injustice at least, and possibly corruption.¹⁸

The argument against exclusive rights went beyond basic antimonopoly principles, moral economy, or the evils of legislative legerdemain. Representative Buist also tactfully negotiated sensitive issues of race and class. He proposed that exclusive control of state resources by corporations denied white citizens of rights that were fundamental to their very whiteness. “I fear,” Buist declared, “the white man is to work

¹⁷ *The Phosphate Question. Speech of Major George L. Buist, of the Charleston Delegation, In the House of Representatives of South Carolina, Columbia S. C., March 13, 1878, In Opposition to the Grant of Exclusive Rights by the State* (Charleston, S.C.: The News and Courier Book and Job Presses, 1878), 3.

¹⁸ *Ibid.*, 4.

and labor on such terms dictated by the monopolist. It means that they shall not participate on equal terms with others in their common inheritance.” Buist’s contention that state resources were a “common inheritance” for white South Carolinians foreshadowed Ben Tillman’s position on state resources in respect to corporate interests, but it also harkened back to antebellum notions of the *herrenvolk* democracy, the theoretical equality of all members of the white race. With the mudsill class of black slaves now removed—at least from a strictly legal sense—Buist’s comments revealed the stirrings of class-based discord within the white community. For South Carolina Democrats in 1878, promoting racial solidarity, and furthering the illusion that class within the white population was a non-issue, remained crucial in light of the fact that “redemption” at that point was less than two years old.¹⁹

Buist approached the issue of class carefully—evidently not wanting to stigmatize the antimonopoly cause as that of lower-class white insurgency. He assured the legislators that he only wanted what was fair for all white men, and most importantly the state. As Tillman would later argue, Buist contended that exclusive rights would only limit the amount of phosphate mined, and therefore reduce the amount of royalties paid to the state. Furthermore, he assured the representatives that the antimonopoly faction had no intention of “interfer[ing] with the rights of any *gentlemen* now having exclusive rights,” meaning those that had already invested heavily on the promise of exclusivity. From Buist’s perspective, this conciliation would assure future investors that the state’s word was solid, but also forestall additional grants of exclusive privilege. Moreover, by referring to phosphate executives as “gentlemen,” he showed calculated deference to their elite status and subtly reassured them that his cause was not class revolution. Buist also

¹⁹ Ibid.

challenged the party loyalty of the Phosphate Act's backers, suggesting that the bill had passed with significant support from Republicans. Still, the primary thrust of his case was that the "grants [of exclusive mining rights] are large and the whole business of mining and shipping must necessarily be under the control of *large capitalists*, creating *monopolies*, with interests antagonistic to that of the State." According to Buist, and later to Ben Tillman, unrestrained "capital" and "monopoly" were inherently hostile to the overall health of the state—not simply the common people who comprised the majority population, but the "state" as an active agent of social and economic authority. And despite his caution when navigating the minefield of potential class dissension, it was evident that both class and economic interests were elemental factors in the dispute over state resources and monopolies.²⁰

Not long after Buist published his speech before the General Assembly, farmers across the state, especially in the Upcountry, began stressing the same points, only in more urgent and angry tones. In February 1879, a sizeable farmers convention in Anderson resolved that monopolies—especially those involving fertilizer material that was vital to farmers—were "a public wrong and a blow aimed at the best interests of the commonwealth." By employing the specific word, "commonwealth," Anderson farmers emphasized their position that the state's natural resources belonged equally to all citizens, and should not be simply handed over to capitalists. Those corporations, the farmers insisted, were "a monopoly which seeks self-aggrandizement at the expense of the rights of others...[and] the monopolists who conspired to commit this wrong are enemies of the farming community." Fellow Upcountry farmers voiced similar sentiments in the "Greenville Resolutions," declaring that the monopolization of fertilizer

²⁰ Ibid, 5.

ingredients was “an attempt, on the part of greedy capitalists, to levy increased and unjust tribute upon the agricultural interests of the country.” Again, the particular phrasing of these complaints portrays the farming classes of Upcountry South Carolina in a similar light as the oppressed plebeian class of ancient Rome, or more likely, American colonists revolting against onerous British taxes. Although the meetings in Anderson and Greenville were not officially recognized as being associated with the Patrons of Husbandry (the most prominent agricultural organization at the time, also known as the Grange), their rhetoric embodied the more radical elements of that group, and certainly presaged the message of the Farmers’ Alliance and Tillmanites.²¹

Antimonopoly advocates did more than pass resolutions or speak before the legislature; their protest at times was manifested as public spectacle. On May 10, 1878 over a thousand residents of Charleston and the surrounding area gathered at Hibernian Hall to protest the recent Phosphate Act. With a large brass band performing numbers usually reserved for military parades or campaign rallies, the antimonopoly crowd made an emphatic but reasoned case against exclusive privileges for large companies, a case that was reflective of national sentiment against monopoly and moneyed interests. First, they insisted that the right to dig and mine the resources of the public waters was an entitlement “vested in common in all citizens of the State,” and therefore could not “be granted as an exclusive privilege to any Company or individual monopoly.” They also accused the mining companies, who they believed were in league with the large fertilizer manufacturing corporations, of intentionally depressing phosphate prices with the purpose of keeping the royalty charge as low as possible. The protesters insisted that the royalties could be raised enough to pay off the state’s debts and relieve the “people from

²¹ “The Anderson Resolutions,” *Anderson Intelligencer*, Thursday Morning, February 13, 1879.

the burden of taxation.” They also maintained that if everyone were equally allowed to mine and dig the rocks, “there would be certainly more rock to pay the royalty,” and that free competition would “materally [sic] reduce the real price of the base in manufactured fertilizers, and enable the Agricultural classes of the whole State, to obtain their products at a less price than they do under the monopoly system.” The protestors’ argument was essentially that free competition would benefit the state thrice over: more royalties would pay the state’s heavy debts, taxes could be significantly lowered, and the price of fertilizer would also decrease substantially. Finally, the protesting crowd in Charleston insisted that monopolistic practices were essentially un-American. “Exclusive rights or monopolies,” they argued, “are antagonistic to the genius [sic] and spirit of republican institutions.”²²

In the weeks following the demonstration at Hibernian Hall, Edward McCrady Jr. responded thoroughly to George Buist and the Charleston protestors. McCrady, the Conservative spokesman who had insisted that elite Citadel graduates were educated to be “the best men,” challenged several assumptions of the antimonopoly argument, and presented a logical case that granting exclusive rights guaranteed greater rewards to the state than open competition. First, McCrady correctly disputed Buist’s contention that Republicans largely supported the Phosphate Act. While ten House Republicans voted in the affirmative, sixteen had opposed the act. Buist, McCrady suggested, had misinformed the public in an attempt make exclusive rights seem like a partisan issue. McCrady did not stop there—he mocked the credibility of the Hibernian crowd and its “Helicon Band,” then redirected the charge of Republican stigma back against the protestors. “There is

²² *Memorial of the Committee Appointed at a Mass Meeting, Held in Charleston, S.C., May 10th, 1878, to the Legislature of South Carolina Asking the Repeal of the Phosphate Monopoly Charters.* Pamphlet Collection, Duke University Libraries

something almost comic,” McCrady proclaimed, “in the idea of a mass meeting passing upon difficult questions of law under the exhilarating strains of martial music. It was possibly a sense of this that induced the meeting to commit it to Judge [William] Thomas to formularize their legal position, and in this there certainly was some fitness, for, presumably, who are better able to construe a Republican constitution than an ex-Republican judge—even to a Democratic meeting?”²³

McCrady complained that opponents of the exclusive mining rights were ignorant of the realities of the overall industry. “We must first,” he insisted, “correct a very general impression...that all that is necessary in the phosphate business is to dig up the rock and dry it, and that having done so a market will be at once found for it.” McCrady was alluding to the fact that, while a significant amount of the phosphate mined went towards the production of domestic fertilizers, a greater share of the haul was marketed in Europe. To benefit from their natural resources on the European market, McCrady warned that inferior grades produced by ill-equipped operations would degrade the reputation of “Carolina river rock,” as it was known abroad. Furthermore, the Conservative official maintained that introduction and success on the foreign market had been achieved “by great enterprise and maintained there at great cost,” by firms with considerable capital and commercial expertise.²⁴

The vagaries of the commercial market, McCrady maintained, demanded that sufficiently capitalized operations (and their investors) be provided certain assurances by the state. Without exclusive rights to particular locations, companies with advanced

²³ Edward McCrady Jr., *The Phosphate Question Discussed, and the Arguments of the Opponents of the Act of March 22, 1878, Replied To by Edward McCrady, Junr.* (Charleston, S.C.: The News and Courier Book Presses, 1878) 6, 7.

²⁴ *Ibid.*, 7.

machinery, manpower, and deep pockets would not invest further in the region, and thus demand in Europe for Carolina river rock would diminish as small-time operations took over and produced inferior phosphate. Furthermore, McCrady countered the antimonopoly crowd's assertions that open competition would naturally result in greater royalties to the state.²⁵

Edward McCrady's particular arguments concerning the necessities of the phosphate industry were not unreasonable; there are merits to every point he raised. However, his positions also illustrated the Conservative admiration for wealth and power, a notion at which anti-monopolists recoiled. Just as the wealthiest planters had politically dominated antebellum South Carolina, Conservatives saw it as only natural that companies with the most wealth, or "capital," should command postwar industrialization, even if that meant essentially privatizing the state's natural resources. One argument for courting highly capitalized firms—one that remains popular in the twenty-first century—was that they employed more people, and at better wages, than smaller operations. McCrady cited an advertisement from the Colleton Phosphate Company that stated, "PERMANENT EMPLOYMENT at good wages will be given to *one hundred efficient miners*." According to Conservatives, only large and resourceful companies could guarantee stable employment of a large number of workers. Would not the people and the state, McCrady questioned, be better served by "the employment of *capital* in their midst, than by the desultory and inefficient picking of rock by a few stragglers?" Moreover, he insisted that individual miners rarely if ever paid royalties to the state—the laws were essentially unenforceable on small-time diggers without a massive and cost-prohibitive

²⁵ Ibid.

regulatory body—whereas collection from large companies with permanent facilities was much more reliable.²⁶

Respect for capital wealth, as principle, permeated the Conservative understanding of exclusive rights. McCrady insisted that the general permit system (that had preceded the Phosphate Act) “afford[ed] no protection to the capital invested in mining or to skill or energy employed in it.” Capital investment that resulted in new discoveries of deposits were thus nullified when the area remained open to others who had not made the initial risk and investment. Still, beyond the particular weaknesses McCrady highlighted in the anti-monopolists’ arguments, the driving force of his message was that the opponents were either envious of wealth they did not have, or un-American socialists. How could the phosphate companies even be considered monopolies, when they were organized on the “open subscription book plan?” McCrady noted that the Beaufort River Mining Company had 459 investors, including colored persons. If that was a monopoly, he contended, then “all banks, railroads, savings institutions, building institutions, in short all institutions which require combinations of capital are monopolies.”²⁷

McCrady and the Conservatives perceived the opponents of exclusive rights as seeking to derail capitalism and redistribute wealth. McCrady summed up his defense of state support for large companies by citing Shakespeare’s tragedy, *Coriolanus*, in which plebeians blame the Roman general for withholding corn they feel is theirs by right of citizenship:

The play of *Coriolanus* opens with a scene in the streets of Rome in which a citizen harangues a tumultuous company, and tells them that they all

²⁶ Ibid, 12.

²⁷ Ibid.

know that Caius Marcius is chief enemy of the people. “Let us kill him,” he says, “and we’ll have corn at our own price.” We don’t suppose that the good citizen really believed that by killing that eminent Roman the people would cheapen their food. He was *jealous* of Coriolanus, and an easy way to gratify his jealousy was to persuade his hungry friends that if they destroyed him they would have plenty. It is an old story, but one that will be repeated until the time when jealousies and rivalries shall cease, until the hungry shall have the wisdom and patience to learn their own wants, and the manhood to resist and resent the interference of those who would turn the sufferings of the poor to their own advantage... The times are hard, the people are hungry. How easy it is at such a time to single out any one, and say: “Caius Marcius, you know, is chief enemy to the people. Let us kill him and we’ll have corn at our own price?” Is not this the meaning, and the *whole* meaning, of the recent appeals to the poor man upon this subject?²⁸

To Conservative advocates for exclusive rights, George Buist and other opponents were “jealous” of the successful investors in prosperous phosphate companies, and lacking the “manhood” of the elite Conservative cadre, appealed to the ignorance of the poor to rectify their own shortcomings. If, however, self-styled anti-monopolists actually believed what they preached, and would carry it to the ultimate conclusion of attacking all forms of combined capital, McCrady asked, “will they be surprised if we add to their self-assumed title that of *communists*?²⁹

Throughout the 1870s and 1880s a majority of South Carolina lawmakers continued to feel that granting exclusive privileges to highly capitalized firms in multiple localities ensured the most royalties in their coffers. The reality, however, was that the overwhelming portion of phosphate rock in the state lay buried beneath the Coosaw River. Between 1880 and 1896, with forty-three phosphate companies in operation, the Coosaw Company paid 50 percent of the total royalties collected by the state. The Coosaw Company’s business thus equaled that of the combined efforts of forty-two other

²⁸ Ibid, 14.

²⁹ Ibid, 12.

operators in South Carolina. Therefore, when Ben Tillman won the governorship in 1890, fueled by the overall distrust of money powers across the country, and especially the antimonopoly convictions of the Farmers' Alliance, he attacked only one company.

Despite the contention of several scholars who purport Tillman's actions against the Coosaw Company as motivated by spite or political opportunism, it is clear from the discourse described above that he was only continuing a contest that had been in the works for over a decade. In 1890, Governor Tillman called attention to a discrepancy in the Coosaw Company's mandate. While he understood that the firm's lease was to expire on March 1 1891, he asserted that a large stockholder of the company had told him that their "tenure [was] not a lease expiring in 1891, but a contract running for all time." Tillman went on to explain that the Coosaw phosphate deposits were possibly the richest in the world; and while the mining company's shareholders had become extraordinarily rich, the company had paid nothing to the state for its franchise. This was a bit of exaggeration, since the state's Reconstruction government of 1870 had established a royalty of one dollar for every ton of phosphate mined, and the 1876 legislature had upheld that price when granting exclusive rights to the Coosaw Company. In 1879 the state received \$98,000 in phosphate royalties; by 1890 the industry had expanded, paying a royalty of \$237,149.06. In 1877 the state had also created the position of a phosphate commissioner whose primary duties would be to ensure that mining firms worked within their charters and to collect royalties. To Governor Tillman, however, neither the commissioner nor the current royalty rate was exacting nearly enough from the mining

industry as compared to what he demanded they rightfully owed to the state and the independent taxpayers.³⁰

Tillman was wary in principle of large capitalist organizations, but his main concern regarding the phosphate industry was the overall return to the state in royalties, and his top priority was correcting the Conservatives' error in employing the state as an arbiter of capitalist success. He was not so much concerned that any one company might grow too large, but insisted they ought to do so on their own merits, not through state-granted monopoly. It was not a less active state he sought, but one that vigilantly ensured open and free competition among all who wished to engage in industry. In 1890 Tillman ordered a new survey to fairly judge the value of the phosphate deposits, the establishment of a new royalty rate more favorable to the state coffers, and opening up the territories to competition by offering leases in each newly proposed district to the highest bidder. At that point Tillman announced that phosphate rock was worth \$7 per ton, and that the mining companies' cost was at the most \$4.25 per ton, royalties included. Tillman insisted the cost figure was most likely far less, and therefore the mining companies were collecting unnecessarily huge profit margins from state-owned lands. Subsequently, according to Tillman, the overstressed taxpayers had carried the burden of funding the government when the selling of the state's natural resources could have easily financed the state's debts. Tillman stressed in his inaugural address that, "the expiration of the Coosaw lease in March next makes it possible, in my judgment, to double the income of the State from the phosphate royalty without injuring the industry or interfering unduly with any vested right." This statement was highly reflective of the

³⁰ *Senate Journal*, 1890, 97; *Reports and Resolutions of the General Assembly of the State of South Carolina*, 1879, 116; *Reports and Resolutions*, 1890, II, 657; Cooper, *Conservative Regime*, 125.

sentiments presented by the Charleston protestors of monopolies in 1878. Tillman's assaults proved to be more than rhetorical; soon he was embroiled in an all-out war with the Coosaw Company.³¹

In January 1891 the state legislature passed, at Tillman's urging, the Phosphate Commission Act, which created a five-member commission, including the governor, with the mission of conducting a survey of the phosphate beds and then recommending a course of action to the General Assembly. Tillman and the commission made a relatively brief survey of the phosphate region and concluded that the \$10,000 appropriated by the legislature was woefully insufficient to fund a thorough assessment of the value of those mineral deposits. The phosphate was so far spread, and so deep within the earth, that the equipment needed to adequately survey it was beyond the means of the state's treasury. The commissioners did, however, employ \$2,313.30 of the appropriation towards the purchase of a small steamboat so that the inspector (a position created by the Phosphate Commission Act) could "exercise . . . intelligent supervision of the mining, and to enable him to see that the royalty was honestly paid." Although the creation of a new phosphate commission and inspector who would make unannounced visits on the mining companies was progress, Tillman was dismayed that the full-scale investigation of the rock deposits seemed cost-prohibitory. Nevertheless, he remained intent on destroying the Coosaw Company's monopoly and opening up the river to competition.³²

³¹ *Senate Journal*, 1890, 97. During his inaugural address Gov. Tillman specifically mentioned raising the phosphate royalty to \$2 per ton, and also the considered the possibility of an objective survey of the state's phosphate deposits conducted by the U.S. Navy or Coast Survey.

³² *Senate Journal*, 1891, 16-17; Diane Neal, *Benjamin Ryan Tillman: the South Carolina Years 1847-1894* (PhD dissertation, Dept. of History, Kent State University, 1976), 222. Tillman was forced—in his estimation because of an omission in the appropriation Bill for the Commission—to borrow \$2,891.44 from the Carolina National Bank of Columbia to pay the salary of the phosphate Inspector.

In response to Tillman's threats to destroy the Coosaw Company's exclusive rights, Robert Adger, the company's manager, informed Tillman that they would seek legal action if the phosphate commission "aid[ed] or encourage[d]" any other mining operation to trespass on their territory. Additionally, he maintained that his firm had abided by all of the stipulations of the 1876 contract, and enjoined the governor not to threaten the mutually beneficial relationship between the company and the state. Notwithstanding Adger's warnings of litigation, on March 1, 1891 Tillman and the phosphate commission formally took possession of the Coosaw River and issued licenses to three separate companies—one of these companies was the Carolina Mining Company, which the *Atlanta Constitution* referred to as "the anti-Coosaw mining combination"—to mine within the region. The *Constitution* also implied that Tillman and some of his associates were financially vested in the Carolina Mining Company, which would drastically alter the interpretation of why Tillman was seeking to upset the Coosaw Company's dominance of the area. If the *Atlanta Constitution's* insinuations are correct then Tillman may have had opportunistic motivations for his anti-monopoly crusade; however, there is no evidence (at least that this author knows of) to substantiate such a claim. The *AC's* news from Charleston likely came via the *Charleston News and Courier* and editor Francis W. Dawson, an outspoken Tillman critic. Eventually, two of the firms did attempt to enter the river, but were prohibited from mining by the order of a federal judge acting on the complaint of the Coosaw Company.³³

³³ Robert Adger to B.R. Tillman, February 21, 1891, Governor Benjamin Ryan Tillman Papers, South Carolina Department of Archives and History; Columbia, *State*, February 21, 1891; Chazal, *A Sketch of the South Carolina Phosphate Industry*, 55-61; Neal, *Tillman: The South Carolina Years*, 222-3; *Atlanta Constitution*, March 8, 1891. "All Operations Stopped."

On March 6, Judge Charles Simonton issued an injunction prohibiting the newly licensed phosphate companies from entering any of the territory that the Coosaw Company had exclusive rights to under the provisions of the act of 1876. Tillman complained that the judge had not recognized the legitimacy of the phosphate commission that had licensed the companies and granted them authority to mine at the end of the Coosaw Company's contract. He insisted that Judge Simonton had acted improperly by treating the phosphate commissioners as if they were private citizens and not state officials. In addition to securing the injunction that kept the other mining companies out of their contested river, the Coosaw Company also filed suit against the state, insisting that the creation of the phosphate commission and licensing of the new companies contravened the 1876 contract between the company and the state. In response, Tillman and the commissioners refused the company's request to continue mining until the matter had been settled in court. Until the courts decided the matter, no one would be mining in the Coosaw.³⁴

Soon after Judge Simonton's injunction, Tillman and state Attorney General Y. J. Pope filed for a writ of injunction against the Coosaw Company with the office of the clerk of Beaufort County. They were intent on thwarting the company's attempt to keep the river closed to competition. The Coosaw Company, however, countered the state's move by petitioning the federal circuit court to hear the case. Freeing the case from the state courts—where Tillman held considerable influence—would likely be perceived as an initial victory for the Coosaw Company. On May 28, 1891 Judge Norton of Beaufort County allowed the company's petition without protest, sending the case to the federal

³⁴ Ibid; *Senate Journal*, 1891, 16-17; *New York Times*. March 26, 1891, "Between Two Hot Fires," Neal, *Tillman: The South Carolina Years*, 222-3.

circuit court where it would be heard by circuit Judge Charles Simonton and Chief Justice of the U.S. Supreme Court, Melville W. Fuller. Governor Tillman had powerful political sway in South Carolina—enough to influence decisions of state judges, in the opinions of his political opponents—and the common perception was that the federal government and judiciary were friendly to business and antagonistic to regulation. Those following the case therefore considered the removal to the federal level a “triumph” for the Coosaw Company. These perceptions, however, were not realized.³⁵

The late nineteenth century was marked by debate concerning the role of government in regulating businesses. As corporations mushroomed, many lawmakers sought to control powerful monopolies and preserve competition. The first examples of such regulation were the Interstate Commerce Act of 1887 and the Sherman Anti-Trust Act of 1890. According to historian James W. Ely, the Sherman Act “built upon the common-law concept that conspiracies in restraint of trade were against public policy.” The act, however, suffered from vague wording, and did not create any agency to enforce its stipulations. Instead, it relied on governmental and private litigation to impose its provisions. Additionally, it did not clarify the definition of critical terms like “monopoly” or “trust,” and it failed to specify just what sort of practices were in “restraint of trade.” Historian John P. Roche contends that the Sherman Act was “in legal terms...hardly worth the paper it was inscribed on.” It was primarily due to the weakness of the Sherman Act, and not the *laissez-faire* ideology of the Fuller Court, that a corporation such as American Sugar was able to continue business as usual.³⁶

³⁵ *Atlanta Journal Constitution*. May 28, 1891. “Removed to the Federal Court.”

³⁶ Ely, *Justiceship of Fuller*, 128. Ely’s description of the Sherman Anti-Trust Act draws on Kermit L. Hall, *The Magic Mirror: Law in American History* (New York: Oxford University Press, 1989),

In *United States v. E.C. Knight Company* (1895), the Supreme Court got its first chance to test the strength of the Sherman Anti-Trust Act. The government filed charges against the American Sugar Refining Company, a New Jersey-based corporation that commanded over ninety percent of the sugar refining in the country. The government insisted that the company's control over sugar refining effectively restrained trade. The court disagreed and ruled that sugar refining was considered to be "manufacturing"—not commerce, and thus the company was not in violation of the Sherman Act. Chief Justice Fuller, speaking for the majority of eight justices, insisted, "Commerce succeeds to manufacturing, and is not part of it." Justice John Marshall Harlan dissented alone, vigorously contending that the court had undermined the prime objective that the Sherman Act embodied.³⁷

Nearly forty years later historian Edward S. Corwin echoed Justice Harlan's dissenting *Knight* sentiments, asserting that the *Knight* decision manifested the court's "spirit of *laissez faire*." This interpretation was prominent throughout much of the twentieth century; however, a few notable scholars have challenged the finding. In 1979, Charles W. McCurdy argued that the Supreme Court had not attempted to defend corporate liberties, but, as Tillman preferred, to uphold the regulatory powers of individual states. The most recent scholar to reiterate this conclusion is James T. Ely, who contends that it was the Fuller Court's intent that states would retain "power to move

206-207; and Lawrence M. Friedman, *A History of American Law*, 2nd ed. (New York: Simon and Schuster, 1985), 465; Roche, 687.

³⁷ *United States v. E.C. Knight Company*, 156 U.S. 1, 12, 19, 44 (1895), cited in Ely, 129; *Hopkins v. United States*, 171 U.S. 578 (1898); Although *U.S. v. E.C. Knight* was decided three years after *Coosaw Mining Company v. South Carolina*, the *Knight* case is still indicative of the Fuller Court's attitude towards government regulation of business, as well as their interpretation of relative laws. Furthermore, it is the case that exemplifies the court's *laissez-faire* tendencies to most critics.

against manufacturing monopolies.” Ely credits this idea to Fuller’s “deep commitment to federalism.”³⁸

Governor Tillman and Attorney General Pope sensed the possible dangers of moving the case to the federal level. In response they quickly filed a petition to remand the case to the state court. On April 21, 1991 Judge Simonton addressed the question of whether or not the federal circuit court had jurisdiction in the case, deciding that the case was indeed removable to the federal court because the dispute was regarding a contract between the state and the Coosaw Company. The company claimed the act of 1876 gave them a *perpetual* and exclusive right to mine the Coosaw River, and further insisted that the act of 1890 (which created the Phosphate Commission and authorized other companies to mine the Coosaw River) was unconstitutional because it impaired the obligation of a contract. The U. S. Constitution declares that no state shall “pass any . . . law impairing the obligation of contracts.” Tillman and the phosphate commission disagreed with the company’s claims that they had impaired a contract, insisting that the 1876 act was never meant to allow the company perpetual rights to the Coosaw River, but only until 1891. Nevertheless, the court found that simply the question of a contract between the two parties was enough reason to warrant federal jurisdiction. Judge Simonton insisted that as long as there was on the record a legitimate question of whether the act of 1890 impeded the obligation of a contract between the state and the company, then the case was a “federal question arising under the constitution of the United States.” He cited as precedent the case of *Dartmouth College v. Woodward*, in which the U. S. Supreme Court took jurisdiction when there was a dispute involving an act of the New

³⁸ Edward S. Corwin, “The Antitrust Act and the Constitution,” *Virginia Law Review*, 18 (1932), 355; Charles W. McCurdy, “The Knight Sugar Decision of 1895 and the Modernization of American Corporation Law, 1869-1903,” *Business History Review* (1979), 308-309; Ely, 130.

Hampshire state legislature that Dartmouth College trustees claimed infringed on a prior contract with the British crown.³⁹

Judge Simonton might have as easily cited—but interestingly did not—the case of *Charles River Bridge v. Warren Bridge* (1837), in which the Supreme Court denied that a contract between the Charles River Bridge and the State of Massachusetts had not been violated by the construction of the competing Warren Bridge. Representatives of the Charles River Bridge argued that their original charter had implied that they would have a monopoly on toll traffic between Charlestown and Boston. The court and Chief Justice Taney, however, decided, “in grants by the public, nothing passes by implication.” Taney also quoted the court’s 1830 opinion in *Beatty v. Lessee of Knowles* that found, “That a corporation is strictly limited to the exercise of those powers which are specifically conferred on it, will not be denied. The exercise of corporate franchise being restrictive of individual rights, cannot be extended beyond the letter and spirit of the act of incorporation.” Furthermore, Taney also insisted that whenever charters (or contracts) between states and corporations were vague in terminology, any resulting question of rights to property must be awarded to the public. He firmly maintained, “In charters of this description, no rights are taken from the public, or given to the corporation, beyond

³⁹ *South Carolina v. Coosaw Mining Co.*, 45 Circuit Court, D. S.C., 804-806 (1891); U.S. Constitution, art. I, sec. 10; *Dartmouth College v. Woodward*, 17 U.S. 518 (1819). The question may be posed as to why the government, if the Coosaw Company was a monopoly, did not attempt to try the company under the recently passed Sherman Anti-trust Act. Although the Coosaw Company did control at least half of the phosphate in the state, this was not enough to warrant the claim that they were in “restraint of trade”—the wording of the anti-trust act. There is also the question of why Judge Simonton used the contract clause and the precedent of *Dartmouth College v. Woodward* to establish federal jurisdiction in the Coosaw case. One might argue that *Gibbons v. Ogden* 22 U.S. 1 (1824) established the federal government’s jurisdiction over all navigable waters in the country. However, *Gibbons v. Ogden* only applied to “navigation” and commerce—as long as the phosphate companies did not interfere with river navigation, then the precedent would not apply. Furthermore, in *Pollard’s Lessee v. Hagan* 44 U.S. 212 (1845), citing the “equality of states” doctrine, the U.S. Supreme Court found that the soils beneath navigable rivers are the property of, and are subject to the regulation of, individual states. For an early discussion of the issues involving government’s role in navigable rivers, see: Louis Houck, *A Treatise on the Law of Navigable Rivers* (Boston: 1868).

those which the words of the charter, by their natural and proper construction, purport to convey.” Though Judge Simonton did not cite this case as a reason to warrant federal jurisdiction of the Coosaw case, it would eventually turn out to be a major precedent in the final decision.⁴⁰

The Coosaw Company ultimately got their wish—on August 3, 1891 the case went before the federal circuit court. Tillman must have felt that the cards were stacked against him. The Coosaw Company’s lead counsel, Edward McCrady Jr., and the federal circuit judge, Charles Simonton, were both members of the Charleston-based elite class and Tillman’s rival political faction. McCrady, who in 1878 had denounced the anti-monopoly crowd as jealous communists, despised the Tillman movement. The looming presence of Judge Simonton was even more ominous for Tillman. Simonton was the judge who initially issued the injunction favoring the Coosaw Company and preventing the phosphate commissioners from entering the river. However, the most significant aspect of Simonton’s involvement involved an altogether different crusade of Tillman’s against monopolies. Tillman was concurrently waging a battle against what he perceived to be monopolistic practices by the Richmond and Danville Railroad system, which is discussed in the following chapter. Simonton had thwarted his attack by issuing an injunction against sheriffs whom Tillman had instructed to arrest railroad operators that refused to pay increased taxes. Tillman, as a result of the railroad issue, would eventually lambaste Simonton as an effete Charleston dandy who had “sucked State’s rights with his mother’s milk, and now plants his dagger in the State’s breast.” Nevertheless, Simonton and McCrady were not the only “enemies” playing against Tillman in this showdown. Ultimately, there was the overwhelming notion that the federal government, and the

⁴⁰ Charles River Bridge v. Warren Bridge, 36 U.S. 420 (1837).

Supreme Court under Chief Justice Fuller, was friendly to big business and wary of government regulation. Luckily for Tillman, Fuller's reluctance at approving regulation was generally held for federal interference. He approved of and favored state regulation.⁴¹

Despite the Coosaw Company's conception of removal to the federal courts as a "triumph," Chief Justice Fuller did not agree with the company's claims that their contract with the state had been impinged. As lead counsel for the company, McCrady argued that the 1876 act gave the company exclusive and perpetual dominion over the Coosaw riverbeds. Tillman and the phosphate commission countered that the 1876 act only gave exclusive rights to the company for the remainder of the twenty-one years that had been established by the act of 1870, the first charter of any phosphate company in the state. Judges Fuller and Simonton agreed with the Tillman camp. The judges found that the 1876 act only gave exclusive control to the Coosaw Company for the balance of the time stipulated by the 1870 act, and no longer. Furthermore, they insisted that the Coosaw Company would not be permitted to mine in their previous domain until they obtained a state license under the provisions set forth in the Phosphate Act of 1890—the very act that the company had proposed was unconstitutional. The primary reason behind the ruling was based in an earlier state court ruling. Fuller cited *State v. Guano Co.* in a decision concerning ambiguities in the construction of state grants involving public rights—e.g. phosphate buried in state-owned land. In this instance the state judge opined that in such cases the grant was to be construed *strictly in favor of the public*, or the state,

⁴¹ Charles J. Holden, "The Public Business is Ours": Edward McCrady Jr. and Conservative Thought in Post-Civil War South Carolina, 1865-1900." *The South Carolina Historical Magazine* 100, 2 (1999), 126; South Carolina, *House Journal*, 1893, 15-34. For an in-depth analysis of Tillman's battle with Judge Simonton and the Richmond and Danville Railroad system, see: Kevin M. Krause "The One-Eyed King: The Reforms of Ben Tillman as the Reason for the Absence of Populism in South Carolina (Masters Thesis, Clemson University, 2008), 107-121.

and against the grantee. Fuller continued, “I concur in that view . . . that [the rule established in *State v. Guano Co.*] forbids the conclusion that the legislature intended an indefinite grant by the terms used. The act of 1876 must necessarily be read in connection with that of 1870, and this being done, it seems clear that the duration of the exclusive right as claimed was not thereby enlarged.” The verdict was unequivocal: Tillman had not impaired the obligation of the Coosaw Company’s contract; he had indeed correctly acknowledged that the contract had expired.⁴²

For all of the mining firms chomping at the bit to get into the Coosaw River, their wait would only continue. The Coosaw Company, discontented with the circuit court’s decision, appealed to the U.S. Supreme Court. On April 4, 1892, over a year after the confrontation began the Supreme Court handed down virtually the same decision, with only a few elaborations. By this time John L. McLaurin had taken over the reins from former Attorney General Pope as lead counsel for the state. McLaurin was a Tillman devotee and one of the most gifted orators in the Tillman camp. Tillman and McLaurin’s relationship was rosy at this time; but later, in 1902, Tillman would physically punch him in the face during an argument on the U.S. Senate floor. Edward McCrady Jr. remained as attorney for the Coosaw Company. The arguments from both sides were identical to the case at the circuit court level; the decision was the same as well.⁴³

Justice John Marshall Harlan wrote the opinion for a unanimous court in favor of the South Carolina government. Harlan, a justice famous for his dissents in landmark cases such as *Plessy v. Ferguson* (1896) and *Lochner v. New York* (1905), virtually

⁴² *State v. Guano Co.*, 22 S.C. 50; *South Carolina v. Coosaw Mining Co.*, 47 U.S. Circuit Court, S.D. South Carolina 225-226 (1891).

⁴³ Francis Butler Simkins, *Pitchfork Ben Tillman: South Carolinian* with a new Introduction by Orville Vernon Burton (Columbia, SC: University of South Carolina Press, 2002), 8.

echoed the opinion of Chief Justice Fuller in the circuit court. Harlan reiterated the decision that with the 1876 act, the South Carolina state legislature had meant it as a supplement to the first act of 1870, and not as a stand-alone statute—therefore the Coosaw Company only had exclusive rights to the questioned territory until the end of the initially prescribed twenty-one years. He did not stop at this reasoning. In language similar to Chief Justice Taney in his opinion on *Charles River Bridge v. Warren Bridge*, Harlan added that when ambiguities exist concerning matters of public property, “the interpretation must be adopted which is most favorable to the state.” This doctrine is also clearly defined in *Rice v. Railroad Co.* (1861), which Harlan cited in his opinion. The case involved disputed lands that the Legislative Assembly of Minnesota Territory in 1854 granted to the Minnesota Railroad Company. The U.S. Supreme Court declared in the decision that “legislative grants must be interpreted, if practicable, so as to effect the intention of the grantor, but if the words are ambiguous, the true rule is to construe them most strongly against the grantee.”⁴⁴

Justice Harlan also emphasized that the claim of exclusivity in the 1876 act was invalid because it was not mentioned in the preamble to the act. He asserted that “neither the title nor the preamble of the act” . . . suggested that the intention of the legislature was to grant exclusive rights to mine a certain territory, “much less [to establish] a grant of such right in perpetuity.” This reason is further strengthened by an all but hidden clause in the South Carolina Constitution, which declared, “every act or resolution having the

⁴⁴ *Coosaw Mining Company v. South Carolina*, 144 U.S. 550 (1892); *Rice v. Railroad Company*, 66 U.S. 360 (1861). This rule of strict statutory construction, which Harlan clearly explained in *Coosaw Co. v. South Carolina*, has also been used in multifarious ways. For example in *St. Regis Paper Co. v. United States* 36 U.S. 208, 218 (1961) the court ruled that supposedly confidential census data was not protected under privilege provisions of the Census Act, citing Harlan’s *Coosaw* decision that the law’s intent must be stated plainly in the title of the act. For an in-depth discussion of this example, see: Mia Anna Mazza, “The New Evidentiary Privilege for Environmental Audit Reports: Making the Worst of a Bad Situation” *Ecology Law Quarterly* 23. 79 (1996).

force of law shall relate to but one subject, and that shall be expressed in the title.” Since neither the title nor preamble of the 1876 act mentioned anything about exclusive rights to specific territory, and the “one subject” of the act that the title did express dealt solely with when the company should theretofore make payments of royalties, under the stipulations of the state constitution the Coosaw Company should have never had exclusive rights to the river at all, much less in perpetuity.⁴⁵

While the *Coosaw* case was active, the Coosaw River was anything but. The river was closed to mining until after the Supreme Court decision, delivering the South Carolina phosphate industry a heavy blow. Many critics attribute the demise of the state industry to Tillman’s “unnecessary” war with the Coosaw Company. Noted South Carolina historian, Walter Edgar, lists one of the primary reasons for the industry’s failure as “bad politics.” However, the industry waned because of circumstances that were largely out of Tillman’s control. In Florida in the late 1890s prospectors uncovered massive deposits of phosphate rock, which were comparable to South Carolina’s, and much more accessible. Subsequent marketing of the Florida rock stifled the South Carolina producers with unprecedented competition and plummeting prices. The coup de grace, however, for the industry took the form of an act of God. In August 1893 a deadly hurricane swept across the Carolina Lowcountry and destroyed the dredges, wharves, and sheds of mining companies. The human toll was much more devastating. The tempest killed thousands of lowland residents, many of whom were African American laborers in the phosphate industry. Any chance for new capital investment to revive the South Carolina phosphate industry was likely thwarted by the severe national economic

⁴⁵ *Coosaw Mining Company v. South Carolina*, 144 U.S. 550 (1892); South Carolina Constitution, Section 17.

recession that crested the same year as the hurricane. The industry, like the people left behind in the aftermath, would never fully recover.⁴⁶

It was not Ben Tillman's intent to destroy or even to harm the phosphate industry, but instead to fulfill the Farmers' Alliance goals of taking down monopolies, and securing free competition and the authority of the state. As he contended, "We do not want to kill the goose that lays these golden eggs, we only want the State to get her just share of them." While Tillman did fear the growing power of concentrated capital and corporations—the "octopus" that threatened the status and liberty of farmers—his actions against the Coosaw Company illustrate a definite distinction, that scholars have dismissed, between his Reform movement and the Conservatives on the appropriate relationship of the state to corporate "capital." While Conservatives championed large, highly capitalized firms and enticed them with various subsidies, tax breaks, and grants of exclusive rights, Tillman and his supporters did not trust these organizations to act in the best interest of the state. Moneyed powers would, Tillman believed, act only in their own interest. Regulatory commissions, therefore, would need to replace exclusive rights. The concept of the state as protector of corporate prosperity would give way to the newly developing perception of the state as corporate watchdog, and as an active agent that protected its own interests. While Tillman may not have led a "class revolution," the notion that his administration was only a louder and cruder version of the essential Conservative philosophy misses or ignores the reality—that Tillmanism directly opposed Conservative concepts of the state and concentrated wealth. In terms of how the state should approach corporate power and monopolies, account for publicly owned resources,

⁴⁶ Tom W. Shick and Don H. Doyle, "The South Carolina Phosphate Boom and the Stillbirth of the New South, 1867-1920," *The South Carolina Historical Magazine*, 86. 1 (1985), 23.

and promote the general welfare, Conservatism and Tillmanism were fundamentally at odds.⁴⁷

⁴⁷ Quote in *Senate Journal*, 1890, 98.

CHAPTER 5

RIDING RAILS: CONSERVATIVES AND REFORMERS ON RAILROADS AND
THE STATE

In *Origins of the New South*, C. Vann Woodward contended that “the fierce antimonopoly and antirailroad spirit probably reached its climax in the South, as it did in other parts of the country, in 1906 or 1907.” He also suggested that while southern railroad regulation—particularly in the form of state commissions—had begun in the late 1870s, states did not attempt serious control over corporate carriers until 1897.

Woodward specifically mentioned nearly every southern state in his discussion of railroad regulation within his chapter on southern Progressivism. South Carolina, however, was not one of those mentioned. Woodward only obliquely referred to railroad regulation in South Carolina when briefly analyzing Ben Tillman’s relationship with the Farmers’ Alliance. According to Woodward, Governor Tillman “recommended only moderate changes once in power,” and his half-hearted attempt at reorganizing the railway commission—which the Alliance demanded—failed. Tillman, Woodward conceded, did raise taxes on corporate property—but only “slightly.”¹

While no one doubts the monumental impact or the brilliance of Woodward’s work in *Origins*, like most historians to follow, he seemingly discounted the possibility that serious state regulation was ever considered in the Palmetto State. The state, most assume, was simply too conservative. Woodward maintained, furthermore, that

¹ C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951), 380.

Tillmanist reform comprised of two main objectives: strengthening the Upcountry in order to push African Americans farther down the sociopolitical ladder, and establishing agricultural and industrial colleges at the expense of liberal arts institutions. Nevertheless, railroad regulation was one of the primary issues for many post-Reconstruction South Carolinians—both Conservatives and Reformers. While during the 1870s and 1880s a majority of staunch Conservatives were ultimately able to contain the sizeable faction in favor of effective regulation, by 1891 the Tillman administration confronted the railroad industry with measures that corporate executives certainly did not consider “slight.” Tillman also publicly assaulted the federal court system for conspiring with corporate interests to undermine the regulatory and taxing powers of states. This was more than political theater, and ultimately the railroad drama in the decades after Reconstruction further illustrates the distinctions between Conservative and Tillmanist conceptions of the state and its relationship with corporate power.²

In a similar method to that with which Tillman approached the phosphate industry, he attempted to regulate the railroad industry. While Tillman never endorsed the radical view of Alliance members and Populists that railroads and telegraphs should be publicly owned, he believed the burden of state taxes should be shifted from the poor agricultural class to the corporations that grew rich off them. Derision for the money power and railroad barons like Jay Gould suffused the rhetoric of Gilded-age agrarian movements. In 1891 prominent Populist leader Ignatius Donnelly of Minnesota argued that the vital question one must ask in determining if a political platform was truly intent on reform was: “Is it an honest attempt to suppress the monopolies, which recent legislation has fostered?” Accordingly, N. B. Ashby, a prominent lecturer for the

²Ibid, 237-238.

Northern Farmers' Alliance, insisted that "the railroad by nature is a monopoly. It controls the commerce of the country. This control gives it the power to levy taxes and collect tribute from every individual who buys or sells." Ashby and Tillman did not share the exact proposals for remedying the railroad problem. Ashby and many other reformers maintained that railroad capital was vastly overvalued, and that farmers and other small shippers were shouldering the difference between actual value and real value through exorbitant shipping rates. He advocated government ownership of all railroads, a central plank in the Populists' "Omaha Platform." Tillman, however, countered that carriers in South Carolina accepted the undervaluation of their property in order to benefit from lower taxes. While he wanted to increase the assessment of the railroads' property and consequently their taxes, he also intended to create a strong regulatory commission with the power to set maximum rates.³

Railroads had long been a symbol of industrial development and modernization in South Carolina. The 136-mile South Carolina Rail Road, which connected Charleston and Hamburg on the Savannah River, was the longest railroad in the world when it opened in 1833. Although efforts by the antebellum elite to connect South Carolina with the West were unsuccessful, 987 miles of track spanned the state by the secession crisis in 1860. Even though the subsequent Civil War devastated much of the railroad system, production eventually resumed, and by 1890 the state was laced by 2,297 miles of roads. In this area the Palmetto State simply embodied the greater regional trend—as historian Edward Ayers notes, "from the end of Reconstruction to the end of the century the South

³ Ignatius Donnelly Papers. Minnesota Historical Society, reprinted in Norman Pollack ed., *The Populist Mind* (New York: The Bobbs-Merrill Company, Inc., 1967), 54; N. B. Ashby, *The Riddle of the Sphinx* (Des Moines: Industrial Publishing Co., 1890), 128-42, reprinted in George Brown Tindall ed., *A Populist Reader; selections from the works of American Populist leaders* (New York: Harper and Row, 1966), 26-36.

built railroads faster than the nation as a whole.” Railroad growth, however, was not a natural development of market forces—Southerners wooed the roads with all the perks they could manage. According to Ayers, southern Democrats did not directly aid railroads (as Republicans had done), but encouraged construction through low taxes and little regulation. In South Carolina, between 1865 and 1900 lawmakers approved 117 bills authorizing county and city governments to aid railroads through subscriptions or new taxes. Across the South, citizens understood that railroads were the key to economic prosperity; towns would be made and unmade by the location of the roads. During the period of Conservative control of the state, railroads grew rapidly, but the regulation and taxation of said carriers fluctuated greatly in degrees of efficiency.⁴

In 1890, when Tillman set about to take the powerful railroads to task, he was not manipulating an artificial dustup to curry favor with lower class voters. Rather, in a similar situation to that involving the Coosaw Mining Company in the phosphate industry, upon his election Tillman simply assumed the position of spokesman for one side of a battle that had raged for over a decade. Contests over railroad regulation were not unique to the Tillman era, because although they perceived the carriers as necessary to economic prosperity, a significant number of Conservatives understood that at least a modicum of governmental oversight was required to check the power of these behemoths. Two primary factors drove Conservatives to attempt some control over the state’s roads: first, by the late 1870s most of the carriers had been bought by corporations

⁴ John F. Stover, *The Railroads of the South, 1865-1900: A Study in Finance and Control* (Chapel Hill: University of North Carolina Press, 1955), 5; Francis Butler Simkins and Robert Hilliard Woody, *South Carolina during Reconstruction* (Chapel Hill: University of North Carolina Press, 1932), 188; Ernest McPherson Lander, Jr., *A History of South Carolina, 1865-1960* (Chapel Hill: University of North Carolina Press, 1960), 97, 193; Cooper, *Conservative Regime*, 117; Edward L. Ayers, *The Promise of the New South: Life After Reconstruction* 15th Anniversary Edition (New York: Oxford University Press, 2007), 8-9.

outside South Carolina, reawakening fears of the dreaded alien rule they had recently ousted; secondly, rising freight rates were exacerbating farmers' pains from low cotton prices. Moreover, due to the spread of groups like the Patrons of Husbandry, commonly known as the Grange, farmers' were more organized and informed about economic realities than in previous years.⁵

In 1878 D. Wyatt Aiken, a state Grange leader and Democratic congressman, petitioned the legislature to create a railroad commission and regulate freight rates. To emphasize the necessity, Aiken demonstrated that the cost of shipping cotton from Abbeville to Charleston via the railroad was so outrageous that farmers opted to haul their load in wagons to Greenville. It was the power and cupidity of the railroad barons, Aiken insisted, that necessitated a regulatory commission. Lawmakers were willing to act on Aiken's request since it was widely approved; however, they were wary of attacking the railroads too forcefully—for example they did not empower the commission to set maximum shipping rates. Accordingly, in 1878 session, the Assembly passed a measure proscribing "unjust discrimination" by common carriers.⁶

One of the chief injustices farmers and other shippers highlighted was discrimination between long and short-haul rates. Railroads routinely charged shippers higher fees to points that were substantially closer than other destinations, even along the same tracks. In the year prior to the new law, one critic of short-haul discrimination from Anderson complained that it was crippling Charleston trade, and insisted that greed, not economic necessity, was to blame:

⁵ Cooper, *Conservative Regime*, 127.

⁶ Ibid; *Acts and Joint Resolutions of the General Assembly of the State of South Carolina, Passed at the Regular Session of 1878* (Columbia, S. C., Calvo & Patton, State Printers, 1878), 784-785, hereafter cited as South Carolina, *Acts*.

If the merchants of Charleston will notice the falling off of their sales in the up-country during the past few years, it will astonish them beyond expectation...

But the railroad authorities contend that they cannot afford to carry freights any cheaper than they do at present. This is a very inconsistent position... For instance, the road will carry a bale of cotton from Greenville for \$2.55 to Charleston, but on the same bale of cotton they charge \$3.50 from Anderson, which is a *shorter distance by twenty miles*. There is no reason to support such a course, for if the road can afford to carry a bale of cotton from Greenville at \$2.55, it can certainly afford to carry it as cheaply from Anderson...

Again, we complain of the road because it is not controlled by any regular rate of freights, but *acts upon the highwayman's principle of taking all it can exact from every victim*. The rates are not apportioned to distance nor to the character of the goods shipped.... We cannot discuss this subject as intelligibly as we would like, from the fact that there are no published schedule of freight rates, and we are compelled to take up the question as presented by numerous isolated freight bills, which give some idea of the exorbitant charges and unreasonable discriminations made by the company... We wish this complaint kept constantly before the public until the cause for it is removed.⁷

Railroads executives cited market-based economics as the reason for price discrimination. Generally, short-haul rates were higher because of a lack of competition among carriers. For instance, the Atlanta and Charlotte Air Line was the only direct railway from Greenville to Charlotte. It essentially had a monopoly on the traffic between those two cities—but between Greenville and Richmond they had to compete with other rail carriers and even water-based shipping options. Railroad leaders claimed they were only charging what the market would bear; there was no “discrimination.” Farmers, however, turned a deaf ear to the laws of supply and demand when it directly affected their bottom line, and certainly when monopoly was the primary factor—from their perspective, rate distinctions on the same tracks was mercenary. As the indignant commentator from Anderson suggested, railroads were not simply following the rules of

⁷ “Discrimination in Freights,” *Anderson Intelligencer*, Thursday Morning, August 23, 1877.

capitalism; they were like “highwaymen” robbing innocent victims. More strident voices, however, would soon argue those two concepts were virtually one and the same.⁸

The 1878 act attempted to quell rate discrimination, and to address demands for published freight rates and open account books. It stated that “railroad corporations, and all other chartered companies acting as common carriers...shall charge for the handling and storage of goods...and for the carriage of freight and passengers, such rates only as are *reasonable*.” Furthermore, the law addressed long-haul short-haul discrimination by insisting that unreasonable rates included charging higher fees for goods shipped “for any greater distance over their line or lines in the same direction.” The act further required railroads to “regulate their charges for shorter distances by their proportion of through rates beyond their line or lines.” Additionally, lawmakers insisted that “concessions of rates, rebates, drawbacks and contracts for special rates shall be open to and allowed all persons, companies and corporations alike.” Carriers found violating the law’s description of reasonable pricing would be forced to “forfeit and pay to the person, company or corporations paying such overcharge *twice the amount so charged in excess of reasonable rates*.”⁹

In 1878 the legislature also acceded somewhat to D. Wyatt Aiken’s demand for a railroad commission. Grangers desired a commission with the power to set maximum rates, but a majority of Conservative legislators balked at offending capital interests they deemed vital to reinvigorating the economy. Therefore, lawmakers compromised by creating a one-man commission with only “advisory and supervisory powers.” It was also

⁸ South Carolina, *Acts*, 784-85; the classic examination of the short-haul long-haul controversy is Ralph Lawrence Dewey, *The Long and Short Haul Principle of Rate Regulation* (Columbus, Ohio: The Ohio State University, 1935).

⁹ Ibid.

evident from the act's mandates that Conservatives were trying to distance themselves from the rampant corruption they identified with the Reconstruction regime. The law maintained that the commissioner, to be appointed by the governor (apparently with or without consent of either house of the legislature), would not be a puppet of the railroad industry. The commissioner, it read, "shall not be a stockholder in, nor the owner of any bonds of, nor in the employment of, nor a contractor with, any railroad company created by the laws of this or any other State." Governor Wade Hampton appointed former Confederate brigadier and wartime governor, Milledge Luke Bonham, to serve as the first commissioner, but as Bonham soon realized, he had little real authority over the carriers. His main duty, in addition to writing an annual report for the legislature, was to examine the railroads and alert executives if they were in violation of state law. If they refused to cooperate, the commissioner could notify a circuit court judge, who might enjoin them from further transgressions. However, for adamant reformers like Aiken, the law's most salient weakness was that the commissioner had no authority to set shipping rates.¹⁰

By prohibiting "unjust" discrimination in rates and appointing a railroad commissioner, South Carolina lawmakers were not so much blazing new trails as they were climbing on board a national bandwagon. In 1869, at the urging of Charles Francis Adams Jr., the Massachusetts legislature had created the first state Board of Railroad Commissioners to monitor the burgeoning industry. Like the Palmetto State legislation, the Massachusetts law provided for a relatively weak commission with no rate-fixing powers. In 1873, however, Illinois created a stronger commission with authority to set rates. Iowa and Wisconsin's "Granger laws"—which viewed railroads and their property

¹⁰ *Charleston News and Courier*, September 13, 1878, November 25, 1878; see also Cooper, *Conservative Regime*, 127; South Carolina, *Acts*, XVI, 789-92; *Senate Journal*, 1878, 167; see also Cooper, *Conservative Regime*, 127.

as privately owned, “public utilities”—for a time set rates by statute and regulated grain elevators, which were usually owned and operated by railroads. By 1887, twenty-five states had adopted some form of railroad commissions (ten had rate-setting authority), and in some manner all addressed rates, rebates, and long-haul, short-haul discrimination. South Carolina Conservatives, therefore, at the prompting of state Grangers, essentially accepted a moderate version of what by the latter 1870s was already considered mainstream legislative practice.¹¹

In the months after the railroad laws took effect in South Carolina, farmers voiced their dismay at the statute’s lack of teeth. E. B. Murray, the editor of the *Anderson Intelligencer*, complained that railroads were exploiting loopholes in the law to avoid lowering freight rates. His argument, while self-contradictory on several points, reveals both the public’s dissatisfaction with the law, and their distrust of the carriers. “The railroads,” Murray declared, “claim exemption from its provisions on the ground that their charters were granted before the enactment of this law, and therefore they have acquired vested rights which cannot be abridged.” In contemporary political terms, railroad executives were claiming that “grandfather” status rendered them immune to the new regulations.¹²

Furthermore, Murray contended that the railroad act was “defective in its policy,” because it only applied to shipping points within South Carolina. The law allowed railroads held by out-of-state corporations, to charge whatever fees they desired once they travelled beyond the state’s borders. It is unclear whether Murray had studied the

¹¹ Ballard C. Campbell, “Public Policy and State Government,” in *The Gilded Age: Perspectives on the Origins of Modern America*, ed. Charles W. Calhoun (Plymouth, UK: Rowan & Littlefield Publishers, 2007), 362.

¹² *Anderson Intelligencer*, Thursday Morning, May 23, 1878; South Carolina, *Acts*, 1878, 784.

specific language of the law, or if he was simply interpreting the law based on his observation of carriers violating its stated purpose. Had he examined the act closely, he would have seen that legislators, in addition to vaguely determining what rates were “reasonable,” had qualified the law so that railroad lawyers could easily establish their clients as exempt. After declaring short haul rate discrimination illegal, the law stipulated: “*Provided*, That if such corporation or combination of corporations can show a greater *necessary expense* to itself, or to themselves, for the carriage of goods, merchandise or property over the shorter distance than that which is incurred for like carriage over the longer distance, a proper proportion of such excess shall be deemed a *reasonable* additional charge.” Railroad lawyers might claim any number of reasons that specific short hauls incurred “greater necessary expense,” and with lawmakers and judges generally in agreement that excessive hindrance of the roads was imprudent, rate-making procedures changed very little after the 1878 discrimination law.¹³

E. B. Murray never mentioned federal regulation; he seemed to believe that state law, worded correctly, could force railroads incorporated outside South Carolina to adhere to the state’s rate policies anywhere in the country. Nevertheless, Murray eventually arrived at what he considered the origin of all the shippers’ problems, an enemy that many held in common: railroad monopolies. According to Murray, who presaged the core Tillmanite position, state laws should protect citizens from “injurious and unreasonable” monopolies. Without adequate competition between capitalist operations, average citizens would continue to suffer.¹⁴

¹³ Ibid.

¹⁴ Ibid.

While the *Anderson Intelligencer* did not advocate dramatically altering capitalism *per se*, on the same page as the previously discussed article, E. B. Murray warned against antagonizing labor and “inaugurating a species of most dangerous communism.” Others proffered more radical measures. The *Abbeville Press and Banner* printed a sermon by Reverend Dr. Thomas De Witt Talmage, one of the most famous Protestant evangelists and reformers of the late nineteenth century, in which the preacher declared that the forces of monopoly and communism were “struggling for the possession of this country.” Talmage did not directly attack capitalism or capitalists—in his memoirs he actually praised the character of Jay Gould!—but he insisted that the evils of monopoly were as dangerous as that of communism. Monopoly was a “greedy, all-grasping monster,” he declared, “who comes in as suitor seeking the hand of this republic.” Furthermore, he warned that if governments did not seriously check monopolies, communism would ultimately win out. According to Talmage, owners of great capital played by different rules than common men, and therefore the solution was to significantly limit the amount of private property any individual or corporation could own. “I have nothing to say against capitalists,” Talmage insisted, but “great monopolies in any land imply great privation. The time will come when our [national] government will have to limit the amount of accumulation of property. Unconstitutional do you say? Then constitutions will have to be changed until they allow such limitation.” Later Tillmanites would never approve such socialistic measures, especially by the federal government, but the fact that the *Abbeville Press and Banner* published the sermon, with no corresponding rebuttal, suggests that at least a noteworthy minority of South

Carolínians did not dismiss Talmage's proposals out of hand. The Conservative majority, however, had a different strategy in mind.¹⁵

Conservative leaders demurred at the prospect of attacking wealth or hamstringing the very railroads they felt essential to material prosperity. Many, of course, agreed that a dearth of competition was problematic—but the remedy, they argued, was not severe regulation or socialism, but *more railroads*. Moreover, they actively encouraged railroad creation and expansion by extending various perquisites, including public financing. Clearly, citizens of Anderson were particularly vexed by the Greenville and Columbia Railroad's monopolization of their traffic. Subsequently, in mid-1878 a new proposal to connect Anderson with Charleston via Abbeville (along the Savannah River Valley) grabbed the attention of residents throughout the western counties. According to the *Anderson Intelligencer*, competition for the "despotic" Greenville and Columbia line was desperately needed, but it would not materialize without local citizens' "proper enterprise and diligence." Anderson, by its own account, led the state in politics, intelligence, temperance, and public education—why then, the *Intelligencer* queried, were its citizens reluctant to "rise with public spirit and enthusiasm which characterizes them in other matters and end this railroad monopoly?" It seemed the answer hit close to the pocket book.¹⁶

Conservative city and county leaders, many of them railroad boosters, insisted that railroad building would be followed by an economic upswing—but it would not happen without some effort and financial sacrifice from the public. In 1880, promoting the proposed Atlantic and French Broad Valley Railroad, D. F. Bradley of the Pickens

¹⁵ "Dr. Talmage's Sermon: Monopoly and Communism Struggling for the Possession of this Country," *Abbeville Press and Banner*, July 7, 1886.

¹⁶ "Savannah Valley Railroad," *Anderson Intelligencer*, Thursday Morning, April 4, 1878.

Sentinel mocked tight-fisted Upcountry residents, conceding that in a perfect world railroads would be a “spontaneous outgrowth of fallow fields and untouched forests,” but in reality, “money is needed to prosecute such an enterprise.” Bradley was not calling on venturesome capitalists alone to invest that money; he was speaking directly to local citizens. From his perspective, railroad creation was naturally a public-private cooperative effort. Furthermore, he chided local holdouts that not investing in the proposed road was utter foolishness: “The old adage which says, ‘a bird in the hand is worth two in the bush,’ does not mean that one bird in the hand is worth *five* in the bush, especially if the bush is near at hand and you have a good trusty shotgun well loaded.” From Bradley’s perspective, ultimately it should be “selfishness” that induced local residents to ante up the needed capital, for soon their investment would pay much greater dividends when the “commercial iron horse will be snorting through these valleys.”¹⁷

It was not enough to urge private citizens to invest; Conservatives insisted that railroads necessitated public funding at the local level, primarily through bond subscriptions and increased taxation. When it appeared funding was uncertain for the southern section of the French Broad, Savannah River Valley and Atlantic, W. C. Brown of Anderson warned Abbeville residents that “every man [must] contribute by taxation or subscription.” Brown painted a dire scene for the Abbeville audience, prophesying that lest they fund construction, their community would wither and perish:

Money you must give in some way, if you would have a Railroad. If you don’t give money or vote a tax we will build our [Anderson’s] part of the road anyhow. You only defeat yourselves by refusing to give the money. All the great channels of wealth will soon be established...If the new Road is not located here, it will be run nearer the Savannah River, and our only opportunity of getting a railroad at this place will be lost as long as the sun

¹⁷ “The Atlantic and French Broad Valley Railroad,” *The Sentinel* (Pickens, SC), Thursday, December 23, 1880.

shines. You are going to decide on the prosperity of your country forever. As the waters flow to the rivers and creeks, so the wealth of a country flows to the Railroads, and if you would have a portion of that wealth, you must keep up with the advancements of the age. The practical question for you to answer is, what are you going to do about it? Are you going to raise the money?¹⁸

Most South Carolinians could clearly see that W. C. Brown's message to Abbeville residents was true—wealth and prosperity flowed to the roads like water to the rivers. Communities without adequate railroad access would have little chance to survive, much less thrive. Nevertheless, South Carolinians remained divided on their perception of railroads and their proper relation to the public and the government. Those sharing the mindset of W. C. Brown undoubtedly realized that the carriers were highly-capitalized corporations seeking profit, yet they insisted it was the average citizen's responsibility (patriotic duty, even) to shoulder a portion of the initial financial investment. Community leaders worked closely with railroad representatives: first, to entice a particular railroad to “invest” in their community, and then to fund the construction through local subscriptions, artificially low property values, and new taxes. Conservative leaders in South Carolina generally advocated this approach, but like their position of providing exclusive rights to phosphate mining corporations, it contradicted their supposed commitment to *laissez faire*. What they considered—not unreasonably—as smart planning for future economic growth, free-market purists might have perceived as “planned economies,” or “picking winners.” Towards the other end of the political spectrum, early Progressives saw the Conservative approach as more pro-business than pro-citizen.

¹⁸ “Railroad Meeting,” *Abbeville Press and Banner*, Wednesday, August 11, 1880.

E. B. Murray of the *Anderson Intelligencer* and other forerunners of the Tillman movement were not hostile to railroads in principle; they certainly did not yearn for a pre-industrial utopia. They understood the very real benefit that railroads offered to the state. Nevertheless, their understanding of them was markedly distinct from the Conservative vanguard. Railroads, they insisted, were not benefactors to be courted and financially supported by a grateful citizenry, but profit-hungry corporations that needed the people every bit as much as they needed the carriers. Tillmanites and their like-minded predecessors thought railroads should be regarded as a public utility—which needed public regulation, limitations, and oversight by the state government. All citizens should have the right to reasonable access to railroads and their services at a reasonable fee. Those who shared his position saw that these corporations had the power to determine the fates of struggling farmers and small businessmen, and distrusting their overall motives, considered the roads ethical operation as too vital for them to operate without serious regulation from the state government.

Commissioner Bonham soon realized that his position was ineffectual, and in 1880 asked the General Assembly for more authority, specifically to set freight rates. Bonham and other reformers were likely motivated by the fact that in 1879 their neighbors in Georgia had passed a strong railroad commission with rate-making authority. In 1880, after a campaign for better regulation by *Charleston News and Courier* editor, Francis W. Dawson, the legislature passed substantial measures to curb unwanted behavior by the carriers. Late in 1881 Governor Johnson Hagood approved what legislators dubbed a “General Railroad Act,” which addressed earlier problems by specifically stating that all stipulations of the law applied to all railroads operating within

the state, regardless if they were owned by an outside corporation or if their charter antedated the law. The law also established detailed report forms that railroad managers would be obliged to submit to the commission annually. Bonham and other reformers still sought the element they deemed essential, direct rate-fixing powers—but Conservative stalwarts were loath to challenge *laissez faire* so brazenly. Nevertheless, after several modifications and narrow votes in the House and Senate, finally both bodies passed a law in December 1882 establishing a three-person commission with power to “make reasonable and just rates of charges for freight and passenger tariffs, to be observed by all railroad companies doing business in this State.” Subsequently, Bonham and the new commissioners had real authority, and for a time rates were lowered significantly.¹⁹

The 1882 law did not enjoy unanimous support. Business groups and leaders of fledgling towns complained that the regulations were stifling commercial growth, while many farmers determined that rates were still too high. Some critics likely distrusted Commissioner Bonham’s motivations to seriously curb the carriers’ abuses. The laws of 1878 and 1882 insisted that commissioners have no private (especially financial) affiliation with any railroad, and while Commissioner Bonham seems to have adhered to that policy, his son was another matter. M. L. Bonham Jr. actively championed railroad construction across the state, imploring local citizens wherever he went to put up their own money, lest the roads bypass them. In August 1880, at Gray’s Spring in Abbeville, Bonham Jr. joined boosters from Anderson in rallying locals to fund the French Broad,

¹⁹ Albert Neely Sanders, “The South Carolina Railroad Commission, 1878-1895” (unpublished Master’s thesis, Dept. of History, University of North Carolina, 1948), 19-20, 54-55; Bonham’s report to the Legislature is in South Carolina, *Reports and Resolutions*, 1880; the history of the Railroad Commission between 1878 and 1890 is briefly but adequately explained in Cooper, *Conservative Regime*, 128; *House Journal*, 1882, 252-53; *News and Courier*, December 9, 1882; Cooper, *Conservative Regime*, 128-29; South Carolina, *Acts*, 1881-1882, 792, 800-812, 825; South Carolina, *Acts*, 1882, 14.

Savannah Valley, and Atlantic Railroad. Bonham Jr. did not equivocate as to where his loyalties lay. “I am,” he declared, “emphatically a Railroad man.” He proceeded to warn the crowd that failing to fund the road, or hampering it with too much regulation, would result in modern civilization leaving them behind. “Railroads are civilizers,” Bonham Jr. asserted. “Villages spring up along their line. In the villages churches are built from whose pulpits the gospel is preached. Along side of the churches, school houses grow up, and boys and girls who would otherwise never taste the grand delights of education, have had these inestimable advantages.” Essentially, Bonham Jr. told the crowd that if they failed to facilitate railroad growth, they would be denying their children education and spiritual salvation.²⁰

In the year following the rate-setting law, railroad leaders exploited the Conservative laissez-faire, pro-railroad philosophy—epitomized by Commissioner Bonham’s own son—to quash the new commission’s authority. For pro-regulation men, the 1883 battle over the strength of the commission, in which representatives of the powerful Richmond and Danville Railroad system and Conservative leaders in South Carolina joined forces, revealed the insidious link between moneyed corporations and state legislators. William P. Clyde, a high-ranking official of the Richmond and Danville, travelled to South Carolina and teamed with the Haskell brothers, Alexander and John, both prominent members of the Democratic Party and railroad executives. Reformers complained that John Haskell’s affiliations obviously encouraged corruption; he simultaneously acted as attorney for the Columbia and Greenville Railroad, and chairman of the Committee of Railroads in the state House of Representatives. Alexander, who

²⁰ “Captain M. L. Bonham’s Speech,” in “Railroad Meeting,” *Abbeville Press and Banner*, Wednesday, August 11, 1880.

would later lead a factional insurgency against the Tillman movement, had served on the South Carolina Supreme Court and chaired the state Democratic Executive Committee, before becoming president of the Columbia and Greenville, a subsidiary of William Clyde's Richmond and Danville. In late 1883, a vigorous battle ensued in the legislature and press, in which Clyde and the Haskell brothers warned South Carolinians that continued rate making by the commission would forestall future construction of South Carolina roads and endanger those already existing.²¹

Charleston representatives took the lead in the fight against the railroad men. Smythe rallied members of the Senate, while Charles H. Simonton encouraged House members to maintain the commission's control of rates. The two put up a strenuous campaign, even convincing governor Hugh Thompson to endorse their mission. Nevertheless, after a close vote the pro-railroad forces claimed victory. The scandal attached to that conquest highlighted the obvious cronyism involved in an industry where railroad attorneys and executives were also elected officials with power to benefit the corporations they served. The amendment had passed by a razor-thin margin, and pro-regulation forces stridently cried corruption. Ironically, it was one of the loudest critics of railroad monopoly, E. B. Murray of the *Anderson Intelligencer*, who had helped the measure succeed. The *Charleston News and Courier* charged that Murray—also a state representative—had changed his original vote to maintain rate-making powers, only after William Clyde and A. C. Haskell had made him a director of the Columbia and Greenville. Narciso G. Gonzales, the *News and Courier's* Columbia correspondent, suggested that Clyde had also bribed the black congressmen with free passes. Whether or not these allegations were true, and despite the outcome of the 1883 vote, the contest over

²¹ *Senate Journal*, 1883, 52; Cooper, *Conservative Regime*, 130-131.

the state's rate-making powers revealed what many considered to be an unhealthy overlap between corporate interests and political power, and a sizeable pro-regulation force that would harbor a latent distrust until Ben Tillman rekindled it.²²

From 1883 until Ben Tillman claimed the governor's office in 1890, the railroads conducted their business unhindered by any effectual state regulation. Had the conditions of farmers not declined so precipitously until that point, the railroad question may have been an insignificant issue to Tillman. During his inaugural address in 1890, Tillman proclaimed that the "imposition and injustice" of the railroads on society was an evil from which the people begged relief. Although he stressed the need for better regulation of shipping rates, Tillman at first refrained from attacking the railroads with the ferocity he spewed at Conservatives during his campaign. Rather, he assured the people of the state that "in seeking to control the railroads and other corporations, strict regard should be had for their rights and interests." Tillman understood that railroads were crucial to the economic success of the state, especially to farmers. Therefore an unnecessarily brutal attack on the carriers would benefit no one. According to Tillman, "much of the material development and progress of the age is the fruit of corporate efforts, and many men acting under one head and guided by one will have done for our country what no individual could have possibly accomplished." At this early stage, the governor suggested that corporations did not have to be the enemy; they just needed to be checked in order to keep them from evolving into the dreaded "octopus" that would devour the common man. This is where Tillman distinguished himself from more radical Farmers' Alliance proponents and Populists. Rather than calling for the de-privatization of railroads and

²² *Senate Journal*, 1883, 52; *Charleston News and Courier*, December 17 and 21, 1883; N.G. Gonzales to Francis W. Dawson, December 22, 1883, Elliot-Gonzales Papers, Southern Historical Collection at University of North Carolina, cited in Cooper, *Conservative Regime*, 131.

telegraphs, Tillman proposed rate regulation and reassessment of property taxes that would benefit shippers without crippling the railroad industry or turning it over to the federal government.²³

As in the case of the phosphate industry, Tillman attempted to shift the tax burden off farmers and onto the corporations that were better equipped to shoulder it. He proposed to equalize taxes and create “a good railroad law, administered by an honest, impartial, and fearless Commission.” Tillman, however, encountered more problems passing a railroad law than he had expected. In 1891, he refused to endorse a new railroad commission bill that he deemed unsuitable. Several historians concur that Tillman’s failure to secure a law during his first year in office was due to the legislature balking at his “strong-arm tactics.” They maintain that the only issue was Tillman’s disagreement with the legislature over the appointment procedure of the members of the proposed railroad commission; i.e. Tillman wanted the authority to appoint the commissioners, instead of conceding that power to the legislature. While this may have been one reason for the delay, there were other legitimate problems that historians have either overlooked or downplayed.²⁴

When Tillman addressed the legislature in November 1891, he cited reasons for his failure to sign the proposed railroad bill other than who would have authority to appoint commissioners. His first complaint was the lack of a provision to prevent the consolidation of competing lines—that is, to prevent future monopolization of the industry. Tillman insisted, “the absorption by lease or otherwise has gone on until virtually there are only four railroad systems in the State.” He proclaimed that as new

²³ *Senate Journal*, 1890, 93.

²⁴ *Senate Journal*, 1890, 92; Edgar, *South Carolina: A History*, 439; Neal, *Tillman: The South Carolina Years*, 226.

lines were constructed, they were being bought or leased by bigger corporations; in his opinion, this systematic elimination of competition placed an unbearable cost on communities that had gone into debt to help finance competing lines, but were left “without the benefit of competition.” In 1890 there were nine companies operating railroads in South Carolina; while this number may appear to suggest a healthy amount of competition on the face of it, in actuality five of those companies were owned or controlled by the Richmond and Danville system. Tillman and his followers believed that although these railroads might be operating under different corporate names, they were in fact all fingers from the same avaricious hand. Significantly, all of the roads controlled by the Richmond and Danville were located in the Upcountry, where Tillman’s greatest support resided.²⁵

In addition to relieving the state of “the oppression always incident to monopolies,” Tillman also disputed the railroads’ complaints that overvaluation of their assets had encumbered them with unreasonable taxes. In 1891 a new assessment of railroad property by the state Railroad Board of Equalization increased by \$8,000,000 their worth from the previous year. Tillman estimated that this would result in a \$100,000 increase in the amount of taxes to be paid by the railroads, and he adamantly explained why the heavier taxation would not injure the companies. Moreover, he proclaimed that the job of assessing railroad property should fall to the railroad commission, and not the current board, which was composed of the State Treasurer, Comptroller General,

²⁵ *Senate Journal*, 1891, 31-32; Frank William Putnam, “An Analysis of Public Aid to Railroads in South Carolina, 1865-1900” (unpublished Master’s thesis, Dept. of Economics, University of South Carolina, 1957), 23-25, 34, 41, 75; Cooper, *Conservative Regime*, 122, 118; The railroads controlled by the Richmond and Danville system in 1890 included the Atlanta and Charlotte Air Line, the Greenville and Columbia, the Charlotte, Columbia and Augusta, the Seaboard Air Line, and the Port Royal and Western Carolina. Those roads not under outside control were the Savannah and Charleston, the South Carolina, the Northeastern, and the Wilmington and Manchester—these all ran through Charleston and/or Columbia. See Cooper, p.118 for an informative map of South Carolina railroads in 1890.

Secretary of State, and Attorney General. According to Tillman, these men were less capable of a realistic assessment than the railroad commissioners who were more knowledgeable of the industry.²⁶

Tillman's two principal arguments against the malcontent carriers were that South Carolina railroads were overcharging passengers and shippers, and that the real value of the railroads' property—even with the recently increased assessment—was still “far from being their actual value.” Since several railroads had failed to report their earnings for the year, Tillman used the 1890 figure of \$2,552,666.97 as the starting point for his argument. This was the revenue generated by passenger fares alone. For South Carolina travelers, the rates amounted to three and a half cents per mile, which Tillman noted was a half-cent more than the rates in Georgia. Conceding that Georgia railroads did more volume than those in South Carolina and could therefore afford to charge less, Tillman still maintained that the South Carolina rates were one-seventh more expensive than necessary. The one-seventh difference over a fair passenger rate, Tillman concluded, earned the railroads \$364,666 in 1890; therefore, they should easily be capable of paying the \$100,000 increase in taxes.²⁷

While a new bill was being discussed in the legislature, railroad leaders—despite the seeming futility of their request—implored the governor to veto any measure that would authorize the railroad commission to set passenger rates or joint rates between connecting roads. The railroad officials insisted that although their expenses had remained constant, their revenues, especially those for fertilizer shipping and passenger fares, had decreased significantly due to the agricultural depression. Fearing a loss of

²⁶ *Senate Journal*, 1891, 32.

²⁷ *Ibid.*

their jobs or a crippling drop in wages, between 8,000 and 10,000 railroad workers joined the magnates in petitioning the governor to veto rate setting measures. Tillman assured railroad men that neither he nor the legislature had any intent on unfairly injuring their business; he also suggested that any ill will towards them was the result of their employer's refusal to pay a fair share of taxes. The governor declared that their complaints meant little compared to the roughly 60,000 farmers who supported the approval of rate-making measures. Narciso G. Gonzales—by then editor of the *Columbia State*—vilified Tillman for his stance and labeled him the leader of a political “faction.” Nevertheless, over the objections of Conservatives and railroad men, the bill passed, and created in 1892 a three-person commission with the authority to examine the railroads' books and tariffs, and most importantly, the power to fix rates. Tillman prudently yielded on his former insistence that the governor should have the power to appoint the commissioners; the new law stipulated that the three commission members would be initially selected by the legislature and thereafter by popular vote, a plan that conformed to a common Progressive-era model. According to Tillman's biographer, “South Carolina had merely been given a railroad law like that already possessed by progressive Western states.”²⁸

During the furor leading to the passage of the rate-making measure, the issue of property reassessments and increased taxes continued to build tension. Tillman refused to

²⁸ Neal, *Tillman: The South Carolina Years*, 226; see also Simkins, *Pitchfork Ben Tillman*, 220. As with the phosphate mining issue Simkins's description is succinct, while Neal's is more in-depth and supported by specific and detailed evidence; *Columbia State*, May 24, 1891, June 13, December 18, 20, 22-23, 1892; *Charleston News and Courier*, December 10, 25, 1891, February 18, November 29, December 22, 1892; *House Journal*, 1891, 23, 300, 573; *House Journal*, 1892, 100, 276, 658; Neal, *Tillman: The South Carolina Years*, 227-28. Neal maintains that Gonzales' animosity to Tillman's railroad policy was based in his ties to the industry, especially his connection to the Atlantic and Gulf Railroad. She also adds that four of the original seven founders of the *Columbia State* were stockholders and directors of railroad companies operating in South Carolina; *South Carolina Acts*, 1892, 8-17; Simkins, *Pitchfork Ben Tillman*, 220; Neal, *Tillman: The South Carolina Years*, 226; Simkins, 220.

back down, but so did the railroads. The companies eventually refused to pay the new taxes and filed suit in federal court to nullify the state's decision. The process by which the tax revenues were collected was somewhat indirect. First, county treasurers were to collect the duties, and then they were to be forwarded to the comptroller general and the state treasurer. Therefore, the railroads technically filed their suit against multiple county treasurers, including those of Berkley, Williamsburg and Florence counties. Eventually, the suits were combined into the case of *Walter v. Northeastern Railroad Company*, which made its way to the U.S. Supreme Court. As in the case against the Coosaw Mining Company, the court ruled in favor of the state, directing the railroads to recognize the new property assessments made by the Railroad Board of Equalization and to pay the additional taxes. While this might have gone down as a solid victory for the Tillman camp, the triumph proved ephemeral.²⁹

The Richmond and Danville Railroad, the state's largest carrier, and the South Carolina Railway refused to pay the increased taxes on the basis that they were formally held in receivership, and thus were not subject to additional assessments. The issue of "receivership" in regards to Governor Tillman's confrontation with the railroads in South Carolina has heretofore escaped scholarly analysis. This fact has unfortunately obscured a central Tillmanist theme: hostility toward the federal courts' interference with state regulation and taxation of corporate railroads. Railroads, of course, were the dominant industry of the nineteenth century, propelling economic growth and also incurring scorn

²⁹ Columbia *State*, March 8, 17, May 12, 1892; Charleston *News and Courier*, March 15, 1892; *House Journal*, 1891, 54-55; *House Journal*, 1892, 13; South Carolina *Reports and Resolutions*, 1892, I, 249-251; *Senate Journal*, 1893, 12-16; Neal, *Tillman: The South Carolina Years*, 228; Neal, *Tillman: The South Carolina Years*, 229; *Walter v. Northeastern Railroad Company*, *United States Reports*, Davis, vol. 147, 370-375, cited in Neal, *Tillman: The South Carolina Years*, 229-30; see also Simkins, *Pitchfork Ben Tillman*, 220.

for their massive wealth and political influence. Within the discourse of railroad abuses, receivership, though technically only a legal means of corporate reorganization, was a primary symbol of corporate welfare and federal subservience to industrial wealth.

Receivership, in simplest terms, was a method by which courts attempted to protect creditors and bondholders' investments in an insolvent company. Although Article I, Section 8 of the United States Constitution empowers Congress to set "uniform Laws on the subject of Bankruptcies throughout the United States," prior to 1898 there was no detailed statutory code for handling corporate bankruptcies, and between 1878 and 1898 there was no law whatsoever. In practice, however, when corporate executives or bondholders petitioned the courts to mitigate losses before a financial collapse, judges routinely placed companies under the legal management of a "receiver," a supposedly "disinterested person" charged with the task of reorganizing the company, selling off assets, and satisfying creditors to the best extent possible. Receivership was the common procedure for dealing with both private and corporate businesses facing default on debts, but in the 1880s it became clear that railroads would play by a different set of rules.³⁰

As Ben Tillman would later complain, railroads in the late nineteenth century exploited the process of receivership to the executives' and primary bondholders' benefit—and they did so with the blessing of the federal courts. In other industries, receivers acting as impartial third parties often dismantled companies and sold assets to the highest bidders, with the primary objective of protecting the rights of creditors. Railroad insolvency, however, presented unique problems. According to economic

³⁰ Warner Fuller, "The Background and Techniques of Equity and Bankruptcy Railroad Reorganizations—A Survey," *Law and Contemporary Problems* 7. 3 (Summer, 1940), 378; Albro Martin, "Railroads and the Equity Receivership: an Essay on Institutional Change," *The Journal of Economic History* 34. 3 (1974), 688.

historian Bradley Hansen, railroads’ “corporate form of organization, their size, and their importance to the public all mitigated against the piecemeal liquidation provided for by traditional creditors’ remedies.” To account for the novel position held by railroads in American economic life, federal courts adopted a distinct attitude and strategy specifically tailored to railroads—which critics dubbed the “new-fashioned receiverships”—that no other industry enjoyed. The courts not only sought to retain the structure of the floundering organizations, but also allowed former executives and managers (not “disinterested persons”) to maintain leadership, and furthermore prioritized the debtor-corporations’ interests over that of its creditors. As Hansen explains, “in new-fashioned receiverships, debtors could initiate and, to a great extent, control reorganizations, which were undertaken to rehabilitate the insolvent firm rather than simply to protect creditors’ rights.”³¹

The federal courts’ attitudes toward railroad receivership was further stigmatized because of one highly publicized case involving Jay Gould, the industrial titan whom reformers from Greenbackers to Progressives considered the ultimate “robber baron.” In 1884 Jay Gould’s Wabash, St. Louis, and Pacific Railway had faced the prospect of defaulting on a significant share of its floating debt. Representatives of the railroad—without any of their creditors present—persuaded Judge Samuel Treat from the district court in St. Louis to place the company under the receivership of Solon Humphreys, a major shareholder, director, and former president of the line. Under Humphreys—hardly an impartial third party—the Wabash would continue operations as usual, free of the looming threat of default. The only major change was that first-mortgage bondholders

³¹ Bradley Hansen, “The People’s Welfare and the Origins of Corporate Reorganization: The Wabash Receivership Reconsidered,” *The Business History Review* 74. 3 (2000), 378-379.

(the initial capital investors) would be forced to swap their old bonds, bearing 7 percent interest, for 5 percent bonds. And despite the unscrupulousness that had led to creditors losing much of their investments, Jay Gould retained control of the Wabash line. Cries of corruption rang out across the country, and beyond. When news of the Wabash ruling crossed the Atlantic, the usually decorous editor of the London *Railway Times* declared, “Mr. Jay Gould doth at this hour bestride the narrow Wall Street like a colossus. He is indeed the Autolycus of the western world. No pickpocket, either ancient or modern, has been more successful.” Gould’s receivership scheme for the Wabash may not have achieved the legacy of other scandals—his gold corner, for example—but for the reform-minded of the late nineteenth century, such as the Tillmanites, it symbolized an odious partnership between greedy capitalists and the federal judiciary.³²

In South Carolina, Ben Tillman’s plan to reassess railroad properties ran up against the “new-fashioned receivership” that Gould had inspired. Officials of the federal appellate courts investigated and discovered that receivers held 1,410 of the Palmetto State’s 2,552 miles of track. Consequently, Federal Judge Charles H. Simonton determined that railroads under receivership were not subject to reassessment of property value or increased taxes, and thus sent out an injunction prohibiting county sheriffs from issuing the new levies on the property under receivership. Tillman was incensed at the railroads’ refusal to comply, as well as the court’s approval and assistance of behavior that to him reeked of capitalistic greed and oppression. The state of South Carolina appealed the injunction and the case slowly made its way to the Supreme Court—Tillman, however, would not wait for the highest courts’ approval to enforce what he

³² Ibid; quote in Albro Martin, “Railroads and the Equity Receivership: an Essay on Institutional Change,” *The Journal of Economic History* 34. 3 (1974), 685.

considered his rights as the state's chief executive. In a confidential letter to multiple county sheriffs—a message that newspapers at the time dubbed the “secret circular”—the governor railed against “the unholy alliance between the dignity of the Federal courts and these harlot corporations,” and ordered them to confiscate and hold the property of the recalcitrant companies. After the infamous circular, the contest between the Tillman administration and the “alliance” of the federal courts and the railroads moved beyond mere rhetoric or even litigation.³³

Tillman's orders to county sheriffs brought them into direct defiance of federal injunctions, and into physical confrontation with railroad operators. In February 1893, in Newberry County, Sheriff Riser—who was politically in the “anti-Tillman” camp—followed the governors' dictum and commandeered a train on the local branch of the Richmond and Danville road. According to the *Newberry Herald and News*:

When the freight train from Columbia arrived here on Saturday morning the sheriff took charge of it and put his deputy, Mr. Mel Chalmers, on it and permitted the engine to do what shifting was to be done, and when that was done he fastened the engine to the track *with a big chain and there it stands yet*. On the Laurens road he took possession of the first-class passenger coach and fastened it to the track and passengers had to take *second class passage or none at all*. Nothing has yet been done by the railways towards releasing the trains in limbo, and everything is in statu [sic] quo.³⁴

In other areas, sheriffs carrying out the governor's demands met with outright opposition from train operators and municipal authorities. Sheriff Gaines of Anderson attempted to collect \$1,595 in increased taxes and penalties from a carrier on the Blue Ridge Road. After he stopped the locomotive, blocking traffic on one of the main city thoroughfares, the engineer subsequently refused to move the train. Anderson city police

³³ Tillman orders to sheriffs, January 28, 1893, in Governor's Letter Books, SCA; Simkins, *Pitchfork Ben Tillman*, 221; Neal, *Tillman: The South Carolina Years*, 230.

³⁴ “The Railroads and the State,” *The Newberry Herald and News*, Wednesday, February 8, 1893.

then arrested Sheriff Gaines for obstructing the street. In Abbeville County the confrontation between county official and railroad operator proved almost fatal. According to the *Augusta Chronicle*, on February 3, in the small town of Hodges, Sheriff Nance “prepared to swoop down on the first train on the Richmond and Danville road that came into sight, but as the train men got wind of his intentions the sheriff made a failure.” As Nance stood astride the tracks to halt the train, the engineer quickened his pace, and “the erstwhile snail-like freight dashed by without stopping at the rate of 30 miles an hour.” The sheriff jumped clear of the tracks as the local townsfolk eagerly watched the drama unfold. Unlike his counterpart in Anderson, Sheriff Nance ultimately prevailed in the showdown when railroad operators—under the assumption the sheriff had left town—stopped the engine, and Nance captured the train. As news of the county sheriff’s encounters with train officials spread, the public debate intensified over Governor Tillman’s defiance of the federal injunction.³⁵

Conservative critics lashed out at Tillman, calling his actions “heavy handed” and “tyrannical.” In a similar scenario to the drama surrounding the phosphate industry that was shuttered during court deliberations, critics insisted that the governor was playing politics while the economy suffered due to his stifling railroad traffic. Moreover, Conservatives charged that Tillman’s legal battles drained the state treasury, nullifying the claims that Tillman made about shifting the burden of taxation off the backs of common men. In regards to the showdown with the railroads and the federal courts, the *Columbia State* asked:

What will be the end of it? Litigation, litigation, litigation. It seems to be the policy of the Administration to provoke litigation. It may be that the

³⁵ Ibid; *Augusta Chronicle* quoted in “The Railroads and the State,” *The Newberry Herald and News*, Wednesday, February 8, 1893.

millions arbitrarily annexed to the tax books, inducing a nominal decrease in taxation, will vanish into the air before this question is settled. And then? The State will be in a predicament, indeed. Money will be lacking in the treasury, and the government may be crippled. So much for the dangers of injustice.”³⁶

Conservatives maintained that Tillman’s attack on corporate power would harm the state, and they courted pro-business men outside the state to join their disparagement of the governor. The *Newberry Herald and News* highlighted a Georgia businessman writing under the pseudonym, “Dixie,” who compared Tillman to other so-called “reformers” that ultimately worsened the situation in their states. Comparing Tillman to James Hogg in Texas, the Georgian declared, “Governor Tillman is injuring his State more than he is hurting the transportation lines...His policy is not attracting investors to the state.” Furthermore, he warned that Tillman could face the same public scorn that befell other “demagogues,” who posed as “an unrelenting opponent to corporations,” and then found that the people would no longer listen.³⁷

Despite the delays to railroad traffic and the expected Conservative backlash, the vast majority of Tillmanites rallied behind the governor, portraying the contest as a crusade to curb corporate favoritism, define state sovereignty, and uphold manly honor. After the *News and Courier* chastised the administration, asserting, “railroads cannot be levied on with impunity, the *Edgefield Advertiser* responded: “And why not, pray? If railroads will not submit to the law, why should they be exempt from the penalties attaching for failure to submit? Are railroads any better than the balance of us? Can they pay or not pay taxes as it suits them! The position that the *News and Courier* assumes in

³⁶ Columbia State, quoted in “Will the Railroads Revolt,” *The Watchman and Southron* (Sumter), Wednesday, February 10, 1892.

³⁷ “The Railroad Litigation from a Georgia Standpoint,” *The Newberry Herald and News*, Wednesday, March 1, 1893.

its enmity to Gov. Tillman is *asinine*.” From the *Advertiser’s* perspective, corporations wielded power that could easily oppress common individuals. It was the state government, acting as representative of “the people,” that should properly defend against those abuses and insist on equal treatment all around.³⁸

Tillman supporters also hailed the governor’s refusal to send the railroad tax cases to arbitration, a scheme presented by Daniel Chamberlain, former Republican governor and current receiver for the Charleston-based South Carolina Railroad. “This proposal,” Tillman declared, “is the quintessence [sic] of insolence...the state will never arbitrate with her taxpayers about the justness of her taxes. She certainly will not arbitrate with a corporation as against individuals who may not have the money enough to carry on a litigation.” Chamberlain’s tenure as a Reconstruction governor, and his role as railroad receiver, made him a prime target of Tillmanite contempt. Thomas Adams of the *Edgefield Advertiser* wrote in defense of the governor:

Chamberlain, the carpet-bagger, proposing to Gov. Tillman to arbitrate the rights of South Carolina to her just taxes, is a spectacle for gods and men! And Gov. Tillman has very properly and promptly rebuked the insolence of this infamous blood-sucking vampire and hypocrite...stand by your guns, Carolinians...we propose to see our old mother out in the fight with the railroads for her sovereignty, let the result be what it may—arbitrate indeed!”³⁹

Governor Tillman and his followers did see the fight to the end—but the outcome would be a bitter pill to swallow. The state’s victory in the phosphate case would not be repeated. Judge Simonton, with the aid of Judge Nathan Goff, countered the governor’s measure by ordering the sheriffs to pay a \$500 fine or face prison time. Accordingly, several lawmen, including Sheriff Nance who had jumped clear of the oncoming train in

³⁸ *Edgefield Advertiser*, February 2, 1893.

³⁹ *Edgefield Advertiser*, May 4, 1893.

Abbeville, spent several days in prison. The state appealed the convictions of the sheriffs, but the U.S. Supreme Court ruled this time against Tillman, sustaining the railroads' claims that those in receivership did not have to pay the increased taxes. Tillman did manage to collect the new taxes from those railroads not held by receivers, but overall the battle against the railroads had been a net loss for the state. South Carolina was forced to pay the fines on the sheriffs that had violated federal law on Tillman's orders, and had also incurred \$4,000 of legal fees. The situation was even worse for those counties that had lost great amounts of revenue during the standoff—some had even had to close down public schools due to treasury short falls.⁴⁰

Tillman did not accept defeat at the hands of the federal government gracefully. During his final address as governor to the General Assembly, Tillman unleashed a storm of invective at the U.S. Supreme Court's decision with even greater vehemence than he had attacked the Conservative "ring" during his campaign stump speeches. With rhetoric resembling that of the nullification and secession crises that had aroused the ire of previous generations of South Carolinians, Tillman castigated the "fungoid growth of modern judicial precedent. . . . [that had] spread and grown with the rapidity of a banyan tree in the tropical jungles of Asia, until it now overshadows the land and blights the sovereignty of the States." He specifically attacked Federal Judge Goff as a carpetbagger, and Judge Simonton as an effete Charleston dandy who had "sucked State's rights with his mother's milk, and now plants his dagger in the State's breast." Additionally, Tillman reiterated his overwhelming distrust of corporate power. "These creatures," he fumed,

⁴⁰ *Columbia State*, February 2, 14, 17, 1893; *Charleston News and Courier*, February 8-9, 12, 14, 17; *Orangeburg Times and Democrat*, February 15, 1893; Neal, *Tillman: The South Carolina Years*, 230; Simkins, *Pitchfork Ben Tillman*, 221.

“these corporations, holding their existence from the State’s bounty and under its laws, like the monster Frankenstein, have grown greater than their creator.”⁴¹

Tillman’s actions in the railroad battle—i.e. the defiance of what he saw as the marriage between big capital and the federal government—won him a mixed reception within the state. The railroad-friendly Charleston *News and Courier* labeled Tillman’s resistance of the courts “states rights gone mad.” As usual, the majority of the state’s newspapers sided with industry and capital, and vilified Tillman. On the other hand, the Farmers’ Alliance state newspaper, the *Cotton Plant*, vindicated Tillman’s deeds as being “exactly right.” One reform legislator echoed the Alliance stance by saying that “we either have to control the railroads or they control us.” This statement, while not exactly promoting government operation of the railroads, is strikingly similar to the third plank of the Populist Party’s 1892 Omaha platform, which stated, “We believe that the time has come when the railroad corporations will either own the people or the people must own the railroads.”⁴²

Tillman’s political opponents, and modern scholars, often cite his rhetoric as just that, empty bombast and demagoguery. The railroad tax case, however, reveals that Tillman’s words were more than political theater meant to curry the support of lower class farmers. Surely the governor understood that his actions—especially in physically halting freight traffic—might result in financial pain for many farmers, and thus injure

⁴¹ *House Journal*, 1893, 15-34; see also Simkins, *Pitchfork Ben Tillman*, 221-22.

⁴² The Omaha Platform, originally printed in the *National Economist* (Washington, D. C.), July 9, 1892, reprinted in Norman Pollack ed., *The Populist Mind* (New York: The Bobbs-Merrill Company, Inc., 1967), 59-66. Pollack also states that the Omaha platform was released in all of the leading Populist newspapers following its introduction by the *National Economist*, the main organ of the party. Furthermore, the *People’s Party Paper* (Atlanta) reprinted the document several times until 1894; Charleston *News and Courier*, December 22, 1892, February 8, 1893; *Cotton Plant*, February 18, 1893; Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy*, 186.

him politically. Regardless of the logic behind his plan, or the ultimate outcome, Tillman's tactics reveal a stark distinction between his administration and that of the Conservative regime. Conservative policy had focused primarily on encouraging growth and publically supporting railroads; but the Tillmanist philosophy was rooted in an inherent distrust of corporate power. By re-establishing the rate-making commission he fulfilled the desires of a pro-regulation minority that preceded his election, and by increasing taxes on railroads and defying the federal circuit courts Tillman made a his own case for state-based regulation of corporations. One of the arguments he employed, that of "states' rights," has been stigmatized by its use to perpetuate slavery and segregation, and therefore the concept of states' rights *per se* is often conflated with reactionary forces, the antithesis to progress and social equality. Similarly, the states' rights argument is often viewed as one offered primarily by those opposed to government regulation at any level. Nevertheless, Tillman's insistence of states' rights in the wake of the railroad tax decision was just the opposite—he complained that the corrupt federal court system, by the arbitrary practice of receiverships, was stifling the power of the states to regulate corporate dominance through taxation. From his perspective, the federal courts—like the Conservative majority in South Carolina—was attempting to unleash laissez-faire capitalism on an unwilling populace. Active state governments, according to Tillman, were the proper sentries to check that power, to ensure that Frankenstein's monster did not outgrow his creator.

CHAPTER 6
RUM DEMONS AND WHISKEY RINGS: PROHIBITION TO THE STATE
DISPENSARY

“The idea that the Dispensary Law was to promote temperance is a sham. The men who engineered it probably expected that it should be a money making business for the State.” In 1894, an anonymous writer using the designation, “a Citizen of South Carolina,” penned the preceding statement in a lengthy condemnation of the South Carolina Dispensary, the state agency Governor Ben Tillman had proposed to curtail the problems associated with alcohol abuse while avoiding prohibition. Between 1892 and 1907, the dispensary law forbade private production and sales of alcohol, and established the state government as the sole purveyor of spirits in South Carolina. Rivalled only by the agricultural college and the state constitution of 1895 that disfranchised many African Americans, Tillman’s dispensary was arguably the most significant venture of his political career. It was also the most controversial in his day, and the prospect of determining the fundamental motivations behind the system still challenges scholars.¹

While historians disagree on the merits of the state’s monopoly of the liquor trade—many critics perceive the dispensary as another example of Tillman’s tyrannical tactics. According to Tillman and the Reformers, though, the system was a reasonable solution to a confluence of problems: widespread prohibitionist sentiment, the shocking abundance of saloons and alcohol-related crimes, and the serious question of how much a

¹ A Citizen of South Carolina, “A Citizen’s View of the State of Affairs in South Carolina,” *The American Law Register and Review* 42. 5 (May 1894), 342.

government should interfere with the freedoms of individuals. Despite the skepticism over the dispensary's constitutionality and the criticism over Tillman's tough enforcement of the law, Tillmanites claimed the plan successfully avoided outright prohibition while curbing the proliferation of saloons and their concomitant vices of gambling and prostitution. Moreover, the dispensary also illustrates the Tillmanist conception of the state as the guarantor of social order.²

To understand Tillman's reasoning behind the dispensary and how it embodied a singular perception of state activism within a longstanding framework of Conservative discourse, it is crucial to first examine the conditions in South Carolina that preceded it. Southern scholar Bertram Wyatt-Brown quotes a northeastern visitor remarking on southern alcohol consumption in 1821: "The highest & lowest Classes are much addicted [sic] to excessive drinking." Wyatt-Brown maintains that for upper-class southern men, "drinking was a function of masculinity." Elite men drank, often to excess, as a means of bonding with other men, and asserting their own virility. Furthermore, alcohol was an elemental symbol through which elite southerners displayed their hospitality and gentility. Historian Joe Coker succinctly summarizes the crucial role that liquor played in establishing and maintaining one's credentials as an *honorable* southern gentleman:

Conspicuous consumption of alcohol was a part of southern culture not only among the laboring class but also among the planter aristocracy...[S]ociability was key if a man hoped to achieve public recognition of his gentility within the southern culture of honor. A man of wealth and honor was expected to be a gracious host who always offered his guests alcoholic refreshments. Failure to extend such a courtesy was a flagrant affront and a sign of disrespect and dishonor, as was the refusal to

² For discussions of the South Carolina Dispensary see, Francis Butler Simkins, *Pitchfork Ben Tillman*, 234-261; Neal, *Tillman: The South Carolina Years*, 328-354; and John Evans Eubanks, *Ben Tillman's Baby: The Dispensary System of South Carolina, 1892-1915* (Augusta, Ga., 1950); Ellen Alexander Hendricks, "The South Carolina Dispensary System: Part I, *The North Carolina Historical Review* 22. 2 (April 1945), 176-197, and Part II, *Ibid*, Vol 23. No. 2 (July 1945), 320-349.

accept a drink when offered. Thus, sharing an ice-cold cocktail—usually a rum-based julep—with visitors to one’s home in the heat of summer was more than a southern hospitality; it was part of a complex of social interactions by which one defined oneself as a man of gentility, of ease and luxury, and of honor.³

While alcohol consumption was indeed an important function of southern elite culture, many aristocratic men were not simply “social drinkers.” According to Wyatt-Brown, an examination of the correspondence left by elite southern families leaves one “struck by the number of alcoholic illness and death.” Elite young men—especially at university—drank “superhuman” amounts, and they were prominent among the many men who wrecked or prematurely ended their lives with liquor. Still, despite the cultural significance of alcohol in upper-crust society, many southerners did not accept this as a matter of course. Even outside “teetotaler” circles, southerners routinely lamented the human tragedy alcohol could induce. Therefore, early attempts at temperance came not only from religious zealots, but also from mournful family members of those struck down by the “alcoholic disease.” Nevertheless, religion yet proved to be the strongest force behind the nascent temperance crusade.⁴

Organized temperance in South Carolina primarily grew from the same nationwide enthusiasm that swelled after the Second Great Awakening in the early nineteenth century. Largely championed by women and inspired by fervent evangelical revivals, moral reform organizations of all stripes began to gather steam across the United States in the 1820’s and 1830’s. Historians have noted multiple religious, cultural, and socio-economic stimuli for the surge in temperance activity, but one undeniable catalyst was the simple fact that liquor consumption had soared from its already ample level. In the

³ Joe Coker, *Liquor in the Land of the Lost Cause: Southern White Evangelicals and the Prohibition Movement* (Lexington, KY: University Press of Kentucky, 2007), 41.

⁴ Wyatt-Brown, *Southern Honor*, 279.

late 1820s and early 1830s annual per capita consumption crested five gallons, roughly triple that of modern levels. Employing gross national approximations, at least one scholar contends that for American men and women past the age of fifteen, by 1830 hard liquor consumption reached the staggering rate (quite literally in this case) of 7.1 gallons per annum. Historian W. J. Rorabaugh contends that Americans in the early republic and Jacksonian era “drank more alcoholic beverages per capita than ever before or since,” and “the changes in drinking patterns that occurred between 1790 and 1840 were more dramatic than any that occurred at any other time in American History.”⁵

Accordingly, on July 4, 1838, the State Temperance Society (STS), South Carolina’s first statewide organization of such, began spreading the gospel of abstinence. Primarily consisting of Baptists, the STS and similar groups across the South proclaimed their cause to be a crusade against the forces of evil. They associated alcohol with Satan—hence the term, “Demon Rum”—and argued that their mission was no less than a war between darkness and light, God and the Devil. Temperance crusaders also warned that drunkenness threatened the home and family, and the manhood of male heads of household. Nevertheless, these “Cold Water” enthusiasts recoiled from the notion of enlisting the government in their holy battle. The STS maintained that their objective was to *persuade* men to be sober through religious teaching (commonly known as “moral suasion”), and formally rejected “all sectarian or political combinations, and all dependence upon, or intention to seek legislative aid.” According to historian William A.

⁵ Hendricks, “The South Carolina Dispensary System: Part I,” 176; William A. Link, *The Paradox of Southern Progressivism, 1880-1930* (Chapel Hill: University of North Carolina Press, 1992) 37-39; W. J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (New York: Oxford University Press, 1979), ix-xii; for analysis and data concerning national alcohol consumption, see W. J. Rorabaugh, “Estimated U.S. Alcoholic Beverage Consumption, 1790-1860” *Journal of Studies on Alcohol* 37 (March 1976): 357-63. See also, Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* 25th Anniversary Edition (New York: Oxford University Press, 2007); Norman H. Clark, *Deliver Us from Evil: An Interpretation of American Prohibition* (New York, 1976).

Link, despite the fact that the antebellum temperance movement was in many senses communitarian, a significant strain of individualism also suffused the group. Many reformers understood as axiomatic that sobriety must come down to personal redemption and responsibility, not coercive legislation.⁶

It was not until the post-Reconstruction that southern temperance advocates called on government to aid their cause. Most historians agree that by 1880, the movement decidedly transformed its strategy from one of moral suasion to that of “legal suasion.” To promote liquor legislation, temperance champions advanced many of the same arguments that they had employed for years to convert individual drinkers. Alcohol, they insisted, was the catalyst for all other vices; it ruined one’s health, shattered families, and instigated domestic violence, crime, gambling, and illicit sex. Temperance folk routinely spoke of heart-broken mothers, starving children, crime-ridden streets. In the 1880s these symbols of drunkenness were not new, but temperance advocates began altering their message; alcohol abuse was no longer an individual failing, but a *social* and *public* scourge. Furthermore, evangelical leaders insisted that a democratic society that allowed the debauchery that liquor caused was asking for punishment from an angry God. Crusaders also sought support from more secular citizens with economic arguments—alcoholism and soaring crime rates represented a high monetary cost to society. Appealing to the new business class, they also contended that sober workers were more productive, and that consumers would have more money to spend without the option to buy liquor. While individuals within the temperance movement may have had different

⁶ Hendricks, “The South Carolina Dispensary System: Part I,” 176; William A. Link, *The Paradox of Southern Progressivism, 1880-1930* (Chapel Hill: University of North Carolina Press, 1992) 37-39. For a thorough discussion of the antebellum temperance movement and the movement towards prohibition, see Ian Tyrell, *Sobering Up: From Temperance to Prohibition in Antebellum America, 1800-1860* (Westport, Conn.: Greenwood Press, 1979).

motivations, by the 1880s the vast majority agreed that their focus must shift from converting individual drunkards to transforming a drunken society.⁷

The first restrictive liquor laws in post-bellum South Carolina passed in 1878 and 1880. They first barred selling alcohol within one mile of any school, college, or church, while the next conformed to a popular southern pattern known as “high license.” In Tennessee in the late 1860s, Governor William “Parson” Brownlow (a former Whig turned Radical Republican) had initiated this system of steep licensing fees for liquor wholesalers and barrooms, hoping to tax his state’s whiskey industry into extinction. Although support for liquor legislation was certainly not unanimous among Conservative Democrats in South Carolina—the issue caused much contention within the Party—lawmakers in 1880 enacted a measure allowing incorporated towns and cities to set license fees for alcohol retailers, provided that a fee of \$100 be paid to the county as well. Subsequently, many towns fixed license fees anywhere between \$500 and \$1000.⁸

Debate over the license system also illustrated the tenuous stability of the Victorian Era’s supposedly separate gender spheres. During the legislative debate preceding the bill’s passage, organized women across the state publically declared their support for the license. In December 1880, pro-license representatives in the state House unrolled a petition reported to have been thirty yards long, containing the signatures of at least eight thousand Charleston women. Representatives from Anderson County produced another petition of at least ten feet. By petitioning the legislature women pushed against the social boundary limiting them to the domestic sphere. But the vast

⁷ See Coker, *Liquor in the Land of the Lost Cause*, 42-56.

⁸ South Carolina, *Acts*, 1878, 508; Coker, *Liquor in the Land of the Lost Cause*, 60-61; *Statutes at Large of South Carolina*, 1880, 460; Rita Foster Wallace, “South Carolina State Dispensary, 1893-1907” (Masters Thesis, University of South Carolina, 1996), 3.

majority of citizens, whether or not they supported restrictive legislation, understood that liquor could be legitimately construed as a moral issue, and morality was certainly within the woman's domain. As the anti-liquor cause encroached more and more into the political realm, "proper" southern ladies tread carefully on ground that overlapped public and private spheres, while more defiant women brazenly strode across the boundary. Some temperance men even urged women to jump into the political fray and battle Demon Rum. In the *Columbia Register* in 1881, John H. Hobbs told women that even though they lacked the vote, they should hold a convention to nominate an anti-liquor candidate and convince their husbands and sons to support him. "If you will," Hobbs wrote, "nominate a set of good men for State and County offices, and get them to take the field for you, and prepare voters for them at your homes, you will succeed. Now is your time to rise and give the dragon *home* thrusts." Ultimately, the prohibition issue organized more women than any other cause in the country and led to the suffrage movement in the early twentieth century.⁹

Not all South Carolina opponents of alcohol approved of the high license plan. According to the *Winnsboro News and Herald*, during the House debate over the proposition, some legislators "opposed the bill on the ground that liquor selling is a nuisance and crime that should not be sanctioned in any way. They favored total prohibition or nothing at all." One of the most famous prohibition men in the country, Sam Jones from Georgia, agreed with that assessment. Jones, a former alcoholic turned traveling Methodist minister who insisted that "a man can't drink whiskey and be a Christian," maintained that the liquor law should go all the way, or not at all. The

⁹ *Winnsboro News and Herald*, December 31, 1880; John F. Hobbs' article from the *Columbia Register*, reprinted in "A Woman's Anti-Liquor License State Convention," *Edgefield Advertiser*, April 7, 1881, 1.

Anderson Intelligencer reprinted a lengthy sermon in which Jones, speaking to a Tennessee audience, condemned such legislative half-measures as the high license:

I find some men who want whiskey, some who want high license and some who want prohibition. For my part I want either free liquor or prohibition. If it is a good thing let's have it free; if it is a bad thing, in the name of God let's kill it forever from the face of the earth. High license is no friend to prohibition; it simply dignifies the calling, puts it into costlier places and drives out the little fellows so that the big ones can make all the money. You might as well talk about putting a high license on the cholera, yellow fever, smallpox or any other curse. And I say if it's a good thing let's turn it loose; but if its not good let's not gild it and confine it to fine rooms, but let's do away with it altogether. I do not think it is necessary before this intelligent audience to argue as to whether it is good or not. There is not a saloon man who, if he would tell the truth, would not admit that it was bad, but they won't admit it, because their opinion comes from their pocket-books.¹⁰

From Jones's perspective, alcohol represented a disease the likes of cholera or yellow fever; thus, the idea of placing a license fee on something so obviously destructive was patently absurd. Ultimately, though, practical matters trumped principles in rendering the high license system defunct. As in other states, temperance enthusiasts in South Carolina were eventually dismayed at the ineffectuality of "high license." The most common result was that small-scale dealers were driven out of business, while better-equipped retailers and bootleggers filled the supply vacuum. Temperance advocates quickly realized that their goal of ending drinking—or at least curbing it significantly—would require stronger measures. South Carolinians next turned to another popular program, the local option law.¹¹

In 1882 Conservative lawmakers in South Carolina passed a "local option" measure they hoped would mitigate the furor that threatened to upset Democratic

¹⁰ Winnsboro *News and Herald*, December 31, 1880; Coker, *Liquor in the Land of the Lost Cause*, 48-49; "Sam Jones. The Apostle of Prohibition Opens the Tennessee Campaign," *Anderson Intelligencer*, Thursday Morning, June 23, 1887, 1.

¹¹ Rita Wallace, "South Carolina State Dispensary," 4;

solidarity. The law required that towns and cities hold special elections to decide for or against legal liquor sales (“License” or “No License”) when at least one-third of the total number of voters in any incorporated town petitioned the council. Many municipalities quickly availed themselves of the option; in one week in December 1883 the towns of Marion, Winnsboro, Spartanburg, and Orangeburg all declared “No License” through solid majorities. These elections usually went off peacefully despite the passion from both sides. In Greenville, however, where the pro-liquor crowd won the “License,” prohibitionists complained that their foes behaved outrageously in the wake of their victory. Temperance advocates wrote that the “Wets” attempted to terrify Mrs. F. A. Walter, president of the local Women’s Christian Temperance Union and wife of a prominent temperance man. According to the *Anderson Intelligencer*, “a mixed crowd of ill-behaved whites and blacks proceeded in the most riotous manner,” and “indulged in conduct of the most outrageous character and in the boisterous use of the foulest language that a dirty crowd of roughs could invent.”¹²

By 1891 more than sixty South Carolina towns and a handful of counties had voted “No License” under the local option law. For many Conservative lawmakers, supporting the local option system seemed ideal—it promised to mollify strident temperance folk who could lead charges for prohibition in their towns, but also kept the “option” open for individuals who still wanted to drink, as most people in dry locales could easily buy liquor in some nearby town. More importantly, though, many Conservatives championed the local option because it kept the regulatory role of the state

¹² South Carolina, *Acts*, 1881-82, 893-94; “Excitement in Greenville,” *Anderson Intelligencer*, Thursday, December 6, 1883.

government to a minimum. Citizens of towns and counties could decide on this thorny issue, while the state would remain virtually uninvolved.

Nevertheless, temperance crusaders saw their cause as singular—not constrained by political principles as they applied to most matters. After high licenses and local options failed to mitigate drunkenness, they began to adamantly champion statewide, absolute prohibition. After the biracial riots following the “License” vote in Greenville, one temperance proponent concluded that the pendulum had at that moment swung towards total prohibition:

Their riotous hooting, yelling, obscenity and profanity cannot be described. The effect of it finds vent in almost universal denunciation of the practices of the liquor men by the good people of the city. The sentiment against barrooms today is very strong and many respectable voters of the license ticket, who have supported that side on the ground that prohibition was impracticable, openly vow eternal opposition hereafter to licensing the sale of liquor. A similar election now to that of Saturday would undoubtedly annihilate liquor saloons in this city.¹³

As alcohol use continued, in the 1880s temperance men and women across the South turned almost completely to total prohibition. Consequently, anti-liquor South Carolinians inspired friendly lawmakers to offer prohibition bills in the legislative sessions of 1885, 1887, and 1889. Each time prohibition came close to passing, but failed due to the efforts of staunch Conservatives determined to keep prohibition out of the purview of the state government. Scholars differ on the exact reasons that temperance proponents made the strategic shift from moral suasion towards legal suasion and outright prohibition. William A. Link and others contend that one possible cause was the market economy. According to Link, “by the 1880s, when the market economy began to transform both southern agriculture and industry, excessive use of alcohol became a

¹³ *Anderson Intelligencer*, Thursday, December 6, 1883.

metaphor for anxiety about the larger disintegration of community and moral values.” On the other hand, Ted Ownby suggests that the turn resulted from the changing attitude towards gender in the southern church, which had once “allowed masculine aggressiveness... to coexist” with domestic evangelicalism. “It is essential to remember,” Ownby argues, “that drinking, above all, was recreation, and that the movement to prohibit drinking was, in large part, a movement to abolish an important male recreation.”¹⁴

Others argue that the intersection of race and sex played a crucial factor. According to historian Joe Coker, temperance organizations and evangelical ministers feared the growing impudence and sexual aggressiveness that emancipation had unleashed within the black male population. Accordingly, they believed lewd labels on liquor bottles encouraged black “brutes” to ravish white southern belles. For southern temperance crusaders, Coker concludes, these sexually provocative labels “constituted the smoking gun proving the direct connection between liquor and rape.” Prohibition consequently provided a curative to the supposed plague of interracial rapes and the corresponding scourge of lynchings.¹⁵

For anti-liquor South Carolinians over the course of the 1880s, each of the factors mentioned above likely contributed to their motivations, but interestingly the fear of racial chaos and sexual attack seems to not have been a primary concern—at least not one that was often raised publicly. For example, the Greenville temperance advocates who complained of pro-liquor hooligans taunting and vandalizing property noted that the crowd of “roughs”—a comment not on their race, but on both their morality and *class*—

¹⁴ Link, *Paradox of Southern Progressivism*; Ted Ownby, *Subduing Satan: Religion, Recreation, and Manhood in the Rural South, 1865-1920* (Chapel Hill: University of North Carolina Press, 1990).

¹⁵ Coker, *Liquor in the Land of the Lost Cause*, 162.

were a mixed group of blacks and whites. South Carolina prohibitionists generally relied on the stock arguments that temperance reformers had employed since the 1820s—the ill effects of alcohol to the home and family, economic hardships, unruly saloon life and crime, sexual promiscuity, and the overall sinfulness of drunkenness. By the late 1880s, however, some were connecting those evils directly to government sanction of a moneyed and powerful liquor trust. If alcohol was not formally banned, they argued, then the government was *actively* promoting liquor and everything that came along with it. In February 1888, the *Abbeville Press and Banner* printed W. Jennings Demorest's condemnation of government's bond with the liquor industry:

Our government thus is a centralized legal drunkard manufactory, sanctioning the crime, and protecting the criminal in his murderous poisoning the people for a money consideration paid in advance. What wonder that crime and anarchy pervade the whole community when such demoralizing dehumanizing practices become the standards of public morality.¹⁶

Race did play a part in the South Carolina prohibition campaigns of the 1880s, but demagogic portrayals of drunken black rapists did not find their way into much of the public discourse. Some prohibitionists did suggest that African Americans were naturally disposed to drink, and therefore would bolster the anti-prohibition forces. According to the *Anderson Intelligencer*, “the negro favors whiskey because he loves it, and also because by doing so he can go against the wishes of the majority of the white voters.” Nevertheless, a different article on the same page noted the significant number of black church leaders and women who were working alongside whites for prohibition. Regardless, the most widely discussed issue pertaining to race was not whether African Americans supported whiskey or prohibition, but how keeping the prohibition issue alive

¹⁶ W. Jennings Demorest, “Prohibition the Synonym for Moral Purity and Political Heroism,” *Abbeville Press and Banner*, Wednesday, February 29, 1888.

might lead to dangerous political consequences. the black vote, especially since it precipitously declined after the discriminatory “Eight-box” voting law of 1882.¹⁷

In addition to their assertions that alcohol use was an individual choice, or that prohibition simply did not work, anti-prohibition leaders feared that the issue would fracture the party that had reclaimed the state in 1876. The black vote had declined significantly after the discriminatory “Eight-box” voting law of 1882, but many whites worried that the prohibition fight could resurrect African American political activity. Since white Democrats were split on prohibition, many feared that any such wedge issue could lead to the breakdown of white solidarity and the reemergence of blacks as a deciding factor in contentious issues. Major John B. Moore of Anderson insisted that the question of prohibition would “divide the white people who are agreed upon all other political questions; and in that event it is not difficult to perceive that the colored man would hold the balance of power—that in the zeal of contending parties he would be courted by both, and that he would ultimately have the decision of the question.”¹⁸

Despite what anti-prohibition men warned, African Americans were essentially as divided on the issue as whites, and therefore never represented the swing vote for either faction of white Democrats. By 1890, when Ben Tillman and the Reform faction secured control of the state government, citizens and politicians were deadlocked over prohibition, with either side refusing to budge. Conservatives who prized white men’s individual liberty above all contended that the proposed law “would curtail the rights of our citizens,” while prohibitionists deemed intemperance so evil that it should be outlawed like murder or other heinous crimes.

¹⁷ *Anderson Intelligencer*, Thursday, December 1, 1887.

¹⁸ *Anderson Intelligencer*, Thursday, February 12, 1885.

Notably, despite the seeming chasm between these two positions, neither side called for any significant change to the size and function of the state machinery. Anti-prohibitionists obviously wanted no change (or a repeal of the local restrictions already mentioned), and their opponents simply envisioned alcohol being prohibited by the existing authorities. Temperance crusaders were not demanding a more active state or the creation of any major regulatory agency. They merely desired to add the sale and use of alcohol to the list of activities the state government already deemed criminal. Upon Tillman's election, however, the new governor proposed a third and much more ambitious option—many would say radical, or tyrannical.

Ben Tillman did not fit into either of the ideological camps in the prohibition contest of the 1880s. Like most South Carolinians he had spent a substantial amount of time in church pews, but he was hardly a zealous Christian. There is no evidence that Tillman seriously feared the wrath of God that many evangelicals warned liquor would incur. Nevertheless, the new governor also showed no particular affinity for distilled spirits. Notwithstanding what historians like Bertram Wyatt-Brown and Joe Coker have revealed about the important symbol of honor that alcohol represented in southern male culture, alcohol was simply not a significant part of Tillman's life. Furthermore, those elites who relied on rum juleps to impress their visitors and display their honor were the same people he routinely scorned from the stump. And while he may have nursed a dram of brandy occasionally, hog jowls, collard greens, and buttermilk were much greater temptations than liquor in Tillman's world.

Even though Tillman paid little mind to alcohol in his personal life, as governor the issue was something he could not ignore. Prohibitionists, despite their defeats in the

1880s, redoubled their efforts to ban alcohol during Tillman's first term. Governor Tillman was not one of the thousands of South Carolinians persuaded by the prohibitionists in the early 1890s; however, he did not hesitate long in publicly acknowledging the downsides of rampant liquor abuse, especially as it related to increased crime. In his address to the General Assembly in 1891, Tillman stated that although he was no prohibitionist, "There [were], as [he was] informed, between 700 and 800 bar-rooms in the State. . . . [and that] no sensible man [would] deny that one-half or three-fourths of the crimes committed in the State [were] traceable directly to the drinking of whiskey." Statistics supported his declaration: in 1892, just in the time period between July 1 and September 30, reports from twenty-two cities found that there were 577 arrests for drunkenness and public disorder. This statistic does not include other crimes committed under the influence of alcohol.¹⁹

As early as 1891 Tillman apparently wanted to curb excessive drinking and the related criminality. He did not, however, consider absolute prohibition "practicable, or even desirable." He would later say that he did not think people could be "legislated into morality." As usual, on this issue Tillman did not ignore the financial considerations of the government or his rural supporters. He sought a plan that would employ the state as an agent of increased regulation and social control, and also benefit the state's purse, whereby tax burdens could be lifted from depression-wearied farmers. Tillman proposed to modify the current system of issuing liquor licenses, whereby one could obtain a license by paying \$100 fees to both the county and the municipality in which they would operate. Alternatively, Tillman's new plan suggested that municipalities should be barred

¹⁹ Eubanks, *Ben Tillman's Baby*, 55; Columbia, *State*, October 5, 1892; *House Journal*, 1893, 38-39; *House Journal*, 1891, 58-59.

from issuing licenses, and that all revenue obtained through liquor permits should go to the counties and the state's general fund.²⁰

The governor insisted that since county and state taxes—“and largely the country people”—funded the courts that bore the expense of handling the cases caused by whiskey drinking, the municipalities therefore had no rightful claim to profit from the licensing of barrooms. Tillman primarily aimed his message at rural country folk, who distrusted city life and resented the town-dwelling class. “The people in the country not only pay tribute to those who sell liquor, by means of which the towns are beautified and adorned,” he declared, “but they pay tax for the suppression of crime produced by the maintenance of these barrooms.” Additionally, Tillman suggested a higher license fee, which he contended would both increase state and county revenue, and also decrease the number of saloons. Unfortunately for the governor, prohibitionists, liquor dealers, and municipal leaders disapproved of his plan, and the Senate easily killed the bill.²¹

Despite another legislative defeat in 1891, prohibitionists maintained pressure on government officials. Strongly influenced by the state's most widely read religious newspapers, the *Baptist Courier* and the *Southern Christian Advocate*, the South Carolina Democratic Executive Committee conceded to give citizens the option to vote on prohibition during the 1892 primary. The committee, however, clarified that the results would not be official or binding on the elected candidates. Almost 20,000 primary voters did not opt for either side of the liquor issue, but among the 68,515 who did, the prohibitionists won a majority of about 10,000. A significant number of Tillmanites voted

²⁰ *House Journal*, 1891, 58; *Senate Journal*, 1892, 24-28; Neal, *Tillman: The South Carolina Years*, 330-31.

²¹ *House Journal*, 1891, 58-59, 138-39; *Columbia State*, December 2, 6, 1891; Neal, 329-30; Eubanks, *Ben Tillman's Baby*, 55-57.

for prohibition, so Tillman determined to pass some measure to alleviate the building antagonism between the opponents over liquor and forestall one of the groups from “[appealing] to the Negro as the balance of power.”²²

In a November 1892 message to the General Assembly, Tillman reiterated that the vote had only been abstract, “without any definite legislation being indicated.” The governor also argued that prohibition laws were usually ineffectual, cost-prohibitive, and unenforceable. Moreover, he added that “all classes, men and women alike, feel, at times, the need of stimulants, and many who are never guilty of excess in their use resent any law infringing upon personal liberty.” Tillman also restated his earlier point that the “liquor men” and towns profited from the alcohol business, while country people suffered from it due to increased taxes. South Carolinians were already divided along town and country lines, “and the wisdom of further division [was] questionable.” The governor recognized that both current options—outright prohibition or unregulated trade—would continue to exacerbate the antagonism between the friends and enemies of prohibition.²³

During the 1892 legislative term there were several bills introduced offering various methods of deciding the liquor question; the two most popular were a statewide referendum, and prohibition with exceptions for medicinal purposes. Eventually legislators compromised and put forth what was commonly known as the Roper bill. This measure prohibited the sale of alcohol except for medicinal purposes, and also called for a State Commissioner who would scrupulously oversee distribution in order to prevent abuses of the medicinal trade. The bill easily passed in the House, but fell in the

²² *Southern Christian Advocate* (Columbia), June 30, August 25, 1892; *Greenville Baptist Courier*, July 28, 1892; *Columbia State*, September 1-3, 1892; Neal, *Tillman: The South Carolina Years*, 329-30; Simkins, *Pitchfork Ben Tillman*, 235; Eubanks, *Ben Tillman's Baby*, 58-59; *Senate Journal*, 1892, 24-28; Neal, 331.

²³ *House Journal*, 1892, 29-31.

Senate. Tillman was determined to pass some measure on the liquor issue before the legislature adjourned for the year. He collaborated with Senator John Gary Evans, an important supporter from Aiken, to introduce a measure that would prohibit the private sale of liquor and establish a state-owned liquor dispensary. Tillman saw this as a viable path to eliminating saloon life and thus pleasing prohibitionists, while refraining from restricting the freedoms of moderate drinkers. He also saw the dispensary as a potential boon to the state's income that could decrease overall tax rates and further please his country-based supporters.²⁴

Tillman's knowledge of the dispensary system is primarily attributable to T. Larry Gantt, editor of the *Columbia Daily Register*. Gantt was formerly a newspaper reporter in Athens, Georgia, where in October 1891 the city had instituted a municipal liquor dispensary based on the system used in Gothenburg, Sweden. He convinced Tillman that the compromise would destroy the antagonism between the Wets and Drys, and that it had brought Athens significant revenue without the need for additional taxes. The dispensary bill was introduced as an amendment to the Roper prohibition bill, so as to avoid the necessity of three readings that was required under House rules. Opponents of the bill insisted that the "amendment" was not relevant to the original bill and unsuccessfully attempted to filibuster. Although there was fierce opposition to the bill by both prohibitionists and liquor purveyors, Tillman, with the help of Senator Evans

²⁴ *Senate Journal*, 1892, 357, 420, 504; *House Journal*, 1892, 98, 290, 574; *Columbia State*, November 11-13, 24, December 24, 1892; Eubanks, *Ben Tillman's Baby*, 60; Neal, *Tillman: The South Carolina Years*, 331-32; Jack E. Tuttle, "Tillman and the South Carolina Dispensary," *Proceedings of the South Carolina Historical Association* (1961), 64-65.

secured enough support for passage. The Dispensary Bill became law just in time to beat the legislature's scheduled adjournment of December 24, 1892.²⁵

The most essential function of the South Carolina Dispensary Law, which was set to take effect on July 1, 1893, was to prohibit the sale of intoxicating spirits by both private individuals and companies, and to reserve that function solely to state government. The law prescribed the creation of a Board of Control, consisting of the governor, attorney general, and comptroller general that would supervise the dispensary's operation. It also provided for the appointment of a commissioner who would purchase all alcohol for legal sale in the state, and then distribute the liquor to county dispensers. Those agents were to be appointed by County Boards of Control. Each county received one dispensary, excepting Charleston and Richmond, which received ten and three respectively due to their large populations. The state commissioner and the county dispensers were to be men not known to be addicted to alcohol or to have ever been engaged in the liquor business. Additionally, they were obligated to post bonds of \$3,000 to insure that they adhered to the new liquor laws. The revenue generated by the dispensaries would be divided among the counties, municipalities, and the state. Specifically, the state would receive one-half of the profit, and the county and municipality in which the liquor was sold would each receive one-fourth. This provision

²⁵ Eubanks, *Ben Tillman's Baby*, 59; Neal, *Tillman: The South Carolina Years*, 332-333; Simkins, *Pitchfork Ben Tillman*, 237-238. Although the arrangement of establishing a public monopoly on the liquor trade originated in Falun, Sweden in 1850, the plan was "perfected" in Gothenburg. The system was meant to eliminate the motives of profit behind the liquor business and thereby reduce the overall consumption of alcohol. The plan was so successful in Gothenburg that the Swedish government instituted the system on a nationwide scale in 1895. Walter Thompson, *The Control of Liquor in Sweden* (New York, 1935), 13-16, as cited in Neal, 333; *Charleston News and Courier*, December 18-26, 1892; *Columbia State*, December 18-26, 1892; *Columbia Daily Register*, December 18-26, 1892.

was more appealing to municipal leaders than Tillman's 1891 suggestion, which would have cut out municipalities from all liquor revenue.²⁶

The Dispensary Law may not have completely satisfied adherents of outright prohibition, but it did make the purchase of liquor a much more complex procedure than it had been. Furthermore it would now be a matter of public record. Persons wishing to purchase liquor from the dispensary would have to submit a written request including their name, address, the volume and type of liquor desired, and declaring for whose use the alcohol was intended. Additionally, no dispenser was allowed to sell spirits to anyone whom they knew to be a minor, to be currently intoxicated, or to be prone to excessive indulgence. Liquor purchases were only to be made in sealed packages between sunrise and sunset, and opening or consuming said liquor on dispensary premises was expressly forbidden. It is also important to note that the law did not force dispensaries upon counties that did not wish to have them. A majority of electors of any municipality could vote to preclude the establishment of a dispensary in their community.²⁷

Critics from both sides of the prohibition issue continually arraigned Tillman's new creation. In an article titled "An Obnoxious Law," J. F. Clinkscales of the *Anderson Intelligencer* insisted that the liquor trade was not a proper government function and condemned Governor Tillman of practicing "mad paternalism." Narciso G. Gonzales of the *Columbia State* maintained that Tillman's sole purpose behind the dispensary law was destroying free business in order to collect huge profits for the state. Several church leaders admonished their members for purchasing any sort of liquor, dispensary or

²⁶ South Carolina, *Acts*, 1892, 62-67.

²⁷ *Ibid*, 69.

otherwise, and worked with other prohibitionists to try and keep the local dispensaries from receiving the necessary signatures on petitions for establishment.²⁸

In an address to the General Assembly in November 1893, Tillman refuted critics of the Dispensary Law by describing its benefits. He argued that the incentive for profit had been eliminated, along with ambitious purveyors, which would therefore decrease the overall consumption of liquor. Additionally he declared, “the concomitants of ice, sugar, lemons, &c., being removed there is not the same inclination to drink remaining, and the closing of the saloons, especially at night, and the prohibition of its sale by the drink, destroy the enticements and seductions which have caused so many men and boys to be led astray and enter on the downward course.” The governor also stressed the progressive ideas of government regulation of quality standards, maintaining, “a pure article is guaranteed, as it is subject to chemical analysis,” and that “treating is stopped, as the bottles are not opened on the premises.”²⁹

The law did stipulate that the state commissioner “shall not sell to the County Dispensers any intoxicating or fermented liquors except such as have been tested by the chemist of the South Carolina College and declared to be pure and unadulterated.” This feature of the legislation was a comparable precursor of the Pure Food and Drug Act of 1906. Evidence of the governor’s concern for providing residents with pure quality liquor can be seen in the care with which he selected a manufacturer, as well as the study he put into the subject. Along with his appointed commissioner, David H. Traxler, a tee-totaling Baptist from Florence County, Tillman visited Louisville, Cincinnati, and Pittsburgh to inspect distillers and bottling plants. He eventually contracted with George Hubbell of the

²⁸ *Anderson Intelligencer*, January 4, 11, 1893; *Columbia, State*, December 24, 1892; Neal, *Tillman: The South Carolina Years*, 335.

²⁹ *House Journal*, 1893, 39-40.

Mill Creek Distilling Company of Cincinnati. After sampling different varieties and reading on liquor distillation, Tillman, who seldom drank alcohol, comprised a system of labeling whiskey barrels with one to three X's to ensure quality standards.³⁰

One of the most effective statistics Tillman employed in defense of the Dispensary Law was the reduction in public drunkenness. He showed records comparing the number of arrests for drunkenness from July 1 to September 30 for both 1892 and 1893. While there were 577 such arrests during the summer of the year prior to the dispensary, records for the same period in 1893 showed 287 arrests, a reduction of 290. The governor also commended the Dispensary Law for the income it had secured for the state. He asserted that between the fifty-one dispensaries that were in operation by October 1893, they had collected a net profit of \$32,198.16 for the state—an equal amount would be split between the counties and municipalities where the liquor was sold.³¹

Tillman also spoke to those disgruntled citizens who were potential third-party bolters. Although the People's Party had failed to make significant gains in the 1892 presidential elections, it was still relatively strong and was gearing up for the next round of contests. Tillman appealed to the might-be Populists when he lauded the dispensary law as the destruction of the “whiskey rings” that had “been the curse of every municipality in the State, and [had] always controlled municipal elections.” To third-party radicals, “rings” and “trusts” symbolized the hated money power. Tillman assured those in his state that the whiskey ring had been “torn up root and branch” and that “the

³⁰ South Carolina, *Acts*, 63; Spartanburg *Carolina Spartan*, February 8, March 22, 1893; Columbia *State*, April 3, 12, 15, 1893; Simkins, *Pitchfork Ben Tillman*, 242-44; Neal, *Tillman: The South Carolina Years*, 337-38.

³¹ *House Journal*, 1893, 38, 36.

influence of the bar-keeper as a political manipulator [was] absolutely destroyed.” Just how much political manipulation barkeepers had ever actually instigated is debatable, but the idea of a nefarious connection between the liquor industry and the corporate “money power” was no Tillman invention. Prohibitionists had employed that weapon in their arsenal since the anti-Wall Street frenzy following the Panic of 1873. Even pro-liquor men in South Carolina adopted the tactic. During the 1884 presidential campaign between Democrat Grover Cleveland and Republican James G. Blaine, the *Edgefield Advertiser* ran the headline, “Prohibitionists and Monopolists United in Work For Blaine.” Regardless of the credibility to any of these accusations, it is worth noting that Tillman did reach out to potential Populists with other appeals than the fear of Negro domination.³²

Apart from the criticism of the Dispensary Law itself, Tillman’s enforcement of the law soon elicited ardent criticism. The original act contained a clause stating, “the governor shall have authority to appoint one or more state constables . . . to see that this act is enforced.” Tillman employed constables across the state to search out and seize illegal liquor. The most flagrant violators of the law were illegal saloons known as “blind tigers,” which purchased contraband booze from manufacturers outside the state. Constables used disguises in many towns to infiltrate illegal whiskey sellers. Their strong-arm tactics angered critics, who charged the lawmen with searching property for no other reason than to bully citizens. Although Tillman insisted he only appointed

³² *House Journal*, 1893, 40; *Edgefield Advertiser*, Thursday, August 7, 1884.

trustworthy, reasonable men to the position of constable, opponents claimed that many were unnecessarily rough and rude when searching potential violators.³³

The Dispensary's detractors often complained whenever constables sought violators. In many cases, though, the public was as unruly and violent as they claimed the constables to have been. From Governor Tillman's perspective, those who defied the law challenged the very authority of the state that rested in the social contract. In fact, many citizens challenged the new agency in flagrant style. In early August 1893, a frenzied crowd in Sumter threw rotten eggs at constables who had performed legal searches and discovered contraband liquor. A constable was seriously bruised after a fight with a local rowdy. Tillman was incensed at the public's rebellious behavior, and he subsequently supplied each of the officers with Colt revolvers, declaring that the law would be enforced even if it meant killing someone. Tillman's resolve to enforce the law only strengthened the determination of his opposition: his own brother George Tillman, a state representative, declared, "I'll be damned if I don't shoot the first spy that enters my residence or opens a package of my goods sneaking around hunting liquor."³⁴

In late March 1894 the building tension between the dispensary constables and the public erupted at Darlington, in the northeastern Pee Dee region. The town was a stronghold of anti-Tillman sentiment, and also home to multiple illegal saloons. The governor sent four officers to search for liquor violators, and rumors spread throughout the town that Tillman had ordered the men to search private residences without warrants. The reports vary as to what actually happened at Darlington. Tillman's constables

³³ South Carolina, *Acts*, 1892, 76; Spartanburg *Carolina Spartan*, July 5, 1893; Charleston *News and Courier*, July 17, 1893; Simkins, *Pitchfork Ben Tillman*, 247-49; Neal, *Tillman: The South Carolina Years*, 345-46.

³⁴ Charleston *News and Courier*, August 4-6, 1893, January 16, 1894; Columbia *State*, August 5, 1893; Simkins, *Pitchfork Ben Tillman*, 247-250.

claimed that a large mob of armed men followed them, and that the unruly townspeople “guyed, cursed, and abused” them. Another unnamed anti-Tillmanite, however, insisted that there were “very few citizens who were armed” and that all of the trouble was due to “the meddling of the constables.” Nevertheless, to quell the uproar, Tillman ordered eighteen additional officers as well as the Sumter militia to Darlington. The situation calmed for the moment, and the next day, March 30, the original four constables and their reinforcements attempted to leave the city. Still upset, however, a group of citizens followed the lawmen, and after several arguments and accusations, Constable John B. McClendon fatally shot Darlington resident Frank E. Norment. A violent mob chased the constables into a nearby swamp and some rioters fired shots into a train carrying constables who had not even been present at the preceding altercation.³⁵

The “Darlington Riot” ignited what looked sure to become statewide anarchy. Tillman ordered Columbia militia until to make the seventy-five mile trip to Darlington to suppress the rioters. The Columbia units, as well as those of Charleston, Sumter, and Newberry, refused the governor’s orders due to reports from the *Columbia State* that proclaimed the constables had attacked innocent citizens. Additionally, mobs looted militia armories in Columbia, Florence, and Chester; separate mobs also ransacked

³⁵ Benjamin Ryan Tillman, “Our Whiskey Rebellion,” *North American Review*, 158 (May, 1894), 516; Simkins, *Pitchfork Ben Tillman*, 251-252; Neal, *Tillman: The South Carolina Years*, 349-350; A Citizen of South Carolina, “A Citizen’s View of the State of Affairs in South Carolina,” *The American Law Register and Review*, 42:5 (May, 1894), 345-346. The author of this article chose to remain anonymous, but the rhetoric is highly anti-Tillman, which begs the question of the objectivity concerning the facts in the Darlington riot. The author also does not state whether he was present at the riot, or if the account is second hand; *Charleston News and Courier*, April 1, 1894; *Darlington News*, April 5, 1894; Tillman, “Our Whiskey Rebellion,” 517; W. F. Dargan, “A Last Word on the South Carolina Liquor Law,” *North American Review*, 159 (July, 1894), 55-58.

dispensary buildings in Florence and Darlington. Amidst the chaos, frenzied citizens rumored that Governor Tillman had been assassinated.³⁶

Although some militia units had defied the governor's orders, many others rushed to Columbia to defend Tillman, the State Dispensary, and the governor's mansion. Tillman later recognized nineteen militia units and eight volunteer units that had come to the aid of the governor and the state. He ordered the responders to protect the capitol, to enforce martial law in Darlington and Florence, and to occupy telegraph and railroad lines in order to prevent inflammatory reports of the situation. These decisive actions prevented further rioting, and by April 5 martial law was suspended and the dispensaries were reopened. The governor dismissed and verbally scolded those militia units that had disobeyed his orders, and praised those, especially the Edgefield Huzzars, who had proved loyal.³⁷

Although Gonzales of the *State* and Hemphill of the *News and Courier* continued to criticize Tillman for what they deemed unnecessarily harsh actions, most South Carolinians approved of the governor's resolve to maintain law and order. Even Alfred B. Williams of the usually anti-Tillman *Greenville News* declared, "Governor Tillman's acts during the trying and memorable week just past have been sensible, conciliatory, and in all respects proper."³⁸ No matter what people personally felt about the dispensary, the overwhelming sentiment both within and outside the state was that the governor's only

³⁶ Charleston *News and Courier*, April 1-2, 4, 1894; Columbia *State*, April 1-3, 10, 1894; Simkins, *Pitchfork Ben Tillman*, 253-56; Neal, *Tillman: The South Carolina Years*, 350-52.

³⁷ Columbia *State*, 1-4, 1894; Charleston *News and Courier*, April 2, 4, 1894; Tillman, "Our Whiskey Rebellion," 517-19; *House Journal*, 1894, 25-32; Simkins, *Pitchfork Ben Tillman*, 253-56; Neal, *Tillman: The South Carolina Years*, 350-52.

³⁸ *Edgefield Advertiser*, April 4, 11, 18, 1894; Charleston *News and Courier*, April 4, 1894; Columbia *State*, April 12, 1894; Greenville *News*, April 8, 1894, quoted in Simkins, *Pitchfork Ben Tillman*, 257.

option had been to maintain order in the face of rebellion. From Tillman's view, the only proper course had been to uphold at all costs the authority of the state and its machinery.

Opponents had been challenging the dispensary in the courts since its inception. Three weeks after the settlement of the Darlington Riot, the South Carolina Supreme Court granted dispensary enemies their wish by ruling the law unconstitutional. The court, dominated by Conservative Anti-Tillmanites, deemed in *McCullough v. Brown* that the state had no right to monopolize a legal business for profit. Subsequently, the dispensary was briefly closed and the private liquor trade soared, but when the election of a new justice tilted the scales of the court in Tillman's favor, a moderately revised law went into effect several months later and the dispensary reopened. The *McCullough v. Brown* decision may not have derailed the dispensary for long, but the discourse surrounding the case illustrated a significant distinction between Conservative and Tillmanite perceptions of the state and its relationship to private individuals and businesses.³⁹

One of the main complaints that Conservatives issued from either side of the prohibition wedge was that the dispensary represented an unconstitutional state monopoly. Critics charged that the government's monopolization of liquor violated the fundamentals of free-market capitalism in the same manner as Standard Oil and American Sugar. According to the Charleston *News and Courier*, "the dispensary act undoubtedly is a monopoly that seriously restrains trade and commerce among the several states." Condemnation in favor of competition, however, was not limited to the Palmetto State. The editor of the *New York World* declared that Tillman's attempt to

³⁹ Hendricks, "The South Carolina Dispensary System: Part I, 196-197; Edward Ayers, *The Promise of the New South: Life After Reconstruction* 15th Anniversary Edition (New York: Oxford, 2007), 287.

“engage in the liquor traffic and monopolize it will fail, as all such efforts to reverse the relations of the government to citizens deserve to fail. The legitimate functions of Republican government and the rights of individuals are alike overlooked by the fanatics and ignoramuses who try to crystalize their crankiness into law.” These sentiments were upheld when the State Supreme Court wrote in its majority opinion in *McCullough v. Brown*, “the Legislature have no authority to embark the State in a trading enterprise; not because there is any *express* prohibition, but because it is utterly at variance with the very idea of civil government.”⁴⁰

Anti-prohibition forces among the Conservative faction maintained the dispensary system violated the constitutional limitations of government and undermined capitalistic principles. On the other hand, prohibitionists unanimously argued the state had no business in the whiskey business—as it only condoned and facilitated the evil they sought to eliminate. They contended, “if drunkenness shall cause crime in South Carolina, the State will stand convicted of being ‘*particeps criminis*’.” According to an 1893 “Manifesto” issued by L. D. Childs, chairman of the State Prohibition Executive Committee, prohibitionists were “justly indignant at the legislation which so perverted the meaning of their demand as to make it one for unlimited whiskey revenue and themselves partners in the unholy traffic.” Instead of curbing alcohol abuse or making a moral stance against a wicked vice, the state government, they argued, had taken up the role of South Carolina’s sole barkeep.⁴¹

⁴⁰ Charleston *News and Courier*, October 10, 1895; comments from the *New York World* cited in the *Columbia State*, July 15, 1893; the South Carolina Supreme Court’s decision is reproduced in, John H. Higham, “Liquor Legislation in South Carolina,” *The American Law Register and Review* 42. 5 (May, 1894), 357.

⁴¹ *Public Opinion*, V, 271, quoted in Hendricks, “The South Carolina Dispensary System: Part I, 190-191; L.D. Childs, “Prohibition Manifesto,” *Anderson Intelligencer*, Wednesday Morning, February 15, 1893.

Governor Tillman and the Reform faction proffered a dramatically different understanding of the state's scope and power. In the courts' dissenting argument in *McCullough v. Brown*, Justice Pope, a loyal Reform Party man, firmly explained the Tillmanite understanding of the state's purview. "The legislative power," Pope declared, "is absolutely unlimited, except so far as restricted by the Federal and State Constitutions." Pope denied the Conservative claim that state involvement in the liquor trade (or any other business) was "utterly at variance with the very idea of civil government." He and Governor Tillman held that except for those actions expressly prohibited by the national or state constitutions, the government's power was essentially boundless.⁴²

Justice Pope also disputed the claim that the state's monopoly over liquor traffic was anything akin to what Conservatives suggested. Citizens, he suggested, already accepted as a matter of course multiple state-run "monopolies." "Does not the State," Pope argued, "run the health department...so too, the State Penitentiary, the Lunatic Asylum, the Deaf and Dumb Institute? Look at the Post Office of the General Government." According to Justice Pope and the Tillmanite faction, the sovereignty and the representative nature of South Carolina's government precluded it from ever operating in the fashion of a monopolistic corporation under the avaricious control of Rockefellers and Goulds. In normal terms, monopolies—such as violated the antitrust laws—were understood as individual citizens and private companies and corporations. Tillmanite reformers despised these "octopuses" that subjugated common citizens. But the "state," they insisted, was an altogether different animal: it had sovereign power, and

⁴² Justice Pope's dissent is reprinted in, John H. Higham, "Liquor Legislation in South Carolina," *The American Law Register and Review* 42. 5 (May, 1894), 358.

so long as it did not infringe upon expressly stated constitutional rights, its employment of that sovereign power was only limited by the wisdom of democratically elected legislators. Thus, the Dispensary Law did not trample on the rights of the people, because according to Justice Pope, “*The people are the State; the government is their agent and any benefits under the Act are enjoyed by the whole people.*”⁴³

Tillman’s contemporary foes continued their attacks on the dispensary and the governor’s supposed tyranny until the legislature finally abolished the system in 1907-- and modern scholars have echoed much of their original sentiment. Historian Stephen Kantrowitz contends that political anxiety motivated Tillman to create the dispensary. After alienating Grover Cleveland during the 1892 election, Tillman lost his influence with the Democratic President in awarding federal jobs and contracts. The dispensary, however, gave the governor power to appoint a host of loyal Tillmanites to bureaucratic posts and the new constabulary. According to Kantrowitz, “dispensary employment was a matter of patronage politics...[and] opponents feared that the dispensary would ultimately amount to an 800-man patronage machine for the reform faction.”⁴⁴

Kantrowitz acknowledges that Tillmanites endeavored to show that a “small but assertive state government” could benefit white male producers. Nevertheless, he suggests that the primary end to that governmental philosophy was achieving only “symbolic” victories against the money power and the federal government. Kantrowitz insists that, like the dispensary itself, the entire Tillmanite program of employing a more aggressive state, ostensibly for the purpose of protecting common citizens from corporate greed and federal control, was ultimately another means of securing the Reformers’

⁴³ Ibid, 359.

⁴⁴ Stephen Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy* (Chapel Hill: University of North Carolina Press, 2000), 184-185.

political power. Even when defiance of monopolies and federal courts failed, Kantrowitz concludes, Tillman grasped the “political value,” because the *symbolic* defiance itself “endeared him to those for whom the money power was a palpable enemy.” But this conclusion rests on the interpretive underpinning that Tillman and his lieutenants were motivated only by the prospect of achieving greater and greater holds on political power—and, of course, of further subjugating African Americans.⁴⁵

Tillman was certainly not averse to strengthening his political position, and he likely relished the patronage opportunities the dispensary afforded him. Indeed, Tillman’s own words and actions often lend credence to the idea that he was a political agitator and opportunist. Nevertheless, his periodic spurts of vitriol and politically motivated tirades should not obscure the Reform faction’s principles on government’s role in society—conceptions that fundamentally countered those of the Conservative faction. Over the four years he sat in the governor’s chair, Tillman appeared much less often as his clownish stump caricature than he did the businesslike executive, a reality that the majority of scholars seem reluctant to acknowledge. Appropriately, though, his “sober” and thoughtful traits were never more on display than when he attempted to explain the merits of the dispensary.

Between February and July of 1894, Tillman penned three articles in the *North American Review*, the country’s oldest nationally circulated literary magazine, in which he presented reasoned arguments in favor of the dispensary. Notably, although at the time the State Supreme Court was still deliberating the constitutionality of the law, he was not appealing directly to his base of rural South Carolinians; rather, hoping to promote the virtue of government activism on the liquor question across the states, Tillman addressed

⁴⁵ Ibid, 186.

a national audience with no influence over the Conservative justices seated at the time. In February Tillman provided a nine-point list describing the benefits of the dispensary; it included state regulation over liquor quality, ending the purchase of drinks on credit (known as “chalking up”), shutting down local “whiskey rings” that he claimed controlled municipal elections, and eliminating the gambling dens and prostitution that accompanied saloon life. He also provided statistics of the program’s success in reducing crime, as well as its cost-effectiveness. Tillman insisted, however, that revenue, “though not to be despised,” was not the purpose of the law and it could not “be defended on that ground.” The need for the dispensary, Tillman declared, rested “wholly on its claim to being the best method of controlling the evils which are inherent and inseparable from the intemperate use of liquors, and must stand or fall on its merits as compared with other methods of controlling the evil.”⁴⁶

To those who would say that if alcohol were so evil, then it ought to be outlawed completely, Tillman’s core message was that prohibition simply would not work. In a society based on freedom, he argued, the police power was nowhere strong enough—nor should it be—to enforce prohibition. Alcohol, after all, was necessary and beneficial in many cases, whether as medicine or for relaxation in moderate usage. Ultimately, though, the most powerful detriment to prohibition’s success was the very nature of man. Tillman offered the following as a summation of his position: “Men cannot be controlled as to their personal appetites and passions from without. Self-control can alone be relied on in such cases... Let us deal with men *as they are* and try to restrain them in the *abuse* of

⁴⁶ B. R. Tillman, “The South Carolina Liquor Law,” *North American Review* 158. 447 (February, 1894), 144.

alcoholic drinks,—not attempt the impossible by endeavoring to prevent their *using* liquors at all.”⁴⁷

In July 1894, in his “last word” on the subject in the *NAR*, Tillman defended his dispensary from renewed charges that the state had been operating a monopoly and overstretching the police power. He echoed much of what Justice Pope had asserted in the dissent of *McCullough v. Brown*. Tillman reiterated, “a monopoly, in law, is a franchise or privilege enjoyed by some *one person or corporation*, from which all others are shut out.” “How can the state government,” he asked, “which is the representative of *all the people* when it assumes control of a recognized nuisance to protect the people...be said to create a monopoly? If a monopoly at all, it is a monopoly of the whole for the benefit of the whole...[and] is the very antithesis of a monopoly.” Essentially, Tillman suggested, monopolies were defined by the result of their exclusion of the majority of citizens from some enterprise, but a state government represented all its citizens (in theory, at least), and therefore excluded no one. And if the state had the power to prohibit liquor—which no one denied—Tillman concluded that “the State can do anything less, for the whole is greater than any part.”⁴⁸

Other historians have leaned toward the interpretation that Tillman’s dispensary represented a ploy for increased political muscle. Recently, however, at least one scholar has examined the system, and Tillman’s defense of it, without the cynicism that has colored many previous evaluations. Historian James Welborn III, who analyzes the dispensary in the contexts of southern honor and evangelical reform movements, contends that the agency epitomized the type of state activity representative of the early

⁴⁷ Ibid, 141-142.

⁴⁸ B. R. Tillman and W. F. Dargan, “A Last Word on the South Carolina Liquor Law,” *North American Review* 159. 452 (July, 1894), 49.

Progressive Era. As the South struggled to maintain significant cultural traditions in the face of ongoing transitions in the market, technology, and the evangelical church, state governments responded accordingly by changing as well. Most often, governmental change was manifested in the forms of growth and increased activism towards greater social control. According to Welborn, the South Carolina dispensary manifested “recognizable Progressive reform measures,” and “embodied the deliberate application of such measures with a South Carolina where traditional cultural ideals persisted.”⁴⁹

Although Welborn contends that the South Carolina dispensary can be seen as a Progressive state agency—on the basis that it employed state power and bureaucracy to regulate a social problem—he clarifies this assertion by stating that he “assumes a broad “Progressive Era” rather than a more finite “Progressive Movement,” and adds that the dispensary was part of a “slow transition” towards greater government activity in the Palmetto State. These qualifications reveal how troublesome the definition of “capital P” Progressivism has been for scholars to nail down. Historians do not agree, and neither did many reformers who called themselves Progressives.⁵⁰

Tillman is a prime example of why the label has proved so tricky. Several scholars have discussed Tillman within the context of Progressivism, especially in the Woodwardian, “for whites only” version; and others claim that racial segregation and disfranchisement were not only allowable within the movement, but *defining* characteristics of southern Progressivism. Stephen Kantrowitz, however, warns that the “Progressive” label is problematic, as modern scholars have come to define it less as a

⁴⁹ James Hill Welborn III, “Dispensing the Progressive State: Benjamin Tillman’s South Carolina State Dispensary,” *The Social History of Alcohol & Drugs: an Interdisciplinary Journal* 27. 1 (Forthcoming), 15.

⁵⁰ Ibid, 2, 16 (n. 4).

clear and consistent movement, instead utilizing it as a term of convenience to neatly categorize a variety of disparate causes. While Tillman might have considered himself a Progressive, so too did his greatest political foes, including African American activists.⁵¹

The designation “Progressive” can indeed be problematic, and under its umbrella glaring contradictions cohabitate. Notably, though, for Kantrowitz and similar critics, it was Tillman’s stubborn resistance to *federal* largess and regulation that invalidates his Progressive *bona fides*. They argue that his refusal to support radical measures by the national government—such as the Populist proposal for government ownership of railroads and telegraphs—eliminate Tillman from the legitimate Progressive ranks. Kantrowitz contends that Tillman viewed the federal government as a tool of the money power, and worse, a potential promoter of racial equality. Arguing that modern students should not mistake “style for substance,” Kantrowitz insists that Tillman opposed programs that would have helped the farmers he claimed to represent, because “he refused to admit that federal power might have a legitimate role.” To be sure, Tillman’s hostility to federal interference, especially in areas that could upset white supremacy, was real; but so too was his commitment to wielding the state machinery for objectives other than his own political advancement, or even white supremacy.⁵²

Kantrowitz states that he tries “to take Tillman’s words as seriously as his deeds...[because] they were both part of the project of white supremacy.” He evidently sees the rhetoric as important because, in Kantrowitz’s view, reconstructing white

⁵¹ For Tillmanism and white supremacy in the southern Progressive context, see C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951), 369-395; Dewey W. Grantham, *Southern Progressivism: The Reconciliation of Progress and Tradition* (Knoxville: University of Tennessee Press, 1983), 111-142; William A. Link, *The Paradox of Southern Progressivism, 1880-1930* (Chapel Hill: University of North Carolina Press, 1992), 58-78. For the problems associated with the term, see Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy*, 264-265.

⁵² See Kantrowitz, *Reconstruction of White Supremacy*, 264-268, 6.

supremacy was Ben Tillman's sole and all-consuming mission. Since the desire for that objective was undeniably real, the language suffusing it earns a sense of legitimacy. However, for issues that fall outside the confines of racial subjugation, which critics see as merely symbolic or disingenuous, the words become elements of a deceptive machination, a sort of "long con." Tillman played the confidence man, his supporters the marks, the rubes. For Kantrowitz and others, Tillman's claims that he planned the dispensary to curb alcohol abuse and crime while protecting individual freedoms from prohibition—rang hollow. Like his fulminations against money powers and federal judges, railroad and phosphate monopolies, and Conservative elites, Tillman's assertions about the dispensary were another sham intended to create and slander symbolic enemies while bolstering his own political clout.⁵³

Ben Tillman, like most politicians, certainly recognized and appreciated the value of straw men, even when they could not be slain, or even if he had no intention of facing them. Nevertheless, in an objective sense, why take Tillman at his word when he spoke of entrenching white supremacy, and then dismiss out of hand his advocacy of other economic and social objectives. Regardless of how effective Tillman's programs were, and despite his enmity towards federal power, it seems clear that he indeed sought to address a number of problems through a substantially more active state government.

The prohibition debate divided South Carolinians across racial, party, and factional lines, but Conservative lawmakers considered only the binary option of outlawing liquor or slightly restricting it through licensing. However, Tillman, who understood sovereignty as residing not at the federal level or even with the people, but in the state government, introduced a measure and type of governmental activism that few

⁵³ Ibid, 4-7.

in the country had thus far entertained at the state level. The dispensary sought a middle ground between prohibition and untamed saloon life—and to eliminate the political influence of “whiskey rings.” Furthermore, Tillman and supporters recognized the futility of prohibition well before it was proven at the national level. When we take him at his word—even outside the arena of racial subjugation—Tillman’s perception of the proper role of the state comes into clearer view. Like his employment of the state government to scientifically educate white farmers and women, to battle phosphate monopolies, and to regulate and curb the power of railroads, Tillman’s establishment of the dispensary illustrates a commitment to the active and strategically focused state that dwarfed those leaders who preceded him, or those who followed soon after. And if we do, *seriously*, take his words seriously, then the character that emerges is much more complex than the caricature that has become etched both in popular and scholarly memory.

CHAPTER 7

WHITE MEN, BLACK LAWS: A WHITE SUPREMACIST STATE

Late in April 1895, Ben Tillman boarded a train a few miles north of Augusta, headed for Columbia. The recently elected U.S. Senator sat alone in the first-class car for an hour and a half before a fellow passenger approached him. The unknown traveler, an African American journalist, informed the senator that, if Tillman would not object, he would like to speak to him for a few moments. Tillman politely raised his hand, and invited the man to take the seat next to him. Next, the apparently northern journalist surprised Tillman by his frankness:

“Governor,” he asked, “what do you propose to do with the negro in your Constitutional Convention?”

Tillman swung around so that his hollow eye socket seemed to stare directly at the stranger. “How do I know?,” he replied.

“I understand,” the reporter quickly declared, “you called it and stated in your call that the object was to get rid of the negro at the polls.”

Tillman responded with more confidence. “Well, I do not deny that we propose to cut down the voting strength of the negro, but we also propose to do so with the white men.”

Then the reporter asked if he planned to do so by the “Mississippi plan,” referring to the new state constitution that white leaders in Mississippi created in 1890, and which,

as the reporter sardonically noted, required that “colored men have to be constitutional lawyers before they can vote.”

“I do not know what plan will be adopted,” Tillman said, “but one-half of these negroes have no right to vote, they are too ignorant and venal, besides voting is no natural right.”

The journalist responded that the Reconstruction government, in which highly competent blacks had played a major role, had given South Carolina its best constitution to date, and created the free public school system. It was only natural, he maintained, that African Americans should have followed the “carpet-baggers,” who hailed from the North and claimed to have been sent by Grant and Lincoln.

Tillman, tired of the black reporter’s arguments, closed the conversation, saying, “Well, we had a sample of what the negro would do if he had power from 1868 to 1876, and that was enough: we don’t want any more of it... We propose to do everything the amendments to the Constitution will allow us to do, and I don’t see why these negro ministers are kicking up such a fuss about it.”¹

Benjamin Ryan Tillman inked his legacy in the language of white supremacy. Compared to his administration’s various economic, educational, and regulatory reforms, Tillman’s charge to legally disfranchise African Americans through a new state constitution in 1895, and his endorsement of lynching back men for rape, dwarfs the other measures in memory and effect. Scholars acknowledge that institutionalized racial injustice in South Carolina flourished largely due to his efforts. Still, despite the consensus that Tillman epitomized a virulent strain of white supremacy, historians have

¹ The preceding narrative was originally published in the Charleston *Enquirer*, and reprinted as “A Negro Talks with Tillman,” Charleston *News and Courier*, April 26, 1895.

proffered varying assessments as to just how different the Tillmanist racial ideology was from that of the Conservatives. Indeed, the encounter described above, in which Tillman ironically shares a first-class passenger car with a black man, and frankly explains to that man how he intends to disfranchise African Americans to the extent that the U. S. Constitution would allow, reveals a complex and somewhat paradoxical racial ideology. From his perspective, complete separation of the races was not necessary; the most important goal was clarifying and enforcing the lines of racial superiority and inferiority, so that white supremacy would ideally proceed unchallenged. Furthermore, as we will see, the Conservatives' and Tillmanites' approach to racial subjugation also reveals two distinct conceptions of the role of the state in achieving social control.

Some historians in the mid-twentieth century insisted that Conservatives had offered South Carolinians a significantly distinct "road"—presumably toward more harmonious racial relations—than the path which Tillman ultimately steered the state. Joel Williamson, building on that concept, insists Conservatives like Wade Hampton acted upon the assumption of African American inferiority, but sought to "protect" them from racial extremists by "defining and fixing [their] *place* in American society." For Williamson, Ben Tillman embodied the Radical mentality, which "envisioned a 'new' Negro, freed from the necessarily very tight bonds of slavery and retrogressing rapidly toward his natural state of savagery and bestiality." And the most pressing threat for Tillmanites and Radicals across the South was that of black men unleashing their primitive sexual urges on helpless white women. Under this presumption, therefore,

Tillman sought to rein in the animal instincts of blacks by propagating the theory that the crimes of black rapists necessarily fell under the extralegal jurisdiction of the lynch mob.²

Nevertheless, not all historians agree that Tillmanism diverged significantly from the Conservative philosophy. Although Stephen Kantrowitz portrays Ben Tillman as a grim-faced apostle of white power, he also contends that at their core, Tillmanist and Conservative approaches to race were not all that dissimilar. His insightful analysis of the “reconstruction” of white supremacy and southern manhood finds that the differences between Tillman and Wade Hampton were “more tactical than substantive.” Like Tillman, he argues, Conservatives had “studied political power in slaveholding’s school...[and] any close inspection of the lives and careers of Tillman’s white Democratic opponents will reveal that they set more or less the same limits on black political aspiration as Tillman set.”³

In a highly esteemed biography of Wade Hampton, Rod Andrew Jr. contends that there are “serious problems” with equating Tillman and the Conservatives. Andrew, however, avoids the problems associated with Williamson’s type of *post hoc* psychoanalysis—specifically the supposition that Tillman believed African Americans were retrogressing towards a primeval state. He employs tangible examples of the differences between Tillman and Hampton that are worth quoting at length:

Like Tillman, Hampton was definitely a racist...But asserting that Hampton and Tillman were both white supremacists is not very useful. White supremacy was a *big tent* in the late nineteenth century—few white southerners (or Americans) did not ascribe to most of its basic tenets.

² Hampton M. Jarrell, *Wade Hampton and the Negro; The Road Not Taken* (Columbia: University of South Carolina Press, 1949), passim; Joel Williamson, *Crucible of Race: Black-White Relations in the American South Since Emancipation* (New York: Oxford University Press, 1984). For another work stressing the possible “road” not taken, see Lewis Pinckney Jones, *Stormy Petrel: N. G. Gonzales and His State* (Columbia: University of South Carolina Press, 1973).

³ Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy*, 326 (endnote 87); 78, 7.

Within this big tent, there was room for wide differences in ideology and political action. Thus, whereas Hampton acted to protect the black franchise and appointed black men to office, Tillman led the movement for total black disfranchisement. Whereas Hampton consistently eschewed violence, Tillman openly advocated lynching...Whereas Hampton sought to create a biracial, but white-led, Democratic party, [Martin] Gary's, and later Tillman's, followers systematically and openly excluded blacks from party meetings and primaries. And whereas Hampton favored education for both races as a means to cultivate responsible citizenship, Tillman represented the segment of the white population that asserted that education of a black child "ruined a good field hand." It is ahistorical for us to lump Hampton, Tillman, and Gary together simply as white supremacists, for contemporaries, black and white, clearly understood the differences between them.⁴

White supremacy in the nineteenth and early twentieth centuries was indeed a "big tent." Rhetoric and style were, as Kantrowitz suggests, important signifiers through which factions distinguished themselves. But as Andrew demonstrates, the differences were more than cosmetic. Wade Hampton's rhetoric conveyed a racial ideology distinct from that of the Tillmanites, and that ideology was manifested as real political actions with perceptible consequences. Nevertheless, as Andrew also concedes, after Hampton's 1879 election to the U. S. Senate and the end of his direct involvement in state politics, so too did his dream of biracial (white-led) cooperation dissipate. By 1888, when the last governor of the Conservative regime, John P. Richardson, commenced his second term, instead of Hampton-esque verbiage about protecting the rights of loyal African Americans, he boldly asserted, "the holy duty we owe to posterity irresistibly impels that we declare...that never again shall any other than Anglo-Saxon supremacy rule...[this]

⁴ Rod Andrew Jr., *Wade Hampton: Confederate Warrior to Southern Redeemer* (Chapel Hill: University of North Carolina Press, 2008),

beautiful Southland of ours.” Though the Conservative faction was not of one mind on *how* to achieve it, they sang in union their devotion to white rule.⁵

Throughout the 1880s, Conservatives of the Hampton mindset lamented the reality that racial extremism was snowballing apace, while others in the faction sought to mitigate instances of electoral fraud and violence by regulating and institutionalizing racial hierarchy. In the arena of race relations, Conservatives’ approach to electoral laws, segregation, and lynching reveal a preference for statutes and customs, where Tillman believed constitutional reform necessary.. The most aggressive step the Conservative lawmakers took to entrench white hegemony was to significantly limit the size and power of South Carolina’s African American electorate.

From 1877 to 1882, South Carolina elections, rife with ballot-box tampering and violence, were an exercise in fraudulence. To diminish black voting and quell the associated corruption, in February of 1882 Governor Johnson Hagood signed what was commonly known as the “Eight-box law.” The law (discussed in Chapter 1) disfranchised many African Americans—and some whites—and it achieved one of its goals by reducing violence during elections. However, as we will see, Tillmanites considered it insufficient to ensure perpetual disfranchisement.⁶

Soon after the enactment of the Eight-box law, national developments also spurred debate over the future position of African Americans in South Carolina. In the *Civil Rights Cases* of 1883, the United States Supreme Court announced that sections 1 and 2 of the U. S. Civil Rights Act of 1875 (which made racial discrimination in accommodations like inns and restaurants, even those owned by private citizens, a federal

⁵ Ibid, ; “An Imposing Ceremony,” *Charleston News and Courier*, Friday Morning, December 7, 1888, 1.

⁶ *New York Times*, November 11, 1878, quoted in Cooper, *Conservative Regime*, 95.

crime) were unconstitutional. The Fourteenth Amendment, the court declared, endowed Congress only with the power to prevent *states* from discriminating on the basis of race—acts of private individuals, therefore, were a matter for state authorities. Critics of the decision warned correctly that left to their own devices, states (especially in the South) would allow discrimination and harassment of black voters to go unchecked as well.⁷

Conservatives in the Palmetto State, who had always denied the constitutionality of the 1875 Civil Rights Act, cheered the ruling. Many editorialists and statesmen expressed hope that the decision would weaken African Americans' bonds with the Republican Party and the federal government. The Charleston *News and Courier* wrote, "the colored people of the South...will come over to the Democratic party, if the white people show them that they will be fairly treated, and that the government of the State is impartial in its dealings with all classes of citizens." U. S. Senator Matthew C. Butler asserted that the court's finding would end any notion among blacks that the federal government would continue to act as their "guardian and mentor." Senator Wade Hampton remarked that the decision had placed blacks "on the same footing, politically and legally, as the whites," and added that it would not "dispose whites to be overbearing towards the blacks."⁸

While Conservatives argued that the *Civil Rights Cases* would result in greater racial harmony, in the same breath they warned blacks not to reach for social equality. Senator Butler insisted that since emancipation, federal interference had been the greatest impediment to smoothing racial antipathies. Now that these matters were left to state

⁷ *Civil Rights Cases* 109 U.S. 3 (1883), 11, 17; John Oldfield, "State Politics, Railroads, and Civil Rights in South Carolina, 1883-89," *American Nineteenth Century History* 5. 2 (2004), 72.

⁸ Charleston *News and Courier*, Friday, October 19, 1883, and Wednesday, October 24, 1883; see also Oldfield, "Civil Rights in South Carolina," 72-74.

leaders and private citizens, African Americans would be forced to rely on their own talents and industry, and those who remained “idle” and “indolent” could “go to the dogs.” The *News and Courier* predicted that henceforth, “the color-line, in *politics*, can be obliterated in the South,” but also reminded blacks that social equality was off the table. “The white people,” the paper declared, “are determined that white men shall rule in the Southern States, and that white influence shall be supreme... There is no need to squint at *social* equality. For the lasting welfare of whites and blacks alike, that must be avoided and repudiated.”⁹

Throughout the 1880s, the notion that blacks might crave social equality suffused Conservatives’ understanding of post-emancipation society and guided their approach to managing their idea of proper race relations. Even so, Conservative leaders still tried to balance the subjugating effect of measures like the Eight-box law with guarantees of equal access for blacks in the public sphere. While the majority of white South Carolinians applauded the 1883 *Civil Rights Cases* decision, Conservative lawmakers did maintain and augment the state’s own relatively liberal (in theory) Civil Rights Act. During Reconstruction, Republicans, white and black, had taken major steps seeking civil equality. The South Carolina Constitution of 1868 stipulated, “Distinction on account of race or color, in a any case whatever, shall be prohibited, and all classes of citizens shall enjoy equally all common, public, legal and political privileges.” Subsequently, in 1870, the Republican-dominated legislature passed a Civil Rights Act, which required that “the

⁹ Charleston *News and Courier*, Friday, October 19, 1883, and Wednesday, October 24, 1883.

same rights shall be enjoyed by, and the same remedies applicable to, all persons whatsoever, regardless of race or color.”¹⁰

At the same time Conservatives were restricting black voting, they also (ostensibly at least) took steps to ensure that African Americans had equal access to public accommodations. In 1882 the legislature amended the 1870 Civil Rights Act, making it illegal “for any common carriers...or for any party or parties keeping an inn, restaurant, or other place of accommodation or refreshment...to discriminate between persons on account of race, color, or previous condition.” White Democratic leaders publically prided themselves for their kind gesture. In September 1885, after the publication of George Washington Cable’s *The Silent South*—which criticized southern states for curtailing civil rights and black suffrage—the *News and Courier* responded that Cable must be ignorant of the situation in South Carolina.¹¹ The paper declared:

Mr. Cable contends that there is discrimination against the colored people in the public schools, on the railway trains, in the hotels and eating houses...and everywhere else. What he asks is, that the colored people shall have as good schools as the whites, and that, on the trains and in places of public entertainment, the colored people shall have as much for their money as the white people have. We would remind Mr. Cable that what he claims is, as a matter of fact, granted in South Carolina, and as a right, not as a privilege. In South Carolina the colored schools are equal to the white schools, and in the street cars, on the railways and in the eating-houses the colored men and the white men stand precisely on the same footing. The civil rights law of the state, which the white people could have repealed at any time since 1876, had thy desired, requires this, and the law is obeyed.¹²

¹⁰ Samuel J. Lee is quoted in John Oldfield, “The African American Bar in South Carolina, 1877-1915,” in James Lowell Underwood and W. Lewis Burke, eds., *At Freedom’s Door: African American Founding Fathers and Lawyers in Reconstruction South Carolina* (Columbia: University of South Carolina Press, 2000), 120-126; see also Oldfield, “Civil Rights in South Carolina,” 75-76; South Carolina Constitution., art. I, sec. 39; *Acts and Joint Resolutions of the General Assembly of the State of South Carolina* (1869-70), 337-338.

¹¹ The General Statutes and the Code of Civil Procedure of the State of South Carolina adopted by the General Assembly of 1881-82 (Columbia, 1882), 730-732; Oldfield, “Civil Rights in South Carolina,” 75-76.

¹² *Charleston News and Courier*, Monday Morning, September 14, 1885.

The preceding statement seems to validate what C. Vann Woodward asserted in *The Strange Career of Jim Crow*: that in the 1870s and 1880s, race relations in the southern states were more fluid than popular belief has held, and that blacks and whites often comingled in public spaces. The *News and Courier* expressed the same conception of racial moderation that Wade Hampton espoused. Nonetheless, not all white South Carolinians approved of the state's official stance on equal access for blacks and whites. For example, in 1883 the Aiken *Recorder* charged that the state's Civil Rights Law represented an insult to "decency and nature," and demanded that the legislature repeal the act. The Aiken *Journal and Review* added that South Carolina's civil rights statutes were "more odious than those that have just been declared by the Supreme Court as being unconstitutional." Furthermore, the *Journal and Review* presaged the Tillman movement by denouncing the state constitution as a relic of the "vile Radical Carpetbag party," insisting that whites needed a new constitution "that will meet the wants of our people at the present day."¹³

¹³ Aiken *Recorder* quoted in Charleston *News and Courier*, November 5, 1883; Aiken *Journal and Review* quoted in *Edgefield Advertiser*, November 8, 1883; see also Oldfield, "Civil Rights in South Carolina," 77. For some influential examinations of the development of southern segregation, see C. Vann Woodward, *The Strange Career of Jim Crow*, Commemorative Edition. Original published in 1955. (New York: Octagon Books, 1974); Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974); Richard C. Wade, *Slavery in the Cities: The South, 1820-1860* (New York: Oxford University Press, 1964); Howard N. Rabinowitz, *Race Relations in the Urban South, 1865-1890* (New York: Oxford University Press, 1978); Glenda Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996); Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940* (New York: Pantheon Books, 1998); John W. Cell, *The Highest Stage of White Supremacy: The Origins of Segregation in South Africa and the American South* (New York: Oxford University Press, 1982). Woodward argued that racial segregation was not rigidly enforced during the post-emancipation period. To opponents of the *Brown v. Board* decision in 1954, who argued that segregation was organic and natural, Woodward argued that it took racial extremists to impose legal segregation and end the "forgotten alternatives." Ira Berlin and Benjamin Wade, however, each found that segregation was not only present prior to the 1890s, but common to many areas, especially cities, in the antebellum era. Howard Rabinowitz altered the historiographical debate by insisting that what *de jure* segregation in the 1890s replaced was not the "flexible" degree of integration that Woodward suggested, but widespread *exclusion* of blacks from public accommodations. Glenda Gilmore introduces gender into the discussion, insisting on the agency of black and white women—and black men. She agrees with Woodward's theory of discontinuity and argues

The division within the white population, however, was not as stark as it may have seemed, for even those who favored of the state's Civil Rights Law, did so primarily because they recognized its impotency. For instance, in 1883, when the *News and Courier* advised against calls for repeal, its chief reasoning was that the law *had not been enforced*. "There has not been," the paper declared, "so far as we know, a single prosecution under the State Civil Rights law since it was enacted." Why, in thirteen years—seven under Democratic rule—had the state not invoked the statute a single time? Apparently, many Conservatives considered racial interaction in public acceptable, as long as African Americans extended the signs of proper deference towards whites, and avoided attempting to intermix with the uppermost tiers of white society.¹⁴

In 1883, when whites in South Carolina publicly debated the state's law, many Conservatives agreed that, overall, blacks happily accepted their social position. "There has been little disposition," the *News and Courier* asserted, "on the part of the colored people generally to obtrude themselves upon the white people anywhere, and it would be altogether wrong to repeal the Civil Rights law until it is proved to be inconsistent with harmonious relations between the two races." Two years later, in 1885, the paper again praised Conservatives for maintaining the law, and without any sense of irony, added the following:

It is true that the hotels of the first-class do not, so far as we know, admit colored persons; and that the colored people are but rarely seen in the more expensive seats at the theaters. The proprietors of the theaters and hotels know, it is presumed, that if they were to throw their doors wide open to the colored people they would lose the bulk of their present customers, and it should be said, in this place, that among the first persons

that white Democrats created a highly gendered campaign that sought to demonize Populists and Republicans, by arguing that they threatened white men's dominion over white women, and encouraged political action by black women as well.

¹⁴ Charleston *News and Courier*, November 5, 1883.

to revolt against any commingling with blacks would be the Northern tourists. ... Here at once is the evidence of the fallacy of Mr. [George Washington] Cable's idea that there is no such thing as race instinct or race prejudice. This prejudice manifests itself in the unwillingness to take the risk of being brought into contact with an offensive colored person.¹⁵

The South Carolina Civil Rights Law, therefore, symbolized paternalistic pride and fairness between the races—and was acceptable to its white supporters as long as it did not encourage blacks to intrude upon elite white society. Conservatives, it seems clear, were not strictly opposed to legislation that provided *some* protection for black rights, as long as that legislation did not foist unwanted race-mixing upon whites in areas they regarded as distinctly white domains—fine hotels and theaters, for instance.¹⁶

The limits to Conservatives' ideals about securing a modicum of civil rights, however, were challenged when changes to railroad laws took effect. Before 1882, there had been little mention of imposing rigid segregation on railroad cars. Nevertheless, when a restructured Railroad Commission law unintentionally resulted in breaking down the barriers between race and class on passenger cars, Conservatives attempted through statute to restore what had been essentially *de facto* segregation.¹⁷

The railroad law of 1882 (described fully in Chapter 5) created a three-person commission and set both maximum freight and passenger rates, but many whites protested when it failed to mandate that carriers provide second-class rates as well. Previously, despite the letter of the Civil Rights Law, black and white railroad travellers seem to have reached an understanding about the “proper” place for most African Americans on the trains—blacks, of course, had little leverage with which to negotiate that arrangement. The vast majority of African Americans bought second-class tickets

¹⁵ Charleston *News and Courier*, Monday Morning, September 14, 1885.

¹⁶ Ibid.

¹⁷ Oldfield, “Civil Rights in South Carolina,” 77-81.

and rode in the respective carriages. As suggested earlier, there had always been exceptions. In 1883, the *News and Courier* declared that *custom* had always allowed upper-class white passengers to take their nurses or other servants into the first-class cars. Moreover, social rank and gender played a significant factor in who was allowed in the more prestigious cars. “It has been the rule also, “ the paper asserted, “for well-to-do colored persons, particularly women, to travel first-class.”¹⁸

Customs, however, had been upset, albeit unintentionally, by state law. When the 1882 law failed to specify anything regarding second-class rates, profit-seeking railroads exploited the omission by charging the maximum rate allowed for all tickets, and subsequently eliminated any class distinction between passenger carriages. As a result, the *News and Courier* complained, “the colored people sometimes crowd into the first-class carriages, to the great annoyance of white travelers.” As mentioned, whites were accustomed to travelling alongside servants and a few “well-to-do” blacks, but what had changed, according to the Charleston paper, was the “*character*, [and] the *number* of the colored persons who go in the first-class carriages at this time.” This increased racial intermingling especially threatened white men’s sense of patriarchal mastery over their familial dependents, and their sexual claims to white women. As the Anderson *Intelligencer* declared, white men were rightfully incensed that railroads would “subject our ladies and children to the annoyance and discomfort incident to a mixing of the races in the same passenger cars.”¹⁹

Apparently, though, black South Carolinians continued to travel by rail, and they refused to accept second-class accommodations when paying the same fare as those

¹⁸ Charleston *News and Courier*, November 5, 1883.

¹⁹ Charleston *News and Courier*, November 5, 1883; Anderson *Intelligencer*, November 8, 1883; Oldfield, “Civil Rights in South Carolina,” 78.

expecting first-class amenities. In response to the increased level of racial intermixture on passenger carriages, more whites demanded repeal of the Civil Rights Law. In late 1883, however, a bill to repeal the state's proscription of racial discrimination failed. A majority of Conservative legislators still wished to avoid rigid segregation across the board—something they feared the growing number of white racial extremists would eventually push for if given the opportunity. Of course, they were correct about the growing tide of extremism. Ultimately, the repeal of the railroad law came at the urging of railroad lobbyists—and state lawmakers who were also railroad executives and attorneys—who threatened to forestall future investments in South Carolina if the rate-setting powers of the commission were not curtailed.²⁰

Conservatives could easily recognize that a rising majority of whites, especially non-elites and upcountry residents (due to the lines connecting Atlanta and Charlotte, the upcountry had much greater interstate railroad traffic than the lowcountry, and thus upcountry white citizens came into more frequent contact with unfamiliar African Americans) were demanding the complete segregation of railroad carriages. Most Conservative leaders did not welcome the idea of total segregation. Their approval of first-class admittance for nurses and affluent blacks bespoke the confidence in their elite status. From their understanding, sharing close quarters with “respectable” blacks was not a suggestion of equality, but a demonstration of confidence in their superiority—to all blacks, and most whites. On the other hand, in the face of an African American

²⁰ Oldfield, “Civil Rights in South Carolina,” 78.

population becoming ever more distanced from the social bulwark of slavery, common whites feared what equal footing on rail cars might precipitate.²¹

The rising tide of racial extremism was no more evident than in the tragedy of lynching. Numerous scholars have offered various causal factors for the race-based vigilante violence in the late-nineteenth and twentieth centuries, including white fears of African Americans' increasing political power and social equality. Moreover, most scholars insist that few white men resisted paranoia about black men's libidinous nature and the threat to the virtue of white women, as well as their own sexual claims to white females. This phenomenon, historians argue, resulted in whites justifying lynchings with unfounded accusations of rape. Explicating the complex reasons why whites turned to Judge Lynch for "justice," or why lynching was more prevalent in certain years and locations, is beyond the scope of this chapter. However, the issue highlights a difference between Conservatives and Tillmanites in their approaches to the problem.²²

Lynchings in South Carolina were never as frequent as in some other states—particularly Georgia, Mississippi, and Texas. Still, racially motivated vigilantism in the Palmetto State spawned human misery and social turmoil. Immediately following the campaign of 1876, several Democratic newspapers approved of mob justice as a

²¹ For a description and diagram of south Carolina's railroads in the 1880s, see William J. Cooper Jr., *The Conservative Regime: South Carolina, 1877-1890* third edition (Columbia: University of South Carolina Press, 2005), 116-119; see also Oldfield, "Civil Rights in South Carolina," 77-78.

²² For discussions of lynching in South Carolina, see George Brown Tindall, *South Carolina Negroes, 1877-1900* (Columbia: University of South Carolina Press, 1952), 236-259; Terrence Finnegan, *A Deed So Accursed: Lynching in Mississippi and South Carolina, 1881-1940* (Charlottesville: University of Virginia Press, 2013). For analyses of lynching in the New South at large, see W. Fitzhugh Brundage ed., *Under Sentence of Death: Lynching in the South* (Chapel Hill: University of North Carolina Press, 1997); W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (Champaign: University of Illinois Press, 1993); Joel Williamson, *The Crucible of Race: Black-White Relations in the American South Since Emancipation* (New York: Oxford University Press, 1984). For African American's responses to lynching, see Christopher Waldrep, *African Americans Confront Lynching: Strategies of Resistance from the Civil War to the Civil Rights Era* (New York: Rowman & Littlefield Publishers, Inc., 2009), and Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 2003).

necessary tool to maintain the white rule they had just recaptured. The *Columbia Daily Register* declared, “Judge Lynch is an abler judge and more humane man...than many who have figured as justices in our reconstructed and semibarbarous era.” The *Edgefield Advertiser* insisted that in order for white citizens to quash black aspirations to power, “vengeance—justice!—is the only course left to us.” Even the *Charleston News and Courier*, which generally condemned mob violence, conceded that the lynching phenomenon was “hardly to be wondered at when we recollect that, for nearly ten years, the law has been so administered in South Carolina that, virtually, the white man has had no rights which the negro was bound to respect.”²³

As the 1880s progressed, however, many Conservatives began to express dismay at the illegal attacks on African American men. In 1887, when a horde of at least sixty white men in Yorkville lynched five black men for the murder of a young white child, the local *Enquirer* condemned the brazen act as “an outrage of the direst kind...[that can] admit of no palliation or excuse.” The *News and Courier* called the murder a “*useless* lynching,” suggesting that the black suspects ought to have been tried through the official judicial channels. Still, Conservative leaders were loath to make any tangible efforts to mitigate the swelling racial violence.²⁴

Several scholars have contended that although lynching was a problem during the Conservative era, mob violence escalated during Ben Tillman’s administration. Some notable sources, however, suggest the contrary. Historians such as William Cooper and Joel Williamson have relied on statistics compiled by the *Chicago Tribune*, which

²³ *Columbia Daily Register*, May 28, 1876; *Edgefield Advertiser* quoted in *Columbia Daily Register*, June 2, 1876; *Charleston News and Courier*, May 12, 1877, quoted in Tindall, *South Carolina Negroes*, 236-237.

²⁴ Yorkville *Enquirer* quoted in Terrence Finnegan, *A Deed so Accursed: Lynching in Mississippi and South Carolina, 1881-1940* (Charlottesville: University of Virginia Press, 2013).

indicate that nineteen incidents of lynching occurred during the Tillman administration. These records list thirteen lynchings (six fewer than in Tillman's governorship) for the previous four years of Conservative rule. On the contrary, the NAACP's data denotes that just in 1889, the last full year of Conservative Governor John P. Richardson's administration, white vigilantes illegally executed black men a shocking *twelve* times. Furthermore, the NAACP, which was certainly no apologist for the Tillman camp, reported that in no year of his administration did lynchings exceed *half* the number reached in 1889.²⁵

An exceptionally egregious example of mob "justice" occurred on December 28, 1889, in Barnwell County. Before daybreak, a horde of over one hundred masked white men forcibly entered the county jail and removed eight African American prisoners. The black men had not been accused of rape, but of murdering white men. Adding to the intensity of the white mob, in the time since they had been arrested, reports had spread that blacks had killed at least three other white men in the region. The alleged murders prompted what one newspaper called, "a state of indignant resentment among our people." Consequently, the men who broke into the Barnwell jail wasted little time in exacting vengeance. They quickly tied the prisoners to trees and volleyed rifle fire into their flesh, resulting in their "bodies and heads [being] literally torn to pieces."²⁶

²⁵ See William J. Cooper Jr., *The Conservative Regime: South Carolina, 1877-1890* third edition (Columbia: University of South Carolina Press, 2005), 114-115; and Williamson, *Crucible of Race*. The Chicago Tribune's data on lynching was originally published in James Elbert Cutler, *Lynch-Law: An Investigation into the History of Lynching in the United States* (New York, 1905), 183. The NAACP's data was initially published in *Thirty Years of Lynching in the United States: 1889-1918* (New York: National Association for the Advancement of Colored People, 1919), 88-91. The records pertinent to the 1880s and 1890s in South Carolina is tabulated in Tindall, *South Carolina Negroes*, 238-239.

²⁶ Charleston *News and Courier*, December 29, 1889; Finnegan, *A Deed so Accursed*; Tindall, *South Carolina Negroes*, 239-240

African Americans in Barnwell and across the state petitioned the General Assembly and the governor to prosecute the white vigilantes, and to take significant steps to preclude any similar instances. Within the week following the murders, leading African American citizens held a conference in the capital, after which they released a list of grievances. They declared, “We interpret the recent instance of violence upon our people in this State as indicating the supremacy of the mob element of the Commonwealth over the law-abiding class.” Nevertheless, the group urged blacks across the state to refrain from responding to violence in kind, to “remain quiet and allow the proper authorities to vindicate the law.”²⁷

Not surprisingly, black leaders’ hopes that the administration would “vindicate the law” went unfulfilled. After leaders from the conference met with Conservative leaders, Governor Richardson insisted that he would “leave no legal means untried to bring the persons guilty of the crime to justice.” He also announced rewards for information as to the specific individuals involved. Conservative leaders may have liked the *idea* of punishing participants in the murderous mobs; but, as whites were unlikely to testify against the lynchers—and officials usually discounted the validity of black witnesses—the overwhelming majority of white vigilantes went were never arrested or charged with any crime. Moreover, while Conservative lawmakers in South Carolina demurred from asserting the state’s police power to punish lynchers, they were convinced to an even greater degree that they could not prevent white mobs from terrorizing African Americans in the first place—at least, that is, while blacks persisted in living in the state.²⁸

²⁷ Charleston *News and Courier*, December 29, 1889; Ibid, January 3, 1890.

²⁸ Greenville *Enterprise and Mountaineer*, January 8, 1890.

The Barnwell massacre prompted Conservative leaders to consider seriously what Senator Matthew Butler had already been proposing in the weeks prior—that the only way to eliminate racially based brutality was to completely separate the races. And what they proposed was not segregation, but removal of African Americans from the country. When asked if he considered the episode at Barnwell as evidence that the races must be separated, Governor John Richardson replied:

Unquestionably...the two races cannot live together in peace while both are aspiring to supremacy....I am wholly in favor of the exportation of negroes in sufficient numbers to relieve the present unhappy situation, and at the same time I believe it would prove a benefit to those who go as well as those who remain. Looking this question of race antagonism squarely in the face, it is obvious that a separation is the only solution of our troubles. We should, however, be kind to these people and do all for them which it is possible for a superior race to do for an inferior.²⁹

Senator Mathew Butler concurred with the governor; so much so, in fact, that early in 1890 he introduced legislation to appropriate at least \$5,000,000 to re-settle blacks in various regions of Africa. Butler did not suggest that the government *force* African Americans to leave the country; rather, he hoped blacks could be persuaded that emigration was the best solution for everyone involved. Wade Hampton agreed, “The negro cannot be assimilated, or absorbed, or amalgamated. He is, through no fault of his own, a menace to the peace and good order of society. His race is an alien race in America, and, for the same reason that other alien races are not permitted to come into this country, he should be permitted and assisted to leave this country.”³⁰

The previous remarks suggest that by 1890, some Conservative leaders had begun to question whether whites and blacks could ever peacefully coexist in South Carolina,

²⁹ Charleston *News and Courier*, December 31, 1889.

³⁰ Charleston *World*, Friday Morning, January 17, 1890; Charleston *News and Courier*, January 31, 1890

especially as lower-class whites resorted more frequently to vigilante violence. Furthermore, Conservatives showed little inclination to employ the power of the state to prevent racial violence. Ironically, Ben Tillman, emblem of racist hostility, entered his first term as governor espousing a very different message. Tillman, who took his first oath as governor almost one year after the Barnwell massacre, denied both the practicality and the necessity of the emigration scheme. Even more significantly, Tillman believed that the state government *could* and should do something about the frequent explosions of non-rape related racial violence.

On December 4, 1890, when Ben Tillman first addressed the General Assembly, he contested basically everything that leading Conservatives had said about the “race problem” over the previous year. “There never was,” Tillman declared, “any just reason why the white men and black men of Carolina should not live together in peace and harmony. Our interests are the same, and our future, whether weal or woe, cannot be divorced.” Removal of African Americans from the state was no solution; it was impractical and inhumane. Colonization would, Tillman maintained, “simply mean their destruction; and I do not want to destroy them.” The new governor also insisted that lynching had “blackened” the good name of the state, and asserted that it was the government’s duty to protect the basic rights to life for “every individual, black and white.”³¹

Tillman made it perfectly clear, however, that the state would not sanction social or political equality, but he condemned mob violence as an affront to the authority of the

³¹ *Journal of the Senate of the General Assembly of the State of South Carolina* (Columbia, SC: Charles A. Calvo, Jr., State Printer, 1890), 78. Hereafter cited as *Senate Journal*. Tillman’s quote opposing removal of blacks from the South is in Francis Butler Simkins, “Ben Tillman’s View of the Negro,” *Journal of Southern History* 3. 2 (May, 1937), 170.

state. Indeed, Tillman's comments reveal how deeply intertwined his conceptions of state power and white supremacy were:

The whites have absolute control of the State Government, and we intend at any and all hazards to retain it. The intelligent exercise of the right of suffrage...is as yet beyond the capacity of the vast majority of colored men. We deny, without regard to color, that "all men are created equal;" it is not true now and was not true when Jefferson wrote it, but...with all the machinery of government—Executive, Legislative, and Judicial—held by white men, with white juries, white Solicitors, white Sheriffs, it is simply infamous that resort should be paid to lynch law, and that prisoners should be murdered because the people have grown weary of the law's delay and of its inefficient administration. Negroes have nearly always been the victims; and the confession is a blot on our civilization. Let us see to it that the finger of scorn no longer be pointed at our state because of this deplorable condition of affairs.³²

Tillman evidently conceded the necessity of extralegal violence when white control of the state was yet uncertain—but now that white supremacy had been assured, he feared that lynching undermined the authority of the state, which, of course, he intended to employ towards empowering what he perceived as a beleaguered white producing class. Tillman blamed previous administrations and an inefficient court system as a major source of the problem—by "granting continuances and new trials upon technicalities," inept officials at every level of the government had helped to prompt mob justice. He called for enforcing higher standards when selecting jury members, and speeding up criminal prosecutions; these actions, Tillman assured, would eliminate the cause behind many lynchings. He also asked the legislature to grant the governor the power to remove sheriffs who failed to protect their prisoners from vigilante mobs.³³

Despite attempts in 1891 to grant the governor power to remove sheriffs, majorities in both houses of the legislature voted against the bill. In fact, during Tillman's

³² *Senate Journal*, 1890, 79.

³³ *Ibid*, 79-80.

administration the legislature approved no anti-lynching measures. Nevertheless, it seems that Tillman's comments against mob violence may have had some effect, for the next lynching in South Carolina did not occur until a year later in December 1891, when whites in Edgefield illegally executed Dick Lundy, a black man accused of murdering the local sheriff's son. Upon hearing rumors that mob vengeance was impending, Tillman ordered the sheriff to protect the prisoner, despite his personal grief. "Do your duty and protect Dick Lundy," Tillman commanded. "The law will punish the murder. Call on the Edgefield Rifles if necessary. I rely on you."³⁴

Tillman also ordered the Edgefield Rifles (the local militia unit), to put themselves at the sheriff's disposal. However, a gang of whites broke into the prison and carried off Lundy before the militia arrived. Sheriff Ouzts told the governor that he had been attending his son's burial when the mob entered the jail, and that they had arrived before 6 pm, when he had directed the Rifles to arrive at the jail. Many onlookers, including the governor, suspected that the sheriff was involved in an "arrangement" with the lynch mob. Tillman expressed sympathy for the sheriff, but insisted that both the sheriff and the jailer were partly responsible for the lynching, in addition to the "driftwood legislature" that had not seen fit to provide him with the power to replace the sheriff.³⁵

For Tillman, the benefit to African Americans that anti-lynch laws might bring was not the primary motivation. He never questioned the guilt of the black men who died at the hands of white mobs, nor did he suggest that they deserved any sentence other than

³⁴ *Charleston News and Courier*, Wednesday Morning, December 9, 1891; see also Tindall, *South Carolina Negroes*, 250-251. For the anti-lynching measures defeated in the legislature, see *Senate Journal*, 1891, 288.

³⁵ *Ibid.*

death. Tillman opposed mob violence not out of paternalistic sympathy, but as a necessary element in maintaining law and order, and thus strengthening the authority of the state government. However, pushing against Tillman's desire to bolster state power and rule of law was his own zeal for entrenching white hegemony over a black population that desired greater equality.

Tillman's conception of "law and order," of course, was thoroughly wedded to white male supremacy; and for racial extremists nothing symbolized a greater threat to that than the notion of black men ravishing white women. Therefore, by the summer of 1892, Tillman began vocally supporting lynch-mob justice for men who allegedly raped white women. In June, while campaigning in Barnwell, near the exact sight of the massacre of 1889, he told the crowd, "Governor as I am, I'd lead a mob to lynch a man who had ravished a white woman ... I justify lynching for rape, and, before Almighty God, I'm not ashamed of it." The state Conservative press, and newspapers across the country, denounced Tillman. The *New York Press* accused the governor for seeking re-election through demagoguery. They wrote, "the idea that an offense committed by a negro should be punished more swiftly or more severely than the same deed committed by a white man is a dangerous sentiment. It is a false notion, and will lead its followers into grave dangers."³⁶

Ida B. Wells, the famous anti-lynch crusader, also condemned Tillman for endangering black men by encouraging the false notion that they were sexual threats to white women. In his original comments, Tillman said that he would lead a mob to avenge a "white woman," but he had not specified if the race of the rapist mattered. Nevertheless,

³⁶ Charleston *News and Courier*, July 11, 1892; *Watchman and Southron* (Sumter, SC), June 22, 1892.

the majority of observers understood him as alluding to a black man. Tillman responded to Wells by clarifying that he would lead a mob “to lynch any man, white or black, who had ravished any woman, white or black.” Of course, this qualification did not persuade his political enemies, and modern scholars remain unconvinced. Historian Stephen Kantrowitz contends, “this gesture toward a statesmanlike color blindness fooled no one.”³⁷

Tillman rarely made specific comments about black women, and apparently while governor he was never forced to confront any situation in which a white man had raped a black woman. Black women likely feared the potential consequences for reporting sexual abuse by white men; and moreover, they knew chances were slim that justice would be served. Thus, there is no way to determine if Tillman would have supported lynching for a white man accused of raping a black woman. Still, it would also be impossible to prove beyond doubt that, as Kantrowitz maintains, “there was no such thing for Tillman as “virtuous” black womanhood.” What is clear, however, is that on almost every occasion that he referred to rape and lynching, he did so in terms that perpetuated the common narrative of black “beasts” rapists preying on unimpeachable white women. Even if Tillman and some others claimed to protect “virtuous” womanhood without regard to color, Kantrowitz correctly asserts that “for [Tillman] and most whites, the qualifier had a racially restrictive connotation.”³⁸

In April 1893, in the town of Denmark (also in Barnwell County), an allegation of rape confirmed the limitations to Tillman’s devotion to law and order. Mamie Baxter, the fourteen-year-old daughter of an affluent white farmer, reported that a black man had

³⁷ *Charleston News and Courier*, June 2, 1894; Kantrowitz, *Reconstruction of White Supremacy*, 169.

³⁸ Kantrowitz, *Reconstruction of White Supremacy*, 169.

attempted to rape her, sending the local white population on a frenzied hunt for blood. White men initially captured Henry Williams, before a group of “respectable” whites provided him with an alibi. Governor Tillman sent messages to Barnwell’s state senator, S. G. Mayfield, in which he conceded that lynching was the appropriate response to the alleged crime. With Williams cleared, however, the white community still hungered for revenge—both for the purported crime against Mamie Baxter, and the “crime” of challenging their sexual hegemony over white women. As one white man from Barnwell avowed, “Barnwell’s reputation is at stake, and by [God] somebody has got to die.”³⁹

For many whites, lynching was more than swift and brutal punishment for a specific crime; it was a message to all blacks that aspirations to social and political equality (of which there was no greater indicator than sexual relations) would not be tolerated. Several historians argue that lynching, segregation, and disfranchisement did not grow solely out of white men’s concerns for maintaining socio-political power, but their desire to monopolize claims over white women’s sexuality. It would be a mistake, however, to separate these two notions, as they were inextricably linked and mutually reinforcing. White men in the New South struggled to preserve social and political dominance, *and* sexual hegemony over white women—any usurpation of either of these entitlements was a signal that the other was also threatened.⁴⁰

Tillman demonstrated his approval for lynching in cases of rape when John Peterson, an African American man for whom Denmark officials had sworn out an arrest warrant, came to the capital to plead for the governor’s protection. Tillman met personally with Peterson before turning him over to the Columbia police, who apparently

³⁹ *Charleston News and Courier*, April 23, 1893.

⁴⁰ *Charleston News and Courier*, April 23, and April 26, 1893; Kantrowitz, *Reconstruction of White Supremacy*, 175-177.

became convinced of his innocence. Nevertheless, the governor—who comprehended the political points to be gained among racial extremists—fed Barnwell County whites’ bloodlust by sending John Peterson back to Denmark to face charges. To no surprise, despite the fact that Mamie Baxter insisted he was *not* her assailant (“I don’t know him,” she said, “That don’t look like him, at all.”), a crowd of at least a hundred white men hung John Peterson from a tree and riddled his body with bullets. It seems undeniable that a significant number of white South Carolinians believed in lynch law, not as a form of punishment or “justice,” but as a message to all blacks that breaching sexual boundaries (which, of course, implied an encroachment upon social and political power) would be met consistently by swift and brutal retaliation.⁴¹

The twin suspicions that black men desired both white women and socio-political power led Ben Tillman to adopt paradoxical leadership strategies. To preserve white men’s claims to social and sexual dominance, he advocated a practice that undermined the authority of the state government—an authority that he championed in every other political issue. And while he obviously facilitated at least one lynching, Tillman held back from prescribing mob violence as a primary solution for entrenching white supremacy, or for any other alleged crime than sexual assault. He may have sincerely believed that rape was too heinous a crime to warrant punishment through the official legal system; but in contrast, Tillman considered the state government—at the level of its very framework—as the obvious and only reliable guarantor of white supremacy. Moreover, he hoped that by reconstructing the state from the ground up, by crafting a new constitution, he and his supporters would ensure perpetual white rule, while also eliminating the unfortunate “necessity” of the bloodthirsty mob.

⁴¹ Charleston *News and Courier*, April 26, 1893.

Tillman's strategies for ensuring white rule, however, must be understood within the context of his perception of race itself, and his ideas about the natural state of relations between different and unequal races. Slavery, Tillman would later declare before the U. S. Senate, had made a significant number of "good Christian men and gentlemen and ladies" from a savage race. Emancipation, on the other hand, had released the constraints on the black man's latent barbarism; as a result the African became "a fiend, a wild beast, seeking whom he may devour." After all, for Tillman, blacks at heart were "so near akin to the monkey that scientists are yet looking for the missing link." Nevertheless, Tillman thought that white and black South Carolinians could perpetuate a relationship as unequal citizens—as long as white rule was unquestioned and cemented into the very underpinnings of the state government.⁴²

The experience of Reconstruction, when black men filled many seats of the General Assembly and civil rights were embedded in the state constitution, proved to Tillman that whites' most fundamental obligation was to ensure their own supremacy. Subsequently, they would prevent other nefarious whites from manipulating blacks for their own selfish ends. "The negro," Tillman had declared upon his gubernatorial election, "was a staunch friend and faithful servant" until sinister white Republicans initiated the "dismal experiment of universal negro suffrage." This, Tillman thought, tempted blacks to forget their proper place as second-class citizens, and infused their minds with delusions of racial equality—or worse, black supremacy. Only when they

⁴² Tillman's comments to the U. S. Senate are quoted in Simkins, "Ben Tillman's View of the Negro," 166.

were “no longer imbued with the Republican idea...[would the] vexed negro problem be solved.”⁴³

Solving the “negro problem,” at least in Tillman’s mind, was even more crucial because of his conviction that distinct races could not peaceably coexist without one controlling the other. While serving in the U. S. Senate in 1900, Tillman penned an essay for the *North American Review*, in which he argued against the United States colonizing the Philippines. Although the article appeared six years after Tillman’s governorship ended, the arguments help clarify his conceptions of “race,” and his belief in its determining influence on human society—notions that informed Tillman’s mission to disfranchise African Americans constitutionally.⁴⁴

Tillman explained that disparate races were naturally adversarial. “The mysterious influence of race antagonism,” he asserted, “has always existed; it is ineradicable; and it will continue as a governing factor wherever the races come into contact.” To critics who charged hypocrisy for his protesting ruling Filipinos overseas, while subjugating blacks at home, Tillman insisted, “we of the South have never acknowledged that negroes were our equals, or that they were fitted for or entitled to participate in government.” African Americans, he suggested, had been foisted upon southern whites by colonial-era Europeans; therefore, at the turn of the twentieth century, dominating blacks socially and politically was the only natural response whites could have made, lest they incur a race war or subjugation by a combination of blacks and unscrupulous whites.⁴⁵

⁴³ *Senate Journal* (1890), 78.

⁴⁴ B. R. Tillman, “Causes of Southern Opposition to Imperialism,” in “Bryan or McKinley? The Present Duty of American Citizens,” by Tillman et al. *North American Review* 171. 527 (October, 1900), 443, 445.

⁴⁵ *Ibid.*

Tillman also expressed views of his own race, which provide an invaluable insight into his understanding of racial predispositions and race relations. It was not simply the primitive and uncivilized characteristics of African Americans that precluded equality in the United States, or for that matter, anywhere. White men, Tillman also possessed inherent qualities that prevented them from existing on equal terms with other peoples. Expressing his belief that the U. S. would treat the Filipinos unfairly, he wrote:

The Anglo-Saxon is pretty much the same wherever you find him, and he walks on the necks of every colored race he comes into contact with. Resistance to his will or interests means destruction to the weaker race. Confronted, as we are, within our own borders with this perplexing problem, why do we seek to incorporate nine millions more of brown men under the flag?...We have inherited our race problem and the question is not one that can be thrust aside voluntarily. "The White Man's Burden" is upon us, and like Sinbad's Old Man of the Sea, will be upon us for all time.⁴⁶

From Tillman's perspective, the notion of social and political equality between blacks and whites in the South (or between whites and any other people) was not simply impossible because of African Americans' inferiority. Indeed, it was the white race's inherent drive to bully and subdue other races that impeded equitable race relations. Essentially, Tillman understood the Anglo-Saxon as being hardwired to conquer every race that he considered inferior—which, of course, was *every* other race.⁴⁷

In the same *NAR* article, Tillman justified aspects of racial violence in the southern states, while simultaneously suggesting that Judge Lynch should not be the ultimate state authority. Furthermore, he rejected northern accusations that white southerners treated blacks more cruelly than did northern whites. Pointing to recent race riots and lynchings in New York and Ohio, he insisted that racially motivated attacks in

⁴⁶ Ibid, 443-444.

⁴⁷ Ibid.

the North and South differed significantly in degrees of collateral damage. “Northern white men,” Tillman declared, “vent their anger upon the blacks indiscriminately, and [their] race hatred is so intense that the innocent and unoffending are made to suffer. In the South, on the other hand, the mob hunts down the man who is guilty, or supposed to be guilty, and innocent negroes are not molested.”⁴⁸

Tillman ignored brutal truths about southern racial violence. He had, of course, personally handed over John Peterson to a mob that killed him even after the supposed victim declared his innocence. Obviously, Tillman did approve of extralegal vengeance when there was even a whisper that a white woman had been sexually violated. For him, if the guilty party could not be found, the “cause” of white dominance necessitated murder of an innocent man—a message must be sent. However, notwithstanding his sanction of the “shotgun policy” to reclaim white supremacy, Tillman never endorsed haphazard violence that was not motivated by the specific objectives of enforcing white political power and sexual dominion over white women. Unlike prominent Conservatives, however, the epidemic of lynching (especially those, like in Barnwell in 1889, that did not result from even the *pretense* of rape) never caused Tillman to believe that whites and blacks could not coexist in South Carolina. He was convinced, though, that one race—his own—must rule unquestionably over the other.

Despite what some scholars might suggest, Ben Tillman seems to not have relished violence for its own sake. Violence was necessary at times; but it was not the ideal solution. And, as in the issues discussed in previous chapters, Tillman saw the sovereign power of the state, especially those powers vested in the state constitution, as the proper guarantor of white hegemony. His remarks on the nature of race, and the

⁴⁸ Ibid.

inalterable antagonism between distinct peoples, reveal the logic upon which he based that conclusion. Tillman, for instance, intimated that northern whites' "race hatred" was significantly more "intense" than that their southern counterparts—and that extreme intensity resulted in widespread indiscriminate violence against guiltless blacks. It seems clear that Tillman attributed that fierceness to the fact that northern whites felt their status threatened because northern leaders had allowed blacks a greater degree of social mobility and political participation. If, however, the state ensured white power at the government's most fundamental level, whites could be confident in the racial hierarchy. And as a subsidiary benefit, Judge Lynch would claim jurisdiction in notably fewer instances. Thus, Tillman led the campaign to re-engineer the state constitution, restricting—as far as it could without incurring federal intervention—African Americans' civil rights, suffrage rights, and social aspirations.⁴⁹

In 1890, Tillman's Farmers' Association had listed among its demands a constitutional convention to rescind the Reconstruction-era constitution of 1868. That "Radical Rag," the farmers claimed, needed replacing with an "organic law framed by our own people." That same year, Mississippi implemented a new constitution that effectively disfranchised black men. Despite the inspiration from the Mississippi constitution, attempts to call a convention in 1890 and 1891 failed. Tillman then raised the potential stakes. In the 1892 campaign, he denounced opponents as "a set of ignorant jackasses," and warned that without a new constitution, "the negro vote would be called upon sooner or later." By 1894, with a majority of lawmakers still reluctant, Tillman began sounding the alarm of potential "negro domination" with new vigor. The primary objective of the new constitution, he declared, was to reduce "the number of negro voters

⁴⁹ Ibid, 443.

at least one-half, possibly more.” By 1895, after his election to the U. S. Senate, Tillman finally found enough support to call a referendum, which resulted in a favorable vote for the convention.⁵⁰

Several scholars have so thoroughly detailed the political bargaining preceding and during the constitutional convention that only a brief summary will suffice for the discussion at hand. Tillman, of course, was the primary figure from beginning to end—he called for the convention, negotiated it through the legislature, managed the referendum, and chaired the committee on suffrage. The convention of 1895, which began on September 10, created a document void of the civil rights protection guaranteed in the 1868 constitution, and loaded with a myriad of challenges designed to eliminate African Americans from the ranks of registered voters. Nevertheless, throughout the process Tillman insisted that the delegates at least maintain some pretense that their motives and objectives were colorblind. When delegate Robert Aldrich proposed not only to restrict suffrage, but bar African Americans from serving in the state legislature, Tillman fumed that “it would be idiocy for this convention to try and bring down on our heads the dire sword that is hanging above us.” The “dire sword” to which he referred was the federal government, which Tillman feared would intercede if the convention appeared to openly flaunt its intentions to circumvent the Fifteenth Amendment. Tillman asked Aldrich, “Why invite attack?”⁵¹

⁵⁰ Farmers’ Association Platform in “The Platform” (1890), 1892 Notebook, Tillman Papers, Special Collections, Clemson University, quoted in Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill: University of North Carolina Press, 2001), Chapter 5; *Charleston News and Courier*, August 4, 1892, and October 30, 1894.

⁵¹ George B. Tindall, “The Question of Race in the South Carolina Constitutional Convention of 1895,” *Journal of Negro History* 37. 3 (July, 1952), 285-286; For thorough discussions of the political battles surrounding, and the specific arguments made in the South Carolina Constitutional Convention of 1895, see Francis Simkins, *Pitchfork Ben Tillman*; Stephen Kantrowitz, *Reconstruction of White Supremacy*; George B. Tindall, *South Carolina Negroes*; Tindall, “The Campaign for the Disfranchisement

Tillman and the suffrage committee created a series of voting obstacles that, while technically race-neutral, would affect blacks in much higher proportion than whites. Article II of the South Carolina Constitution of 1895 restricted suffrage to males over twenty-one who could prove residence within the state for at least two years, their county for one year, and their voting precinct for four months. Potential voters were also required to pay a poll tax six months prior to elections. The residence requirements especially hindered African Americans because sharecroppers often moved from place to place seeking better arrangements. The poll tax was also devastating, due the fact that they were due in May, when cash was scarce among all but the most affluent farmers.⁵²

White delegates, however, assumed that the literacy requirement would disqualify the largest number of blacks. The constitution stipulated that registrants must be able to read and write any section of the document. Another clause (valid until 1898) ensured permanent registration for those who could “understand” a section of the constitution when read to them by the registrar. This facilitated the registration of illiterate whites, and also enabled registrars to fraudulently disallow literate black men. Finally, the constitution empowered local election managers to demand proof of payment for all taxes in the previous year. This provided another avenue for fraud, as election officials could discriminate from whom they chose to demand such evidence. In addition to registration requirements, the constitution also included crimes (which whites considered African

of Negroes in South Carolina,” *Journal of Southern History* 15. 2 (May, 1949), 212-234; Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill: University of North Carolina Press, 2001), Chapter 5.

⁵² Tindall, “The Question of Race in the South Carolina Constitutional Convention of 1895,” 286-287.

Americans more likely to commit) that resulted in permanent disfranchisement. Among others, they included burglary, arson, perjury, forgery, robbery, and adultery.⁵³

Scholars do not question that Ben Tillman headed the movement to create a new state constitution for the purpose of restricting black suffrage. He proudly stated the fact on numerous occasions, and once did so brazenly before the Senate:

We did not disfranchise the negroes until 1895. Then we had a constitutional convention convened which took the matter up calmly, deliberately, and avowedly with the purpose of disfranchising as many of them as we could under the fourteenth and fifteenth amendments. We adopted the educational qualification as the only means left to us, and the negro is as contented and as prosperous and as well protected in South Carolina today as in any State of the Union south of the Potomac. He is not meddling with politics, for he found that the more he meddled with them the worse off he got. As to his "rights"—I will not discuss them now. We of the South have never recognized the right of the negro to govern white men, and we never will.⁵⁴

A more perplexing question is: why in the 1890s, did Tillman feel the urgent need to disfranchise blacks, especially considering that African Americans had played an ever-diminishing role in politics since the early 1880s? Edward McCrady's Eight-Box law of 1882, along with the shamelessly gerrymandered congressional districts, had significantly curbed black political participation and virtually eliminated the Republican Party from contention in South Carolina. In 1876, out of a total 140,000 eligible males, African American voter turnout had reached its zenith of over 90,000; and even after four years of Democratic rule and election violence, around 58,000 blacks voted in 1880. After the Eight-box law, though, the numbers dropped precipitously. In 1884, blacks accounted for less than 22,000 votes, and by 1892 the total dropped to just over 13,000. Tillman's new

⁵³ Ibid.

⁵⁴ "Speech of Senator Benjamin R. Tillman, March 23, 1900," *Congressional Record*, 56th Congress, 1st Session, 3223–3224. Reprinted in Richard Purday, ed., *Document Sets for the South in U. S. History* (Lexington, MA.: D.C. Heath and Company, 1991), 147.

constitutional restrictions did have a noticeable effect in 1896, when just over 9,000 African Americans managed to register and vote in the presidential election.⁵⁵

Historians have proffered various reasons for the motivations and timing of southern disfranchisement in general, but most scholars seem to agree that Ben Tillman's chief objective was to prevent an alliance between African Americans and white Conservatives. Tillman did acknowledge that goal, but usually downplayed his Reform Party's agenda as a motivation. He more often couched the necessity for disfranchisement in terms of restoring white power and white unity. In October 1894, Tillman declared, "Our people will come together if the Convention is called, and patriotism and character without regard to faction will govern." South Carolina's black leaders, however, fully recognized that Tillman was not pursuing disfranchisement for some abstract notion of white solidarity; they knew his own factional interests drove him. In a letter to the *Charleston World*, the six African American convention delegates wrote that the Tillmanites' aim was to preclude "the possibility of the negro uniting with the Conservative Democratic faction, and thus oust[ing] from place and power those now in control of the government."⁵⁶

⁵⁵ African American voting statistics for the 1870s through the 1890s are listed in Tindall, "The Campaign for the Disfranchisement of Negroes in South Carolina," 217.

⁵⁶ *Charleston News and Courier*, October 30, 1894; *Charleston World* quoted in *Charleston News and Courier*, October 3, 1895. For discussions on the reasons for and timing of southern disfranchisement, see V. O. Key, *Southern Politics in State and Nation* (New York: Alfred A. Knopf, 1949); C. Vann Woodward, *Origins of the New South*, and Woodward, *The Strange Career of Jim Crow*, Commemorative Edition. Original published in 1955. (New York: Octagon Books, 1974); J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974); Jack Tempe Kirby, *Darkness at the Dawning: Race and Reform in the Progressive South* (Philadelphia: Lippincott, 1972); Dewey W. Grantham, *Southern Progressivism: The Reconciliation of Progress and Tradition* (Knoxville: University of Tennessee Press, 1983); Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill: University of North Carolina Press, 2001).

V. O. Key insists that legal restrictions on voting simply formalized the control that whites had already achieved. Disfranchisement was a "fait accompli" before it was legalized. However, the situation in South Carolina prior to the 1882 Eight-box law reveals a different story. And, as mentioned, even as late as

Tillman sought unequivocally to bolster his own faction's power and crush the Conservatives. In fact, the narrative of his rise to political prominence did not indicate a commitment to unconditional white solidarity; on the contrary, it told a thoroughly factional story. His initial campaigns in the late 1880s had never focused on racial subjugation; instead, they were overwhelmingly factional in nature, highlighting socio-economic factors and pitting white agricultural producers against the planter and commercial elite. In Tillman's mind, so-called "white unity" was only necessary as long as African Americans might vote in significant numbers; with that threat removed, Tillman's faction was free to impose their will on the Conservatives.

Still, despite Tillman's partisan objectives, the drive to disfranchise blacks reveals more than a factional power grab, or even radical white supremacy; it also demonstrates Tillman's strong commitment to the active state government as the necessary guarantor of *his* desired social and political order. His commitment to constitutional "reform" validates J. Morgan Kousser's contention that advocates of suffrage restriction felt the force of law was necessary to secure permanent disfranchisement and white supremacy. While Conservatives had enacted legislation to contain African Americans' political ambition, from Tillman's perspective, even that had not been enough. The Eight-box law

1894, black citizens of South Carolina were showing signs of resuming their alliance with the Republican Party in greater numbers. C. Vann Woodward disagrees with Key, insisting that whites could not have achieved political dominance without the force of law. Woodward also contends that ex-Populists, who were frustrated that elite planters had manipulated black voting, demanded disfranchisement. Also, elite Democrats supported voter restrictions out of fear that blacks and lower-class whites would eventually form a populist-style alliance. J. Morgan Kousser argues against Key, insisting that white Democrats did not have control of black or populist voters before legal disfranchisement—they required the force of law. Kousser provides evidence that disfranchisement laws also severely restricted white voting among the lower class, resulting in a one-party system. Jack Temple Kirby contends that disfranchisement and segregation were essential elements of southern Progressivism. Dewey Grantham agrees with Kirby that legal subjugation of blacks was a necessary before southern white progressives would seriously attempt any type of progressive reform. Ben Tillman, of course, initiated all of his reforms prior to constitutional disfranchisement, but he did so under reasonable assurance that white rule was not in immediate danger. For partisan and racially based motivations, however, he insisted that stronger restrictions were necessary.

may have been effective, but as a mere statute its continued potency was questionable. Whenever some nefarious whites coveted the black vote for their own gains, that law might be repealed or simply not enforced.

Tillman's fears that the legislation might be overturned were not mere paranoia. Indeed, in the years prior to the constitutional convention, some critics were encouraging lawmakers to repeal the Eight-box law, or the state supreme court to find it unconstitutional. In April 1895, a prominent anti-Tillman attorney from Newberry, Major J. F. J. Caldwell, condemned both Tillman's scheme and the *existing* voting regulations. "I believe," Caldwell declared, "and am firmly convinced that the entire registration law of this state is wrong and illegal. The [Eight-box] law of 1882 was unconstitutional."⁵⁷

In the year before the constitutional convention, indications of resurging black political action also exacerbated Tillmanites' worries about the impermanence of South Carolina's current voting requirements. In March 1894, the *Charleston News and Courier* declared in bold print, "The People of Columbia Must Register in Full Force." The "people" to whom the paper referred were, of course, *white* people. And the urgency was due to the fact that a large gathering of African Americans had recently met with a group of around a dozen white men, who local Democrats suspected to be Republicans. At first local whites thought the meeting to be a mere "flash in the pan," but soon began to consider the "seriousness of the movement." At least one reason for African Americans' renewed interest in voting seems to have been the continued practice of lynching, instances of which had increased after Tillman's infamous "lead a mob" declaration. Later in June, for example, a throng of York County blacks converged on the registrar's office after a mob of local whites murdered a black man named Jefferson Crawford.

⁵⁷ *Charleston News and Courier*, April, 25, 1895.

According to concerned local whites, “never during the past ten years have negroes manifested so much interest in the matter of securing registration certificates...It is evident that the G. O. P. contemplates attempting something out of the usual order.”⁵⁸

Tillman sought to disfranchise African Americans (and lower class whites), it seems, for a combination of factional, partisan, and white supremacist motives. In his mind, poor whites did not represent as much of a danger—especially since he had effectively managed to co-opt much of the Populist fervor that had swept other southern and western states—but as long as black men could potentially reemerge as a political force, Tillman feared that both the Democratic Party and the Reform faction were on shaky ground. Of even greater consequence, however, the possibility of blacks “meddling” in politics imperiled the very foundation of racial superiority that he and other white Democrats had taken up arms to reestablish in 1876. And as always, an underlying contest over the appropriate role of government suffused the debate over disfranchisement.

When advocates of constitutional disfranchisement presented their case, they often did so by pointing out the relative fragility of the existing suffrage laws. Tillmanites, of course, acknowledged that the 1882 Eight-box law had been effective up to that point. Nonetheless, they feared that some future politicians could gain enough power to manipulate or overturn those statutes. Supporters of new constitutional restrictions frequently labeled the Eight-box law an “expedient”—a measure taken for a specific purpose, but *temporary* in nature. As early as 1888 the *News and Courier*, the only Conservative organ that supported constitutional reform, declared that the “Eight-box law

⁵⁸ Charleston *News and Courier*, March 25 and June 8, 1894.

is a mere expedient.” The paper added that a constitutional amendment stipulating an education requirement for registration was, “the manly way out of the trouble.”⁵⁹

Although after 1890 Tillman definitely led the movement to re-build the constitution, the *News and Courier*’s comments demonstrate that (as was the case in his opposition to phosphate and railroad monopolies) the Reform party leader was only energizing and implementing strains of momentum that antedated his election. Thus, during the convention of 1895, Tillman compared the proposed suffrage restrictions to existing laws in a similar manner as the Charleston paper had seven years prior:

Should we ever have a Government that would appoint registration officers who wanted to enroll the negroes as voters this [existing] scheme would not work. *But there is a difference between having it in the Constitution and depending on the eight-box law and registration laws.* A defeated minority of white men could never obtain control of the Government by using the negro vote. Such a minority must obtain control of the Government by obtaining a white majority first, and it would have no need of the negro.⁶⁰

This statement reveals Tillman’s philosophy of the state government as the critical arbiter in perpetuating his desired social order. Although they did have the force of law, the Eight-box and registration statutes were completely contingent on the judgments and actions of registrars and election officials, who might adjust their implementation of the guidelines for their own political designs. It was widely understood that, under the Eight-box system, election officials routinely aided illiterate voters—black and white—as long as they voted “right.” From Tillman’s perspective, the existing statutes were examples of social control by *men*, not by the stronger and more permanent force of *constitutional law*. Consequently, when a Conservative delegate suggested perpetuating the current laws, Tillman countered loudly, “You can not do it,

⁵⁹ Charleston *News and Courier*, December 17, 1888.

⁶⁰ Charleston *News and Courier*, October 26, 1895.

gentleman. The people do not want it any longer; they are tired and sick of it unto death.”⁶¹

By no means did Tillman’s plan win universal approval, even from those who desired black disfranchisement. Critics at the time charged the former governor both with sustaining the potential for election fraud, and for disfranchising numerous poor whites, many of whom had helped him to win political power. Tillman constantly assured the public that he had no desire to rob illiterate white men of the vote, but he also acknowledged that, when compared to blacks remaining potential political actors, some white disfranchisement was the lesser of two evils. He also expressed distaste for the “understanding” clause—which was effective through 1898—that the convention delegates included to register as many illiterate whites as possible. The understanding provision not only carried with it the same opportunities for corruption as the previous laws, but convention delegates openly admitted it would be employed fraudulently. Tillman called the measure “obnoxious,” and declared, “I only swallow enough of it to protect the ballot of the poor white man. Then I for one am ready to cast the poisoned chalice from my lips.”⁶²

According to Tillman, if the overwhelming majority of whites were educated, they would qualify legitimately to vote, and fraud would be unnecessary. Tillman assured the delegates that if his educational requirements were adopted, the state would make sure to educate every white child, ensuring a future in which white disfranchisement was a non-issue. “We will,” he declared, “give them such a system of free schools as will do away with white illiteracy in South Carolina, and we will be called blessed by the poor

⁶¹ *Charleston News and Courier*, October 31, 1895; *Journal of the South Carolina Constitutional Convention*, (1895), 469.

⁶² *Charleston News and Courier*, October 31, 1895.

white sons.” The implication was obvious: the state would ideally educate white children while denying education to black children. Contrary to Wade Hampton’s policy of providing equal funds for all students regardless of race—which meant spending *more* on black students overall—the Tillmanite state would indeed play favorites in doling out public funds.⁶³

Tillman’s success in creating the disfranchising constitution did not stop him from distressing over two significant realities that would eventually threaten white South Carolinians’ legalized superiority. The Fifteenth Amendment prevented the state from overtly eliminating African Americans from political participation; and further, he knew—even with the state restricting black education as much as possible while avoiding federal intervention—that whites could only stall widespread black literacy for so long. In the end, in spite of everything Tillman had done to encode white supremacy into the DNA of the state, whites in the twentieth century would revert to extralegal means. Until the Civil Rights Act of 1964, and the Voting Rights Act of 1965, intimidation, violence, discriminatory school systems, and openly biased registration officials accomplished what the United States’ Constitution would not allow the South Carolina Constitution to do outright.⁶⁴

Before the end of his life in 1918, Benjamin Ryan Tillman surely reflected on his political career and pondered how future generations would perceive his legacy. He likely spent some solitary moments contemplating what he considered to have been the highlights of his time in office, wondering what the future would make of him and his Reform movement. Presumably, among the achievements Tillman anticipated would

⁶³ Ibid.

⁶⁴ Ibid.

symbolize his life was the usurpation of elite rule in South Carolina, the creation of colleges for the advancement of scientific farming and women's education, reforms to public institutions like the penitentiary and asylum, the establishment of the state dispensary, and assaults on corporate money powers. These were all elements in Tillman's overall strategy of employing a more aggressive state government to preserve white producing families' social and economic status, which he felt was being degraded by avaricious corporations and unknowable market forces.

Tillman certainly also hoped that white Americans, South Carolinians in particular, would remember him for leading the charge to eliminate African Americans from the political sphere, to forestall any further instances of "negro domination." He undoubtedly prided himself as an indispensable director of what one scholar has dubbed "the reconstruction of white supremacy." Ironically, though, he also misjudged how that legacy would be perceived by later generations.⁶⁵

Tillman, like many Americans of his day, understood the entrenchment of white rule as the *sine qua non* of a properly functioning society in which distinct races coexisted. And even though he was well aware of contemporary critics of that policy, Tillman would likely be puzzled by the almost wholesale condemnation his ideology provokes in the twenty-first century. If Tillman thought the "pitchfork" best represented his persona, many in the modern era would suggest that a more apt symbol would be a noose. In Tillman's mind, however, the notion of racial equality was simply a falsehood; and those who sought to exploit that myth, whether for political gains or out of misguided idealism, posed a grave threat both to white supremacy and to the republican system of government.

⁶⁵ Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy*.

While he was certainly more strident on the subject of white supremacy than the vast majority of Conservatives, much of Tillman's bluster can be attributed simply to his desire to play the foil to those who exuded the demeanor of Conservative gentility. For many modern observers, Tillman's highly racist comments—especially those encouraging lynching of rapists—stand out as the most memorable and representative markers of his career. And although he always insisted that violence was necessary to restore white rule, for the majority of his tenure as governor, Tillman's approach to racial subjugation was not a Hamburg-style shotgun policy, nor a demagogic appeal to lynch mobs, but a carefully conceived and systematic plan to imbed perpetual white dominance within the legal framework of the state.

Despite the Tillmanites' monumental efforts at disfranchisement, simply securing white ascendancy was not their final objective. That is, suppressing black political activity and forestalling social equality was not the end of their mission, but a prerequisite cornerstone upon which Tillmanites would empower agriculturists and others of the producer class. Simply put, Tillmanism was not about ensuring that "whites" would rule South Carolina—it was about deciding *which* whites would rule, and *what* they would do with the power of the state. The Tillman plan was to replace the refined planter and commercial elite, not with the *hoi polloi* or "wool-hat boys," but with a relatively affluent, if less overtly genteel, set of leaders from a pool of white men who would champion prosperity for agriculturists.

Tillmanites never claimed to be "radical" revolutionaries, as some scholars have suggested. They saw an active state government—not "socialistic" programs—as the answer to their problems. In the end, they may have failed to create the society of

widespread land-ownership and white agricultural producerism that they envisioned; but that does not necessarily mean their message was disingenuous. Neither should it overshadow the significant distinction between their understanding of the role of state government, and that of the Conservatives. After all, the white supremacy campaign, with which Tillman has become synonymous, perfectly illustrates a commitment to the idea of state government as the ultimate arbiter of social order.

EPILOGUE

In 1916, as the United States inched closer towards entering the war in Europe, reformers in Congress struggled to pass what would be one of the last major efforts of the Progressive era. Once enacted, the Keating-Owen Act outlawed interstate transportation of goods produced by companies employing children under the age of fourteen. Child labor opponents celebrated the end of a system that had robbed children of their youths, often crippled their bodies, and stunted their intellectual development. Although the Supreme Court ruled the law unconstitutional less than a year later, it paved the way for the federal labor laws of the New Deal. The majority of opposition to the bill originated in the South, where influential cotton mill owners feared the loss of dirt-cheap, tractable labor. Notably, many mill workers (especially men) opposed the measure—they relied on their children's earnings, and viewed it as an attack on their traditional independence and patriarchal authority. Nevertheless, the elected officials who voted nay, including Ben Tillman, claimed their decision was no approval of child labor; rather, it was a matter of constitutional principles and the protection of state power.

For Ben Tillman, however, the debate over the Keating-Owen Act signified much more than a choice between strict or broad constitutional constructionism. Whether or not he realized it at the time, the movement to end child labor, and the corresponding contest to define the powers and limitations of the federal government, manifested the conflicting strains of Tillman's political vision, and exposed the fundamental failure of his implementation of the active state government. Tillman, despite suffering from a series of

strokes, surely understood that rejecting federal child labor restrictions, while simultaneously denouncing business owners' exploitation of children, appeared to many as hypocrisy. And more than that, the very existence of the problem signified that his original vision, in which independent agricultural producers prospered, had not been realized.

Tillman had indeed achieved some of the objectives he pursued while governor, and had certainly influenced the political climate in ways that would continue to be felt for decades. The South Carolina Constitution of 1895 helped to ensure the disfranchisement of African Americans that the Conservatives' Eight-box law—along with violence, intimidation, and fraud—had begun. Black voting continued to decrease, and in 1900 the lowcountry black district sent the last African American representative to the state legislature that would serve until after the Voting Rights Act of 1965. Furthermore, Tillman's influence on Democratic politics in South Carolina was evident, as many politicians in the twentieth century strove to prove themselves the most committed to white supremacy, even though state laws and customs rendered the threat of black political power almost unthinkable. Despite differences in style, Governor Coleman Livingston Blease, Senator Ellison D. ("Cotton Ed") Smith, and Strom Thurmond (who served both as governor and in the United States Senate) all embodied aspects of Tillman's racialized political tactics.¹

By 1916, just two years before the aging senator would perish, Tillman had long ago ceased participating in the internal politics of the Palmetto State, focusing instead on national matters. For example, in 1907, when South Carolina lawmakers terminated his

¹ George Brown Tindall, *South Carolina Negroes, 1877-1900* (Columbia, SC: University of South Carolina Press, 1952), 303-308.

once cherished Dispensary, Tillman indifferently admitted that he had paid no attention to the institution for years. At the time, he was busy working for greater railroad regulation and pushing through the Tillman Act, which outlawed corporate donations to political campaigns. Almost a decade later, as the United States prepared to enter the Great War, Senator Tillman devoted the overwhelming majority of his attention to his work as Chairman of the Committee on Naval Affairs. The debate over the Keating-Owen bill, however, revealed the limits to which he would support federal action.²

With the same animosity that he had attacked the railroad and phosphate monopolists that gouged the poor farmer, Tillman rebuked the cotton mill owner who grew rich off the labor of children. After receiving numerous petitions from mill owners opposing the child labor bill, he told his fellow senators, “I have been shocked to see men in South Carolina—rich, intelligent, well educated men—who were willing to swell their dividends at the expense of little children. Their plea, stripped of verbiage, is ‘*let the children toil that we may live in luxury.*’” In light of those realities, Tillman wondered how anyone could be surprised at the “spread of socialism and the increasing hostility of labor towards capital.” Nevertheless, as much as he detested the idea of small children working in dangerous conditions for even smaller wages, Tillman refused to sanction federal legislation to end the practice.³

According to Tillman, regulating business and labor fell within the domain of the state government. Any and every intrusion by the central government into that realm usurped what he believed to be the states’ constitutionally defined powers. Even as he

² Francis Butler Simkins, *Pitchfork Ben Tillman: South Carolinian* with a new Introduction by Orville Vernon Burton (Columbia, SC: University of South Carolina Press, 2002), 419-430, 518-527.

³ *Watchman and Southron*, August 12, 1916.

denounced the unscrupulous mill owners, Tillman steadfastly refuted the constitutionality of national legislation:

I am opposed to any national child labor law, because the subject matter of any such matter ought to be left to the States. The public powers of government—that is, matters affecting the public health, public morals and public safety were reserved to the States by the founders of the United States government, who sought thereby, to safeguard the principles of local self-government. ...The Keating bill, while ostensibly an exercise of the powers of Congress over interstate commerce, is, in reality, an attack on the police powers of the States. If enacted into law and held constitutional, it will establish a precedent which, when carried to its logical conclusion, will reduce the States to mere departments of the general government. If Congress can use its delegated powers to accomplish objects entirely foreign to those for which they were granted, there is no civil right or relation too sacred for the United States government to lay unhallowed hands on.⁴

It seems that Tillman's stated opposition to the Keating bill was sincere. He roundly praised the child labor law that the South Carolina legislature passed, at the urging of Governor Richard Irvine Manning III, in February 1916. Tillman insisted that he would go even further than the General Assembly—which had prohibited employment of laborers under the age of fourteen—to strengthen the law and ban business owners from employing anyone under sixteen years of age. Nevertheless, when pressed to weigh the potential dangers of federal overreach against the outrage of childhoods lost on the factory floor, he did not hesitate to declare which one of those was the lesser of two evils:

The Keating bill is too broad and sweeping, but this is only an incidental objection, my fundamental reason for opposing it is that it is an attempt to usurp the vital powers of the States. I cannot stand by and see local self-government torpedoed without warning. ...It will be a sad day for all of us when the ordinary civil rights, privileges, and liabilities are defined and fixed by the central government at Washington. Child labor is bad—all decent people know that, but the destruction of local self-government is worse.⁵

⁴ *State* (Columbia, SC), February 16, 1916.

⁵ *Ibid.*

We cannot know if Tillman fully realized the irony of his position in 1916. He had always insisted on the primacy of the state over the central government, but during his tenure as governor, the main objective of that state government had been to foster an environment in which white, self-reliant, agricultural “producers” could prosper. In Tillman’s vision, scientific and practical colleges would educate future guardians of independent white families, while the state would turn its legislative arsenal against the agents of monopoly—the mortal enemy of the farmer. Ideally, as a symbol of state’s competence and moral authority, the state would efficiently operate modern institutions like the penitentiary and lunatic asylum. Proper racial hierarchy, of course, would also be encoded into the legal framework of the state. The problem of child labor, though—particularly its prevalence in South Carolina—proved that much of Tillman’s vision, or the methods in which he sought to achieve it, had not been successful.

By 1916, it was clear that Tillman’s hopes had not come true. Tens of thousands of farmers, who had once believed the vision he prophesized, were not living the Jeffersonian dream of agricultural self-reliance. They were, instead, doffing the spindles of a great capitalist machine. While Tillman had championed the *farm*, it was, in reality, the *factory* that triumphed. In 1880, when the future governor was only beginning to formulate his political strategy, there had been only a dozen cotton mills in South Carolina. By 1900 there were 115, mostly in the upcountry; and in 1920 over 180 mills dotted the Palmetto State. In the earliest stage of development, mainly single and widowed women worked the mills, but as the factories proliferated and the agricultural

economy languished, white men began to leave their farms, with their families in tow, to look for new hope in the mill village.⁶

Tillman's strategy had not worked—at least the way he wanted it to. The very presence of the mills proved that fact. Instead of working the land by the rhythms of nature, many of Tillman's former followers (and many of their young children) worked the mill floor to the hum of whirling bobbins, goaded by the clock and whistle. Where once they planted, harvested, and sold a crop, now they received a wage, and often turned it directly over to the company store. Tillman's version of the active state, it seems clear, had not been powerful enough to stave off the juggernaut of capital. The convergence of market forces, new technology, and a large pool of cheap labor transformed the South Carolina upcountry into one of the largest textile manufacturing centers in the world. It was nothing like the world Tillman had envisioned or desired, but unlike the throng of Progressive reformers who urged for federal regulation, he obstinately rejected the notion on principle. Despite clear signs that his state-centered strategy had lacked the muscle to overcome the powerful tides of capitalist industrialization, Tillman remained, until his final breath, unconverted.

⁶ Bryant Simon, *A Fabric of Defeat: The Politics of South Carolina Millhands, 1910-1948* (Chapel Hill: University of North Carolina Press, 1998), 14.

BIBLIOGRAPHY

Newspapers

Anderson Intelligencer (SC)

Asheville Dailey Citizen (NC)

Atlanta Constitution (GA)

Baptist Courier (Greenville, SC)

Carolina Spartan (Spartanburg, SC)

Charleston News and Courier (SC)

Cotton Plant (Greenville, SC)

Daily Register (Columbia, SC)

Darlington News (SC)

Fairfield News and Herald (SC)

Florence Farmers' Friend (SC)

Greenville News (SC)

Edgefield Advertiser (SC)

Edgefield Chronicle (SC)

Florence Farmer's Friend (SC)

Keowee Courier (SC)

Manning Times (SC)

Newberry Herald and News (SC)

New York Times (NY)

Orangeburg Times and Democrat (SC)

The People's Journal (Pickens, SC)

The Press and Banner (Abbeville, SC)

The Sentinel (Pickens, SC)

The State (Columbia, SC)

Southern Christian Advocate (Columbia, SC)

Washington Post (Washington D.C.)

Watchman and Southron (Sumter, SC)

Winnsboro News and Herald (SC)

The World (Charleston, SC)

Government Records, State Publications, and Pamphlets

Acts and Joint Resolutions of the General Assembly of the State of South Carolina
(Columbia, SC, 1876-1894) Clemson University Libraries

Annual Report of the Board of Directors and Superintendent of the South Carolina Penitentiary (Columbia, SC, multiple years). South Carolina Department of Archives and History.

Annual Report of the South Carolina Lunatic Asylum, for the Fiscal Year 1881-82.
(Columbia, SC, multiple years). South Carolina Department of Archives and History

Journal of the Constitutional Convention of the State of South Carolina (Columbia, SC, 1895)

Journal of the House of Representatives of the State of South Carolina (Columbia, SC, 1876-1894) Clemson University Libraries

Journal of the Senate of the State of South Carolina (Columbia, SC, 1876-1894) Clemson University Libraries

Reports and Resolutions of the General Assembly of the State of South Carolina
(Columbia, SC: Bryant Print Co.; State Printers, *Passim*) Special Collections, Clemson University Libraries

Rules and Regulations for the Government of the Lunatic Asylum of South Carolina, Compiled by the Superintendent and Adopted by the Regents (Columbia, S.C., 1891). South Carolina Department of Archives and History

Handbook of South Carolina. South Carolina, Department of Agriculture, Commerce and Immigration (Columbia: The State Company, 1907)

The Marine and River Phosphate Mining and Manufacturing Company of South Carolina. Statute Law, Organization and By-Laws. Opinion of Hon. A.J Williard, Associate Justice S.C. of South Carolina (Charleston, S.C.: Walker, Evans, and Cogswell, 1871). Pamphlet Collection, Duke University Libraries.

Memorial of the Committee Appointed at a Mass Meeting, Held in Charleston, S.C., May 10th, 1878, to the Legislature of South Carolina Asking the Repeal of the Phosphate Monopoly Charters. Pamphlet Collection, Duke University Libraries.

The Phosphate Question. Speech of Major George L. Buist, of the Charleston Delegation, In the House of Representatives of South Carolina, Columbia S. C., March 13, 1878, In Opposition to the Grant of Exclusive Rights by the State (Charleston, S.C.: The News and Courier Book and Job Presses, 1878). South Caroliniana Library.

The Phosphate Question Discussed, and the Arguments of the Opponents of the Act of March 22, 1878, Replied To by Edward McCrady, Junr. (Charleston, S.C.: The News and Courier Book Presses, 1878). South Caroliniana Library.

Archived Collections of Letters and other Documents

Benjamin Ryan Tillman Papers. Special Collections, Clemson University Libraries

Governor Benjamin Ryan Tillman's Letter Books. South Carolina Department of Archives and History, Columbia, SC.

Conclusion of the message of the President of the S.C. Farmers' State Alliance at its fourth annual meeting at Spartanburg S.C., July 22, 1891. [By J. William Stokes] Folder 1, "Register of the State Farmers' Alliance of South Carolina, 1887-1927." Special Collections, Clemson University Libraries, Clemson, South Carolina.

Proceedings of the sixth annual meeting of the Farmers' State Alliance of South Carolina, held at Walhalla, S.C., July 26 and 27, 1896. Folder 60, "Register of the State Farmers' Alliance of South Carolina, 1887-1927." Special Collections, Clemson University Libraries, Clemson, South Carolina.

The Clemson Agricultural College of South Carolina, State Agricultural and Mechanical College. The work the College has accomplished in seventeen years and what it is doing for the benefit of the people of the State. By Patrick Hues Mell. Columbia, SC: The State Company, Printers, 1907. Special Collections, Clemson University Libraries, Clemson, South Carolina.

Address Delivered to the South Carolina Military Academy, at the Annual Commencement, German Military Hall, Charleston, S.C., July 27th, 1887. By Gen'l Edward McCrady. Charleston, S.C.: Walker, Evans, & Cogswell Co., 1887. Special Collections, South Caroliniana Library.

The Annual Address Delivered Before the Faculty, Students, and Friends of Claflin University and The Claflin College of Agriculture and Mechanical Institute, May 22, 1889, Orangeburg, S. C., By Rt. Rev. Benjamin William Arnett, D.D., Bishop of the African M. E. Church, In the States of South Carolina and Florida. Columbia, S. C.: William Sloan, Book and Job Printer, 1889. Special Collections, South Caroliniana Library.

Secondary Sources

Theses and Dissertations

Carlson, Douglas. "Temperance Reform in the Cotton Kingdom." PhD dissertation, University of Illinois at Urbana-Champaign, 1982.

Church, Joseph. *The Farmers' Alliance and the Populist Movement in South Carolina (1887-1896)*. MA Thesis for University of South Carolina, 1953.

Fairley, Charlestine Romelle. "A History of Claflin College." PhD thesis, University of South Carolina, 1990.

Holden, Charles. "In the Great Maelstrom: Conservatism in the Post-Civil War South" PhD dissertation, The Pennsylvania State University, 1997.

Holleman, Sarah Edna. "Contributions of Benjamin Ryan Tillman to Higher Education for White Men of South Carolina from 1885 to 1895." Master's Thesis, Department of Education, Clemson Agricultural College, 1952.

Lawton, Joseph J. "Benjamin Ryan Tillman and Agricultural Education, The Farmers' College in South Carolina Politics, 1885-1889." Senior Thesis, Department of History, Princeton University, 1954.

Neal, Diane. *Benjamin Ryan Tillman: the South Carolina Years, 1847-1894*. PhD dissertation, Department of History, Kent State University, 1976.

-----, "Benjamin Ryan Tillman: His Role in the Founding and Early History of Winthrop College." Senior Honors Thesis, Winthrop College, 1970.

Putnam, Frank W. "An Analysis of Public Aid to Railroads in South Carolina, 1865-1900." Unpublished Master's Thesis, Department of Economics, University of South Carolina, 1957.

Sanders, Albert Neely. "The South Carolina Railroad Commission, 1878-1895." Unpublished Master's Thesis, Department of History, University of North Carolina, 1948.

Wallace, Rita Foster. "South Carolina State Dispensary, 1893-1907." Masters Thesis, University of South Carolina, 1996.

Williamson Jr., Gustavus Galloway. "Cotton Manufacturing in South Carolina, 1865-1892." Unpublished PhD dissertation, Department of History, Johns Hopkins University, 1954.

Journal Articles

Barns, William D. "Oliver Hudson Kelley and the Genesis of the Grange: A Reappraisal." *Agricultural History* 41.3 (1967): 229-242.

Bellows, Barbara. "The Founding of the South Carolina Lunatic Asylum." *South Carolina Historical Magazine* 82 (1981): 263-72.

Bishir, Catharine. "Landmarks of Power: Building a Southern Past, 1855-1915." *Southern Cultures* (Inaugural Issue, 1993): 5-45.

Burton, Vernon. "Race and Reconstruction: Edgefield County, South Carolina." *Journal of Social History* 12.1 (1978): 31-56.

Carlson, Douglas. "'Drinks He to His Own Undoing': Temperance Ideology in the Deep South," *Journal of the Early Republic* 18 (Winter 1998): 659-691.

Clevenger, Homer. "The Teaching Techniques of the Farmers' Alliance: An Experiment in Adult Education." *The Journal of Southern History* 11.4 (1945): 504-518.

Dargan, W. F. "A Last Word on the South Carolina Liquor Law." *North American Review* 159 (July, 1894): 46-60.

Ford, Lacy K. "Rednecks and Merchants: Economic Development and Social Tensions in the South Carolina Upcountry, 1865-1900." *The Journal of American History* 71.2 (1984): 294-318.

- Fuller, Warner. "The Background and Techniques of Equity and Bankruptcy Railroad Reorganizations—A Survey," *Law and Contemporary Problems* 7. 3 (Summer, 1940): 378.
- Hansen, Bradley. "The People's Welfare and the Origins of Corporate Reorganization: The Wabash Receivership Reconsidered," *The Business History Review* 74. 3 (2000): 377-405.
- Hendricks, Ellen Alexander. "The South Carolina Dispensary System: Part I *The North Carolina Historical Review* 22. 2 (April 1945): 176-197, and Part II, *Ibid*, Vol 23. No. 2 (July 1945): 320-349.
- Hicks, John D. "The Sub-Treasury: A Forgotten Plan for the Relief of Agriculture." *The Mississippi Valley Historical Review* 15.3 (1928): 355-373.
- Higham, John. "Liquor Legislation in South Carolina," *The American Law Register and Review* 42. 5 (May, 1894): 357.
- Holden, Charles. "The Public Business is Ours": Edward McCrady Jr. and Conservative Thought in Post-Civil War South Carolina, 1865-1900." *The South Carolina Historical Magazine* 100. 2 (1999): 124-142.
- Kantrowitz, Stephen. "Ben Tillman and Hendrix McLane, Agrarian Rebels: White Manhood, "The Farmers," and the Limits of Southern Populism." *The Journal of Southern History* 66.3 (2000): 497-524.
- Kerber, Linda. "Separate Spheres, Female Worlds, Women's Place: The Rhetoric of Women's History," *Journal of American History* 75. 1 (June 1988): 9-39.
- Mancini, Matthew. "Race, Economics, and The Abandonment of Convict Leasing," *The Journal of Negro History*, 63.4 (October, 1978): 339-352.
- Martin, Albro. "Railroads and the Equity Receivership: an Essay on Institutional Change," *The Journal of Economic History* 34. 3 (1974): 688.
- McCandless, Amy Thompson. "Progressivism and the Higher Education of Southern Women," *The North Carolina Historical Review* Vol. LXX (July, 1993): 302-325.
- McDonald, Christina. "'To educate neither belles nor bluestockings': Women and Higher Education in the South During the Progressive Era" *Studies in Popular Culture* vol 20. 2 (October 1997), 59-70.
- Moore, James Tice. "Redeemers Reconsidered: Change and Continuity in the Democratic South, 1870-1900." *The Journal of Southern History* 44.3 (1978): 357-378.

- Mancini, Matthew J. "Race, Economics, and the Abandonment of Convict Leasing." *The Journal of Negro History* 63.4 (October, 1978): 339-352.
- McCurdy, Charles. "The Knight Sugar Decision of 1895 and the Modernization of American Corporation Law, 1869-1903," *Business History Review* (1979): 304-342.
- Oldfield, John. "State Politics, Railroads, and Civil Rights in South Carolina, 1883-89," *American Nineteenth Century History* 5. 2 (2004): 71-91.
- Pruitt, Paul. "The Trouble They Saw: Approaches to the History of the Convict Lease System." Review of *Black Prisoners and Their World, 1865-1900*, by Mary Ellen Curtin, *Reviews in American History* 29. 3 (2001), 395-402.
- Rorabaugh, W. J. "Estimated U.S. Alcoholic Beverage Consumption, 1790-1860" *Journal of Studies on Alcohol* 37 (March 1976): 357-63.
- Shick, Tom and Doyle, Don. "The South Carolina Phosphate Boom and the Stillbirth of the New South, 1867-1920," *The South Carolina Historical Magazine*, 86. 1 (1985): 1-31.
- Simkins, Francis Butler. "Ben Tillman's View of the Negro," *Journal of Southern History* 3. 2 (May, 1937): 161-174.
- Tillman, Benjamin Ryan. "Our Whiskey Rebellion." *North American Review* 158 (May, 1894): 513-19.
- , "The South Carolina Liquor Law," *North American Review* 158. 447 (February, 1894): 140-149.
- , "Causes of Southern Opposition to Imperialism," in "Bryan or McKinley? The Present Duty of American Citizens," by Tillman et al. *North American Review* 171. 527 (October, 1900): 433-516.
- Tillman, B.R. and Dargan, W.F. "A Last Word on the South Carolina Liquor Law," *North American Review* 159. 452 (July, 1894): 46-60.
- Tindall, George. "The Question of Race in the South Carolina Constitutional Convention of 1895," *Journal of Negro History* 37. 3 (July, 1952): 277-303.
- , "The Campaign for the Disfranchisement of Negroes in South Carolina," *Journal of Southern History* 15. 2 (May, 1949): 212-234.
- Tuttle, Jack E. "Tillman and the South Carolina Dispensary." *Proceedings of the South Carolina Historical Association* (1961): 63-74.

Tutwiler, Julia. "Our Brother in Stripes, in the School-Room," *Journal of Proceedings and Addresses of the National Educational Association, Session of the Year 1890* (1890).

Tyrell, Ian. "Drink and Temperance in the Antebellum South: An Overview and Interpretation," *Journal of Southern History* 48. 4 (1982): 485-510.

Welborn, James Hill III. "Dispensing the Progressive State: Benjamin Tillman's South Carolina State Dispensary," *The Social History of Alcohol & Drugs: an Interdisciplinary Journal* 27. 1 (Forthcoming).

Werner, Randolph D. "The New South Creed and the Limits of Radicalism: Augusta, Georgia, before the 1890's." *The Journal of Southern History* 67.3 (2001): 573-600.

Williamson Jr., Gustavus Galloway. "South Carolina Cotton Mills and the Tillman Movement." *The Proceedings of the South Carolina Historical Association* (1949).

Zimmerman, Jane. "The Penal Reform Movement in the South During the Progressive Era," *The Journal of Southern History* 17. 4 (1951), 462-492.

Books

Altbach, Philip and Bergdahl Robert, eds. *Higher Education in American Society*. Revised Edition. Buffalo, NY: Prometheus Books, 1981.

Altgeld, John. *Our Penal Machinery and Its Victims*. Chicago: A. C. McClurg & Company, 1886.

Ayers, Edward. *The Promise of the New South: Life After Reconstruction*, 15th Anniversary Edition. New York: Oxford University Press, 2007.

-----, *Vengeance and Justice: Crime and Punishment in the 19th-Century American South*. New York: Oxford University Press, 1984.

Balogh, Brian. *A Government out of Sight: the Mystery of National Authority in Nineteenth-Century America*. New York: Cambridge University Press, 2009.

Bensel, Richard Franklin. *Yankee Leviathan: The Origins of Central State Authority in America, 1859-1877*. New York: Cambridge University Press, 1990.

Berlin, Ira. *Slaves Without Masters: The Free Negro in the Antebellum South*. New York: Pantheon Books, 1974.

- Berry, Stephen. *All that Makes a Man: Love and Ambition in the Civil War South*. New York: Oxford University Press, 2003.
- Blackmon, Douglas. *Slavery By Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2009).
- Blight, David. *Race and Reunion: The Civil War in American Memory*. Cambridge: Belknap Press of Harvard University Press, 2001.
- Bowers, Claude. *The Tragic Era: The Revolution After Lincoln*. Cambridge, 1929.
- Brands, H.W. *American Colossus*. New York: Doubleday, 2010.
- Brundage, W. Fitzhugh, ed. *Under Sentence of Death: Lynching in the South*. Chapel Hill: University of North Carolina Press, 1997.
- . *Lynching in the New South: Georgia and Virginia, 1880-1930*. Champaign: University of Illinois Press, 1993.
- Burton, Orville Vernon. *In My Father's House are Many Mansions: Family and Community in Edgefield, South Carolina*. Chapel Hill: University of North Carolina Press, 1985.
- Calhoun, Charles, ed.. *The Gilded Age: Perspectives on the Origins of Modern America*. Plymouth, UK: Rowan & Littlefield Publishers, 2007.
- Carleton, Mark. *Politics and Punishment: The History of the Louisiana State Penal System*. Baton Rouge: Louisiana State University Press, 1971.
- Cell, John. *The Highest Stage of White Supremacy: The Origins of Segregation in South Africa and the American South*. New York: Oxford University Press, 1982.
- Chambers, John Whiteclay II. *The Tyranny of Change: America in the Progressive Era, 1890-1920* 2nd Edition. New Jersey: Rutgers University Press, 2000.
- Chazal, Philip E. *The Century in Phosphates and Fertilizers, a Sketch of the South Carolina Phosphate Industry*. Charleston, 1904. Special Collections, Clemson University Libraries.
- Clark, E. Culpepper. *Francis Warrington Dawson and the Politics of Restoration: South Carolina, 1874-1889*. Tuscaloosa: University of Alabama Press, 1980.
- Clark, Norman. *Deliver Us from Evil: An interpretation of American Prohibition*. New York, 1976.

- Clinton, Catharine. *The Plantation Mistress: Woman's World in the Old South*. New York: Pantheon Books, 1982.
- Tara Revisited: Women, War, and the Plantation Legend*. New York: Abbeville Press, 1995.
- Coker, Joe. *Liquor in the Land of the Lost Cause: Southern White Evangelicals and the Prohibition Movement*. Lexington, KY: University Press of Kentucky, 2007.
- Colvin, Mark. *Penitentiaries, Reformatories, and Chain Gangs: Social Theory and the History of Punishment in Nineteenth-Century America*. New York: St. Martin's Press, 1997.
- Cooper, William J. *The Conservative Regime: South Carolina, 1877-1890*. Baltimore: Johns Hopkins Press, 1968.
- Coulter, E. Merton. *George Walton Williams: The Life of a Southern Merchant and Banker, 1820-1903*. Athens, 1976.
- Curtin, Mary Ellen. *Black Prisoners and Their World, Alabama, 1865-1900*. Charlottesville, Va: The University Press of Virginia, 2000.
- Dailey, Jane. *Before Jim Crow: The Politics of Race in Postemancipation Virginia*. Chapel Hill: University of North Carolina Press,
- Dewey, Ralph Lawrence. *The Long and Short Haul Principle of Rate Regulation*. Columbus: The Ohio State University, 1935.
- Drago, Edmund. *Hurrah for Hampton!: Black Red Shirts in south Carolina During Reconstruction*. Fayetteville: University of Arkansas Press, 1998.
- Edgar, Walter. *South Carolina: a History*. Columbia: University of South Carolina Press, 1998.
- Emberton, Carol. *Beyond Redemption: Race, Violence, and the American South after the Civil War*. Chicago: Chicago University Press, 2013.
- Eubanks, John Evans. *Ben Tillman's Baby: The Dispensary System of South Carolina, 1892-1915*. Augusta Ga., 1950.
- Farnham, Christie Anne. *The Education of the Southern Belle: Higher Education and Student Socialization in the Antebellum South*. New York: New York University Press, 1994.
- Faust, Drew Gilpin. *James Henry Hammond and the Old South: A Design for Mastery*. Baton Rouge: Louisiana State University Press, 1982.

- Fierce, Milfred. *Slavery Revisited: Blacks and the Southern Convict Lease System, 1865-1933*. Brooklyn N.Y.: African Studies Research Center, Brooklyn College, City University of New York, 1994.
- Finnegan, Terrence. *A Deed So Accursed: Lynching in Mississippi and South Carolina, 1881-1940*. Charlottesville: University of Virginia Press, 2013.
- Foster, Gaines. *Ghosts of the Confederacy: Defeat, the Lost Cause and the Emergence of the New South* (New York: Oxford University Press, 1987).
- Freidel, Frank. *Francis Lieber: Nineteenth-Century Liberal*. Baton Rouge: Louisiana State University Press, 1947.
- Friedman, Lawrence. *The Magic Mirror: Law in American History*. New York: Oxford University Press, 1989.
- Gaston, Paul. *The New South Creed: A Study in Southern Mythmaking*, with a new afterword by the author and a new introduction by Robert Jefferson Norrell. Montgomery, Al.: NewSouth Books, 2012.
- Gilmore, Glenda. *Glenda Gilmore, Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920*. Chapel Hill: University of North Carolina Press, 1996.
- Glover, Vivian. *Men of Vision: Claflin College and Her Presidents*. Orangeburg, South Carolina: Claflin College, 1995.
- Going, Allen Johnston. *Bourbon Democracy in Alabama, 1874-1890*. Montgomery: University of Alabama Press, 1951.
- Goodwyn, Lawrence. *The Populist Moment: a short history of the Agrarian Revolt in America*. Oxford: Oxford University Press, 1978.
- Gordon, Lynn. *Gender and Higher Education in the Progressive Era*. New Haven: Yale University Press, 1990.
- Grantham, Dewey. *Southern Progressivism: The Reconciliation of Progress and Tradition*. Knoxville: University of Tennessee Press, 1983.
- Green, Edwin L. *A History of the University of South Carolina*. Columbia, SC: The State Company, 1916.
- Green, Fletcher Melvin, ed. *Essays in Southern History Presented to Joseph Gregoire De Roulhac Hamilton, PhD, LL.D. By His Former Students at the University of North Carolina*. Chapel Hill: University of North Carolina Press, 1949.

- Gusfield, Joseph. *Symbolic Crusade: Status Politics and the American Temperance Movement*. Urbana, 1963.
- Hahn, Steven. *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration*. Cambridge, Mass.: The Belknap Press of Harvard University Press, 2003.
- Hall, Kermit. *The Magic Mirror: Law in American History*. New York: Oxford University Press, 1989.
- Haynes, Thornwell. *Biographical Sketch of Gov. B. R. Tillman of South Carolina*. Columbia, SC: B. C Du Pre, c1894.
- Herbert, Hilary et al. *Why the Solid South? Or, Reconstruction and Its Results*. Baltimore, 1890.
- Hicks, John D. *The Populist Revolt: A History of the Farmers' Alliance and the People's Party*. Minneapolis: The University of Minnesota Press, 1931.
- Hild, Matthew. *Greenbackers, Knights of Labor, and Populists: Farmers-Labor Insurgency in the Late-Nineteenth-Century South*. Athens, Ga.: University of Georgia Press, 2007.
- Hindus, Michael. *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878*. Chapel Hill: University of North Carolina Press, 1980.
- Hollis, Daniel Walker. *University of South Carolina*. Columbia: University of South Carolina Press, 1951-56.
- , *College to University, Vol. II: University of South Carolina*. Columbia: University of South Carolina Press, 1951-1956.
- Holmes, Alester G. and George H. Sherill. *Thomas Green Clemson: His Life and Work*. Richmond: Garrett and Massie, 1937.
- Holmes, William. *The White Chief: James Kimble Vardaman*. Baton Rouge: Louisiana State University Press, 1970.
- Jarrell, Hampton. *Wade Hampton and the Negro; The Road Not Taken*. Columbia: University of South Carolina Press, 1949.
- John, Richard, ed. *Ruling Passions: Political Economy in Nineteenth-Century America*. University Park, Penn.: The Pennsylvania State University Press, 2006.

- Jones, Lewis Pinckney. *Stormy Petrel: N. G. Gonzales and His State*. Columbia: University of South Carolina Press, 1973.
- Kantrowitz, Stephen. *Ben Tillman and the Reconstruction of White Supremacy*. Chapel Hill: University of North Carolina Press, 2000.
- Keller, Morton. *Affairs of State: Public Life in Late Nineteenth Century America*. Cambridge, Mass.: Harvard University Press, 1977.
- Key, V. O. *Southern Politics in State and Nation*. New York: Alfred A. Knopf, 1949.
- Kirby, Jack Temple. *Darkness at the Dawning: Race and Reform in the Progressive South*. Philadelphia: Lippincott, 1972.
- Krout, John Allen. *The Origins of Prohibition*. New York, 1925.
- Kolko, Gabriel. *Railroads and Regulation, 1877-1916*. Princeton, NJ: Princeton University Press, 1965.
- Kousser, J. Morgan. *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910*. New Haven: Yale University Press, 1974.
- Lander Jr., Ernest M. *A History of South Carolina, 1865-1960*. Chapel Hill: University of North Carolina Press, 1960.
- Lichtenstein, Alex. *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*. New York: Verso, 1996.
- Link, William. *A Hard Country and a Lonely Place: Schooling, Society, and Reform in Rural Virginia, 1870-1920*. Chapel Hill: University of North Carolina Press, 1986.
- . *The Paradox of Southern Progressivism, 1880-1930*. Chapel Hill: University of North Carolina Press, 1992.
- Litwack, Leon. *Trouble in Mind: Black Southerners in the Age of Jim Crow*. New York: Alfred A. Knopf, 1999.
- Malvasi, Mark. *The Unregenerate South: The Agrarian Thought of John Crowe Ransom, Allen Tate, and Donald Davidson*. Baton Rouge: Louisiana State University Press, 1997.
- Mancini, Matthew. *One Dies, Get Another: Convict Leasing in the American South*. Columbia: University of South Carolina Press, 1996.

- McCandless, Amy Thompson. *The Past in the Present: Women's Higher Education in the Twentieth-Century American South*. Tuscaloosa: University of Alabama Press, 1999.
- McCandless, Peter. *Moonlight, Madness, and Magnolias: Insanity in South Carolina from the Colonial Period to the Progressive Era*. Chapel Hill: University of North Carolina Press, 1996.
- McCurry, Stephanie. *Confederate Reckoning: Power and Politics in the Civil War South*. Cambridge: Harvard University Press, 2010.
- McKale, Donald, ed. *Tradition: A History of the Presidency of Clemson University*. Macon, Ga: Mercer University Press, 1998.
- McKelvey, Blake. *American Prisons: A History of Good Intentions*. Montclair N.J.: Patterson Smith, 1977.
- McLennan, Rebecca. *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776-1941*. New York: Cambridge University Press, 2008.
- McMath, Jr., Robert C. *American Populism: A Social History, 1877-1898*. New York: Hill and Wang, 1993.
- *Populist Vanguard: A History of the Southern Farmers' Alliance*. Chapel Hill: University of North Carolina Press, 1975.
- Noblin, Stuart. *Leonidas Lafayette Polk, Agrarian Crusader*. Chapel Hill: University of North Carolina Press, 1949.
- Oliphant, Albert. *The Evolution of the Penal System of South Carolina from 1866 to 1916*. Columbia, S.C., 1916.
- Oshinsky, David. *"Worse Than Slavery": Parchman Farm and the Ordeal of Jim Crow Justice*. New York: Free Press, 1996.
- Ownby, Ted. *Subduing Satan: Religion, Recreation, and Manhood in the Rural South, 1865-1920*. Chapel Hill: University of North Carolina Press, 1990.
- Palmer, Bruce. *Man over Money*. Chapel Hill: University of North Carolina Press, 1980.
- Perman, Michael. *The Road to Redemption: Southern Politics, 1869-1879*. Chapel Hill: University of North Carolina Press, 1984.
- *Struggle for Mastery: Disfranchisement in the South, 1888-1908*. Chapel Hill: University of North Carolina Press, 2001.

- Pifer, Alan. *The Higher Education of Blacks in the United States*. New York: Carnegie corp. of New York, 1973.
- Pollack, Norman, ed. *The Populist Mind*. New York: The Bobbs-Merrill Company, Inc., 1967.
- Postel, Charles. *The Populist Vision*. New York: Oxford University Press, 2009.
- Rabinowitz, Howard. *Race Relations in the Urban South, 1865-1890*. New York: Oxford University Press, 1978.
- Roark, James. *Masters Without Slaves: Southern Planters in the Civil War and Reconstruction*. New York: W.W. Norton, 1977.
- Rorabaugh, W. J. *The Alcoholic Republic: An American Tradition*. New York: Oxford University Press, 1979.
- Rosen, Hannah. *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South*. Chapel Hill: University of North Carolina Press, 2009.
- Sellers, Charles. *The Market Revolution: Jacksonian America, 1815-1846*. New York: Oxford University Press, 1992.
- Shapiro, Karin. *A New South Rebellion: The Battle Against Convict Labor in the Tennessee Coalfields, 1871-1896*. Chapel Hill: University of North Carolina Press, 1998.
- Simkins, Francis Butler. *Pitchfork Ben Tillman: South Carolinian*, with a new Introduction by Orville Vernon Burton. Columbia, SC: University of South Carolina Press, 2002. Original Text: Louisiana State University, 1944.
- Simkins, Francis B. and Robert Hilliard Woody. *South Carolina During Reconstruction*. Chapel Hill: University of North Carolina Press, 1932.
- Stover, John. *The Railroads of the South, 1865-1900: A Study in Finance and Control*. Chapel Hill: University of North Carolina Press, 1955.
- Tillman, Benjamin Ryan. *The Origin of Clemson College; with introduction and reminiscences of the first class and the opening of the college by his son, B. R. Tillman, who was a member of the first class*. Winston Salem, 1941.
- Tindall, George Brown, ed. *A Populist Reader; selections from the works of American Populist leaders*. New York: Harper and Row, 1966.

- . *South Carolina Negroes, 1877-1900*. Columbia: University of South Carolina Press, 1952.
- True, Alfred Charles. *A History of Agricultural Education in the United States, 1785-1925*. Washington D.C.: United States Government Printing Office, 1929.
- Tyrell, Ian. *Sobering Up: From Temperance to Prohibition in Antebellum America, 1800-1860*. Westport, Conn.: Greenwood Press, 1979.
- Wade, Richard. *Slavery in the Cities: The South, 1820-1860*. New York: Oxford University Press, 1964.
- Waldrep, Christopher. *African Americans Confront Lynching: Strategies of Resistance from the Civil War to the Civil Rights Era*. New York: Rowman & Littlefield Publishers, Inc., 2009.
- Wallace, David Duncan. *South Carolina: A Short History, 1520-1948*. Columbia: University of South Carolina Press, 1951.
- West, Stephen. *From Yeoman to Redneck in the South Carolina Upcountry, 1850-1915*. Charlottesville: University of Virginia Press, 2008.
- Widder, Keith. *Michigan Agricultural College: The Evolution of a Land-Grant Philosophy, 1855-1925*. East Lansing: Michigan State University Press, 2005.
- Wiebe, Robert. *The Search for Order, 1877-1920*. New York: Hill and Wang, 1966.
- Williams, Alfred. *Hampton and his Red Shirts; South Carolina's Deliverance in 1876*. Reprint. Freeport, NY: Books for Libraries Press, 1970.
- Williams, Jack Kenny. *Vogues in Villainy, Crime and Retribution in Ante-bellum South Carolina*. Columbia: University of South Carolina Press, 1959.
- Williamson, Joel. *Crucible of Race: Black-White Relations in the American South Since Emancipation*. New York: Oxford University Press, 1984.
- Wilson, Charles Reagan. *Baptized in Blood: The Religion of the Lost Cause, 1865-1920*. Athens, Ga.: University of Georgia Press, 1980.
- Wines, Enoch Cobb. *The State of Prisons and of Child-Saving Institutions in the Civilized World*. Cambridge: University Press, J. Wilson & Son Publishers, 1879.
- Woodward, C. Vann. *Origins of the New South, 1877-1913*. Baton Rouge: Louisiana State University Press, 1951.

------. *The Strange Career of Jim Crow*. Commemorative Edition. New York: Oxford University Press, 2002. Original edition, Oxford University Press, 1955.

------. *Tom Watson, Agrarian Rebel*. New York: Oxford University Press, 1963.

Woody, Thomas. *A History of Women's Education in the United States*. New York: Octagon Books, 1974.

Wyatt-Brown, Bertram. *Southern Honor: Ethics and Behavior in the Old South*. New York: Oxford University Press, 1982.

Zuczek, Richard. *State of Rebellion: Reconstruction in South Carolina*. Columbia, SC: University of South Carolina Press, 2008.