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Negro Suffrage in the South Since the Civil War

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NEGRO SUFFRAGE
IN THE SOUTH SINCE
THE CIVIL WAR

CHAPTER PAGE

I History of the Negro and
White Race by

II Reconstruction and Changing Attitude
Toward the Negro

III Title: THOMAS PATRICK CORBETT
Negro Ballot

IV The Ku Klux Klan

V Legal Means

A thesis
submitted to
The Faculty of the Liberal Arts College
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in partial fulfillment of the requirements of the Degree
of
Bachelor of Philosophy

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HISTORY OF THE NEGRO AND HIS RELATIONSHIP
 WITH THE WHITE RACE
 A HISTORY OF THE NEGRO AND HIS RELATIONSHIP WITH THE WHITE RACE
 SINCE 1789
 BY
 WILLIAM D. HOWARD
 WITH ILLUSTRATIONS BY
 J. W. WOODRUFF
 NEW YORK
 G. P. PUTNAM'S SONS
 1907

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Robertson, William D., *The Negro and His Relationship with the White Race*, New York, Bond and Liveright, 1907.

with the Virginia House of Delegates and in the personal relationship of two lives which grew up and grew up.

CHAPTER I

History of Negro and White Relationship

The subject under consideration is highly controversial since it deals with the social and political theories of men based upon racial prejudices, one group striving for supremacy, the other for its very existence. Apparent contradictory views of Southern slavery are confusing to the present day student. One source reports of the staid and gentle patriarchy, lords and retainers of broad and sleepy plantations, upon which life is one of ease and happiness. Other sources relate of the oppression of men with barbarous cruelty and unbridled power.

Which picture is to be accepted as true? As in other situations of this kind, the mean is usually the most reliable. Both concepts are true. They are not opposing views of slavery, but merely pictures of life in the different branches of society. There was on the one hand the humanitarian house service in the great country seats and in the towns. "Contrary to what has been said and written about the treatment of slaves by their masters, cruelties in antebellum days were rare." ¹ The words of the author fit in

Robertson, William J., The Changing South, New York, Boni and Liverright, 1927, page 61.

with the Virginia house service and in the personal retainership of town life in which most white children grew up.

On the other hand there was the story of the field workers who raised the huge crops of rice, cotton, and tobacco. This is the side of the picture that most Negroes knew "for it was under the harsher, heartless driving of the fields that fully nine-tenths of them lived."²

2. DuBois, W. E. Burghardt, The Negro, page 191, New York, Henry Holt and Company, 1924.

The State of Georgia was in the minds of most men familiar with the situation, the most notorious of the Southern States in her treatment of the black man previous to the War Between the States. She had more slaves within her borders than any other State and there were frequent reports of mistreatment and cruelty.

The picture of the field worker was not all one of labor and harsh treatment. On some plantations they were used kindly by their owners. There were many masters who fostered education and religion among their "black children." Slaves were taught to read and write which was often times more learning than many poor whites ever had, or hoped to have. "The relationship between slaves and their masters was such that the Negroes became devoted to their white owners, and the latter formed a real affection for the blacks."³ The

3. Robertson, The Changing South, page 62.

truth of this is easily attested by the refusal of many Negroes to leave their white masters when freed by the results of the Civil War and by political measures.

Other slaves, those who ran away, those who fought and rebelled against their masters, those were the ones who were whipped and driven to a mechanical task system. Previous to the invention of the cotton gin, Southerners spent much of their time making excuses for slavery; but with the coming of this machine no longer did they kowtow to Northern philosophy, but began to defend their institution. The very economic existence of the South depended on black labor. As the enforcement of slave trade laws became notoriously lax, it was perceptible that the tendency of slave codes was towards a harsher method of treatment and working of the Negro.

These conditions led to retaliation on the part of the Negroes in the form of insurrection. South Carolina had many small outbreaks; but in 1740, a slave by the name of Cato led an uprising in Stono that really caused widespread alarm in that region. New York was likewise plunged into hysterics by a plot in 1712. One hundred and ten years later, the well laid plot of Denmark Vesey went to naught. However, Nat Turner in 1831, really created a dangerous situation when he led an insurrection that resulted in the deaths of fifty-one persons.

Instead of relaxing the slave codes, the masters only caused stricter legislation to spread through the South. Schooling and religion in many districts were deprived in their formal aspects to the Negroes. They could not preach nor assemble for night services. Henceforth, the only effective means of revolt was by running away either to the North

or to the Southern swamps, mountains, or Indian territories.

Setting aside this depressing picture of our history for the moment, it would be well to consider the black man as a voter and not as a mere chattel. Before 1865, there were many states that do not appear to have had any race distinctions in the matter of suffrage. In this group may be included Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. As against this category, there were the states of Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Ohio, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nevada, Oregon, South Carolina, and West Virginia who never permitted any but white males to vote at any time between the Revolutionary War and 1865.

Going back even further in our history, it is found that previous to the revolution, only Georgia and South Carolina forbade Negro suffrage. The average student would be inclined to expect a favorable reaction to the Negro due to his participation in the war for our independence, since at least five thousand of that race fought in the American armies. True, there was a movement between the war and 1804, toward freeing of the slaves and granting them the privilege of voting but it was short lived.

Previous to 1835, four thousand of the twenty-one thousand Negroes in North Carolina were entitled to vote. After that year none were permitted to vote until after the Civil War. Other states withdrawing suffrage were: Delaware, Maryland, Virginia, and Kentucky. In 1807, New Jersey took the black mans ballot from him to be followed seven years later by

Connecticut; in 1834, by Tennessee, and four years later by Pennsylvania. New York required very high property qualifications on the part of Negroes not required of whites if they wished to vote. In 1861-3, West Virginia restricted the ballot to whites. Only one state, Wisconsin, allowed Negroes to vote and that is only due to the action of the Supreme Court in declaring unconstitutional an attempt on the part of the whites to deprive the black man of his ballot.

During the course of the Civil War the South felt the strength of her former "black subjects" for the first time. In order to paralyze industry in the South and to gain invaluable soldiers, Lincoln issued the Emancipation Proclamation. The work of emancipation was begun with enthusiasm, and in the end, Frederick Douglass and those working with him had one hundred and eighty-seven thousand Negroes enlisted in the Northern army. President Lincoln was quoted as saying, "Abandon all the posts now garrisoned by black men, take two hundred thousand men from our side and put them in the battlefield or cornfield against us, and we would be compelled to abandon the war in three weeks."⁴

4. DuBois, The Negro, page 204.

Nowhere in the history of our civilization is it possible to find a record of more liberal and generous terms of surrender than those granted to a defeated foe than those handed out by Generals Grant and Sherman. In favor of those who actually fought the battles of the Confederacy, they really

intended to abide faithfully and honorably by the terms of peace, but were misled by designing and unscrupulous politicians. The ways and means will be discussed in later chapters.

The primary reason why the Southern States were not readmitted to the Union after the Civil War until they were "reconstructed" was purely political. The Republicans feared readmission of more Democratic States. The congressional strength of the Democrats would have overwhelmed the "abominable G.O.P.'s." As justification for their stand they furthered the belief that the Southerners had not been sufficiently punished for their rebellion, and that the South was bent upon not giving political rights to the Negroes.

Under the Presidential reconstruction plan, Negroes were given subordinate civil status. Also, many restrictions were placed upon them in regards to their business dealings and contractual affairs. A system of penalties for vagrancy and minor offenses was likewise imposed which in fact would have established compulsory labor as the normal condition of the Negro. Jeopardy was placed on general and absolute suffrage.

The South although it recognized freedom for blacks didn't recognize them as citizens and this infuriated the Northern Congress. In order to carry out its plan, the Republican Congress refused admittance of any Southern representatives. It destroyed the Presidential program and substituted a reconstruction program of its own. The main features of which was the enfranchisement of the Negro and the disfranchisement of all the ex-Confederate soldiers.

II

Reconstruction and Changing Attitude Towards the Negro

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The Reconstruction Congress of 1867 was faced with the problem of what to do with the Negro now that the war was over. There were three alternatives: "1 - to declare the slave free and leave him at the mercy of his former masters; 2 - to establish a careful government guardianship designed to guide the slave from legal to real economic freedom; 3 - to give the Negro the political power to guard himself as well as he could during this development."¹ How they solved their problem is

1. DuBois, The Negro, page 205.

well worth a bit of study.

Two of the most dynamic leaders of the Congress of 1867, were Charles Sumner and Thaddeus Stevens. The former so aroused Brooks, a representative from South Carolina, by his addresses against the Fugitive Slave Law and the Kansas-Nebraska Bill that the Southerner almost killed him in the Senate chambers. Heedless of the fact that the Negro race was slower than any other in forming the capacity for self-government, he insisted on giving even the most ignorant of the blacks the right to vote. Sumner believed that the former slave holders would take the Negro's rights from them; but it was mainly to carry out Northern aims that he advocated suffrage. This was not the limit of his program however, he also agitated for free schools and for free homesteads which he hoped would in time fit the Negro for the suffrage he was about to give him.

Thaddeus Stevens went further than Sumner in his policies.

He advocated Negro troops and the confiscation of all the property of ex-Confederates. "No man in Congress was more vindictive or revengeful toward the South. His measures and his works and his speeches, together with those of Sumner, only served to intensify racial hatreds, increased the difficulties of solving the race problem, and finally forced the white people of the South into the Democratic party, where they have remained to this day."²

2. Robertson, The Changing South, page 45.

While the Thirteenth Amendment abolished slavery throughout the Union, the Fourteenth Amendment which was the most important of the slavery Amendments gave a constitutional guarantee of citizenship and equal rights to freed slaves. "It also provided that when in any State the right to vote should be denied to any male inhabitant, twenty-one years of age and a citizen of the United States, except for participation in rebellion or other crime, the basis of representation in the State should be reduced in the proportion which the number of such citizens bore to the whole number of male citizens twenty-one years of age in the State. This left the Southern States the option of granting suffrage to the Negro or suffering a proportionate reduction in the number of representatives in Congress."³

3. Ibid., page 47.

While the Fifteenth Amendment did not confer the right

to vote upon Negroes, it did give them the right not to be discriminated against in voting on account of race, color, or previous condition of servitude. Despite the Fourteenth and Fifteenth Amendments, the principle still remains, that the individual States retain the right to prescribe the qualifications for voting, as long as they do not discriminate for the above mentioned reasons.

As far as suffrage is concerned, one of the most important pieces of legislation was the Civil Rights Bill of April 1866. It "declared freed slaves to be citizens of the United States, and with the same civil rights as a white person, and provided for the punishment of anyone who discriminated or attempted to discriminate against the Negro."⁴

4. Ibid., page 47.

Two noteworthy measures of the Reconstruction Congress were, the act of March 2, 1867, and a later one on the twenty-fifth of the same month. Both have as their basis the reconstruction of the South. The former act divided the South into five military districts, each to be placed under a Federal military commander whose duty it was to preserve the law and order of the region. Local civil tribunals or military commissions were to be used at his discretion. The latter was a supplementary act which provided that in the registration of voters, the district commanders were required to administer an oath which excluded from the right to vote those who had taken part in the rebellion, thus disfranchising

themselves. Also included in this category were those who had held any State or Federal office under the United States and had given aid or comfort to the enemies of the United States. Every ex-Confederate was deprived of his ballot. Obviously no court would have held these acts constitutional, but since jurisdiction was lacking, these measures were never ruled upon by the Supreme Court.

In March of 1865, the Freedmen's Bureau was created and put under the control of the War Department. It was to remain in existence for the duration of the war and one year thereafter. The purposes of this organization were many. It was to oversee the making and the enforcement of wage contracts for the freedmen, appear in the courts as their protectors, to establish schools, to furnish institutions such as hospitals and relief stations, and to furnish the freedmen with a minimum of land and a small amount of capital. The phase of this organization that had special importance in so far as it proved to be a boomerang to the Negro was the confiscation of abandoned lands within the Southern States and appropriating them for the use of the freedmen. "Its real achievement has been thus ably summed up: the greatest success of the Freedmen's Bureau lay in the planting of the free school among Negroes, and the idea of free elementary education among all classes in the South.....For some fifteen million dollars, beside the sum spent before 1865, and the dole of benevolent societies, this bureau set going a system of free labor, established a beginning of peasant proprietorship, secured the recognition of black freedmen before courts of law, and founded the

free common school in the South. On the other hand, it failed to begin the establishment of good will between ex-masters and freedmen, to guard its work wholly from paternalistic methods which discouraged self-reliance, and to carry out to any considerable extent its implied promises to furnish the freedmen with land.⁵

5. Brawley, Benjamin. A Short History of the American Negro, New York, Macmillan Company, 1919.

Another failure to be charged up to the Bureau although it had no legal connection with it was the inexcusable cheating of the Negroes and the failure of the Freedmen's Bank. It had been incorporated by Congress in 1865, and had such famous men as John Jay, Peter Cooper, and William Cullen Bryan, yet it was allowed to fail in 1874, swallowing up almost four million dollars, the first savings of the freedmen. They never have been reimbursed.

During the era of reconstruction, the Southern States were inundated with adventurers who went South in the belief that it offered an opportunity to become rich at the expense of Southern impoverishment. They were the worst type of white man of the continent and were known as "carpet-baggers" from their traveling luggage. For the most part they became political managers of the freed Negroes. The whites of the South who aided the Northerners in reconstruction work were contemptably known as "scalawags."

General conditions in the South became so intolerable

that the whites began to combat the reconstructionists. The election of Negro officials and legislators in the State capitals was bad enough from their point of view, but when "Negro insurrection was being formented to bring obdurate whites around; Negro militia being armed and used to disarm whites, outrages upon white women by black men" ⁶ becoming more and

6. Robertson, The Changing South, page 53.

more common, the enduring point was passed. The Ku Klux Klan then began its bloody work which will be discussed in the next chapter.

By 1870, the Fourteenth Amendment was ratified and thus entitling the former Confederate States to be again represented in Congress. In the elections the South went Democratic and this caused the Republican Congress to give teeth to the Fourteenth and Fifteenth Amendments by the Civil Rights Act of 1866. The Klan was already so successful in its efforts that in 1871, and 1872, measures were passed which provided for the supervision of Congressional elections by the federal authorities. The Ku Klux acts were passed in order to give the President power to suspend the writ of habeas corpus and use military force to prevent intimidation of Negro voters by the whites.

By 1872, most of the eleven reconstructed States were either bankrupt or on the verge of bankruptcy because of the reckless expenditures by Negro legislatures and corrupt Republicans. One example of graft in South Carolina is easily deduced from the figures for that state's annual stationary

bill. Preceding 1861, it had been \$400.00, but for 1873 alone it was \$16,000.00. Fake bonds alone cost the State \$6,000,000.00. The estimated total deficit for all eleven reconstructed states has been set moderately at \$298,020,641.

About the most serious charge that can be placed against the Negro governments of this period are extravagance, theft, incompetency of officials, and a threat to private property rights. Though exaggerated, these charges are not altogether untrue. After the South came out of the war it was terribly impoverished and saddled with new social burdens. The resources of the Southern States had shrunk to alarming proportions and yet the cost of reconstruction was placed upon them. The fear of black domination and financial ruin drove the white man to appeal to secret societies, intimidation, force, and murder. These methods will be discussed in the next chapter.

Coming when it did, reconstruction demanded increases in taxation. Statesmen far wiser than the Negroes would have been accused of the same charges hurled upon them. Extravagant spending was not universal, but was concentrated in certain centers, mainly in South Carolina, and a few other neighboring states. In the North at this time there was a wave of speculation and credit expansion. The spirit of this movement invaded the South and may in a degree explain some of the projects undertaken by the reconstructionists.

In favor of the Negro governments there are many things to be said. Only to mention a few, they gave the South free public schools, opened the ballot box and the jury panel to

thousands of white men who had been deprived of their right to vote because of lack of valuable personal property, and abolished the whipping post, the branding iron, the stocks, and other barbarous forms of punishment. Previous to this time there were at least twenty capital offenses. The reconstructed governments reduced the number of these crimes to two or three.

Even though reconstruction in some ways benefited the South, it caused more grief than it was worth. The revival of sectional prejudice and racial animosity may be laid directly at the door of the Republican party. Republican government in the South was supported by the carpet-baggers who robbed the people and engaged in all sorts of corrupt and lawless practices. By their fostering of the Union League the Negroes were taught that they were the social and political equal of the white man and that he should rule the white man. The most important result of that organization was that it engendered widespread hatred between the races in the South and forced the Southerners to be much harsher than they normally would have been toward the Negro. Negroes were looked upon as enemies because they were being used by the Republicans as weapons with which to punish the South. Southern indignation turned from a genuine dislike to hatred. As justification for this policy, many leading men in the manuevers explained that it was more humane to manipulate the ballot box against the Negro than to use brute force to drive him away from the polling place. Briefly it may be stated that election frauds were a good substitute for the

III

Illegal Methods of Preventing Negro Balloting

The granting of the ballot to the American Negro meant one of two alternatives to the South. (1) The uplift of the Negro for his own preservation, or (2) a determined effort to deprive the colored man of his ballot by force or at least nullify its use. In the year 1870, there were between 800,000 and 900,000 eligible black voters in the South. Widespread alarm so aroused the whites that an era of restrictions around Negroes was begun which vitiated and almost totally destroyed their power in the polling booth.

So vivid was the carpet-bag era in the hearts and minds of the Southerners that they concluded that in order to save their civilization, the Negro must be disfranchised. Since there was neither time, opportunity, nor inclination for legal methods, violent and illegal means were used during the first period of disfranchisement. Though the South hated reconstruction with its concurrent reign of dishonest, ignorant, and incompetent Negroes, it feared even more so the possibility of a rule by honest, intelligent, and efficient blacks.

Election frauds were begun in the South for the one purpose of eliminating the Negro vote and to secure white supremacy. As justification for this policy, those taking part in the manuevers explained that it was more humane to manipulate the ballot box against the Negro than to use brute force to drive him away from the polling place. Briefly it may be stated that election frauds were a good substitute for the

harsh methods of the Ku Klux Klan. The operations of this organization will be discussed later in the next chapter.

Many fraud cases came up before the House of Representatives for investigation. The testimony of witnesses tended to show that one of the most common practices used to secure favorable election returns was that of "stuffing" the ballot box. In this way huge Democratic majorities were piled up for their candidates in both State and Federal elections. Usually the Democratic vote was in excess of the total number of votes cast. The way this was usually done in the Black Belt sections of the Southern States was to enter the names of Negroes on the poll list and then count them as having cast a ballot for the Democratic ticket even though in reality they hadn't voted or even been near the polling place.

A good example of this practice is taken from a witness from Hale county in Alabama. The gentlemen making the report was a white man of high standing in his community and a distinguished war veteran. Before the House of Representatives he testified that "he remained at the polling place of the voting precinct in which he resided from the time the polls opened until they closed, and that fifty-two voters and no more entered the polling place; but the falsified official returns from that precinct showed a total of three hundred and eighty-eight, a majority of three hundred and sixty for the Democratic candidate." In many cases where the boxes

1. Skaggs, William H., The Southern Oligarchy, page 124, New York, The Devin-Adair Company, 1924.

could not be stuffed, they were stolen and destroyed. No vote was better than one in favor of the opposition.

In direct contrast to the foregoing method used in black counties, where the vote was predominantly white in order to gain a majority of the Negro vote, it was solicited and paid for because they held the balance of power. When the white vote was almost evenly split, the politicians often resorted to bribing of the black leaders. In retaliation the group not successful in getting the Negro support would hire a circus to perform on election day with everything free. Needless to say the absence of the colored man together with some whites was very noticeable.

Due to the ease with which the ballot boxes could be tampered with most of the election frauds concerned them. In many precincts, the Democrats went so far as to even substitute fake containers for the real receptical. It is almost laughable, when one notes that ballot boxes were hid before the results could be counted and sometimes before the ignorant black could deposit his vote. The House of Representatives by investigation learned that "in South Carolina eight shifting ballot boxes were intentionally confusing to the illiterate Negro, while the ignorant white voter was advised as to the one." ² When objections were made by the

2. McCulloch, Albert J., Suffrage and Its Problems, page 98, Baltimore, Warwich and York, 1929.

Negro, the usual answer was one which repeated a clause from

some ordinance or constitution stating that voting was to be done by the individual free from any outside aid what-so-ever.

Another favorite stunt of the whites was to get the good will of the Negro by carefully teaching him to read the big type at the head of the tickets. Then on election day when the voter was supposed to cast his own ballot, he would find the ticket in script and entirely illegible to him. Very similar to this was the teaching of the way to vote by the use of party symbols which usually appeared at the head of each party's list of candidates. The ballot on election day without the cock, anvil, or other symbol was merely a list of meaningless names to all except the educated.

In a few localities slits were put on the ballot so that the voter merely had to scratch a mark; but the Negroes would always seem to get them upside down and mark them wrong. To the student of today, it might seem absurd but during the period between 1870 and 1890, on the day before an election in communities where a few votes counted much, there would be wholesale arrests of blacks without any warrant or charge. They would be held until after the election and then released. There were some reports of creating criminal records to keep the colored man from balloting.

The means used to lower the vote were so successful that "in a State election in Louisiana in 1872, it was claimed upon the affidavits of four thousand voters that the vote of ten thousand Negroes had been suppressed because of race and color."³ At times the whites often had to resort to repeating

IV

The Ku Klux Klan

The greatest stigma upon the white people of the South is not that they opposed Negro suffrage and resented the theft and incompetency which accompanied reconstruction, but that, when they saw reform movements growing and turning into successful ventures, and a large number of black voters learning to vote for honesty and ability, they still preferred a reign of terror to a campaign for the education, and disfranchised Negroes instead of punishing just the rascals.

The terrorism which prevailed in the South during the period between 1870 and 1890, was formented and backed by the Ku Klux Klan. The Klan began as a social club for young men. Like most secret organizations, it had a wierd ritual and a strange and altogether horrifying uniform. By accident, a member discovered that the uniform put the fear of God and the devil into the black man. That was the beginning of the bloody campaign that soon spread over the entire South.

The constitution of that organization which was known as a precept was adopted in 1867 and set up an "Invisible Empire" in the South. The head of the Ku Kluxers was General Nathan B. Forrest, whose title was the Grand Wizard. The Empire was subdivided into Realms, which were statewide under a Grand Dragon; Dominions, groups of several counties under a Grand Titan; Provinces, a single county over which presided a Grand Giant; and the smallest group was called a Den with its commanding officer a Grand Cyclops.

Between 1867 and 1876, the Knights of the White Camelia, the White Brotherhood, the White League, the Pale Faces, the Constitutional Union Guards, The Black Cavalry, the White Rose, the '76 Organization and several others came into being. Before the congressional investigation committee, Forrest admitted that it was not known as the Klan in all places but by these various names. However, no matter what the name was, it was substantially one organization with one unity of design and mode of operation.

Some of the main principles upon which this organization was founded were: secrecy in all matters, obedience to commands of officers, the obligation to punish betrayal of the secrets of the order, and submission to death as the penalty for any such betrayal.

During the period in which this organization was coming into being, there was a wave of attacks on white women by blacks which was paralleled by a lynching fever. The finding of the body of a Negro politician or carpet-bagger hanging from a tree and riddled with bullets became a commonplace occurrence. The Klan put a halt to these promiscuous killings, not for any humanitarian motive or to avoid further bloodshed, but only to systematize them. The means of dealing out terror and punishment became regulated and followed definite plans.

Throughout the existence of the Kluxers there are certain facts which were always to be noted in any of its activities. Mystery surrounded every move; their acts were done by armed and disguised men; most of the victims were Union

men; and due to the fact that its acts were performed with entire impunity, to gain a conviction was almost an impossibility. Since the members moved in gangs, resistance was in vain and the only way to escape them was by running away.

The reason assigned for lack of convictions in courts of law for the commission of murders and other heinous crimes, is that it was almost impossible to ascertain who the Klan members were. On fear of their lives, witnesses refused to testify against one accused and even if testimony and evidence could be accumulated, there were always a few members of the organization on the jury who would frustrate the efforts of the law.

So secretive was this group, that its constitution was handed from member to member anonymously so that even members didn't know each other. Only Southern citizens, as distinguished from Northern men, belonged to the Ku Klux Klan. There is very good reason to suppose that at one time this order included the entire Democratic party of the South. "The Tennessee Klan which was the starting point of Negro terrorizing.....at one time totaled forty thousand members."¹

1. Robertson, The Changing South, page 55.

It was in Tennessee that the members for the first time noted the darkies' fear of their regalia. Taking advantage of the situation, they spread tales of horror and frightened the roaming and pilfering black men. "Members carried a flesh bag in the shape of a heart and went about hollering

for fried nigger meat." ² Mounted upon some of the best

2. Ibid., page 55.

horses to be had, and with arms concealed by their flowing robes, the Kluxers began patrolling the South at night with deep and well founded security. Some broke into cabins, mistreated the inmates, and with the darkies believing them to be ghosts, success was easily had.

The scene of the worst whippings, killings, and agonizing mutilations was the State of North Carolina. Since general statements do not fully express the situation a few illustrations will bring the picture more forcefully to mind. Take the case of the Union Leaguer, Outlaw. Sentence was passed upon him by the Klan, so he was taken from his home one night and hanged to a tree near the court house of Alamance County. A neighborhood simpleton who expressed the idea that he thought he recognized some of the perpetrators was drowned. Two Negroes were shot and fifty more whipped. This is only one instance of Klan methods and a mild one at that.

In the neighboring State of South Carolina, the design of the Klan was to intimidate the voters and compel the public to support the Democratic party. During the year 1870, forty Republicans of Spartanbury published in the "Spartan" a Democratic paper, their intention of withdrawing from their party. One of these men, Mr. Samuel F. White, before the Congressional Committee explained under oath how this

came about. "He was visited by the Ku Klux, that they came to his house in the night, that he was asleep, was awakened and ordered to get up, the house was surrounded by men. On opening the door at their call, they made him cross his hands to be tied, drew an old pillow case over his head, and led him out seventy-five yards into the rear in the darkness. They asked him if he was a Union man or a Democrat, and upon his saying that he had been a Union man, they 'supposed so.' The next question was, whether he would be shot, hung, or whipped, and they gave him no other alternative. Upon his choosing the whipping, they at once gave him forty lashes with hickory withes, cutting and bruising his flesh; gave him directional, if he would avoid another visitation, to publish, before the next Wednesday, a declaration of his principles, suited to the times; mounted their horses, and rode away. The men were all disguised with skins, having horns attached, drawn over their faces, and in other ways, so that he could identify none of them, and he was powerless to raise any alarm, or take any measures for their pursuit." Needless to say the required retraction appeared with that of others who were in like manner impressed with the philosophy of the white clad Democratic missionaries.

3. Wilson, Henry, History of the Rise and Fall of the Slave Power in America, Boston, Houghton, Mifflin & Co., 1892-7

Mild was this example when compared to the fate of Dr. John Winsmith on the same evening. Met by a like party and

by the same demand, this gentleman resisted and received seven musket ball wounds from his political friends. The Klan was no respecter of person as may be realized, Winsmith was an old man and a member of the South Carolina legislature for fifteen years.

The Klan members were well fortified from persecution by having the most influential citizens within its ranks. So overrun by violence, midnight raids, secret murders, and open riots was the State of Louisiana where "over two thousand persons were killed, wounded, and otherwise injured within a few weeks of the presidential election of 1868,"⁴ that

4. Sinclair, William A., The Aftermath of Slavery, page 94, Boston, Small, 1905.

Major Lewis Merrill of the United States army investigated conditions. After he learned of the facts from personal experience, Merrill called a conference of leading citizens to devise measures for suppressing the outrages. With utmost confidence in himself, the Major informed the populous that he knew the names of the villains and laughed at their simplicity in not being posted, which turned out to be very amusing when it was learned that several of the leading members of the order were at the conference, taking part in the proceedings. Their security was shown by this display of boldness in coming into the presence of the very officer who was on special duty to suppress their organization. The Klan was not only protected by the independent and influential

classes but was composed of the influential men and nothing else.

The cruelty and barbarity of the methods of the Ku Klux Klan is very well shown by the case of Elias Hill. He was born into slavery. Since childhood he had been crippled in all his limbs with rheumatism. He picked up an education by tapping the intellects of little school children and learned enough about literature, science, and theology to become a Baptist preacher and school teacher. His primary tenets were righteousness and mild Republicanism. These principles being distasteful to the Klan brought about a visit from some of the members. Elias' sister-in-law was flogged until she revealed his whereabouts. Not being able to move, due to his ailments, some of the charges preferred against him were highly ludicrous. Hill was said to have burned some gin-houses, harbored a murderer, and preached politics. The latter was the true and real offense.

"And rhetorically to strengthen the indictment, they pointed pistols at his head, stripped up his shirt and laid upon his bare back the lash of a horsewhip, cutting to the very bone, pulled his weak rheumatic limbs apart to torture him, and compelled him on pain of death to renounce his Republican papers and principles, burned his letters and books, and then left him out in the shivering cold to get back to his cabin as he might, or die if help should fail to reach him."⁵

Power in America, page 641.

Governor Parsons of Alabama before the investigation committee stated that he never heard of a conviction for the murder of a Negro. In March of 1870, Alexander Boyd, prosecuting attorney of Green County was murdered because he was going to prosecute the parties accused of killing a Negro by the name of Sam Colvin. A squad of twenty-five men rode into the square fronting the hotel where he was staying. They sent a detachment into the building who forced the clerk to show them Boyd's room. They went in and sent several bullets into his body and left. Although there were about two thousand inhabitants in the town, no alarm was given. No members of the bar attended his funeral and no recognition of his position was given.

In 1871, in Pontotoc County, Mississippi, a large number of teachers of colored schools were warned to stop their teaching. The State Superintendent of Schools was beaten into insensibility when he refused to close the buildings. Bands of marauders closed twenty-six places of learning in that district alone. Resistance was more than useless.

These illustrations are only a few of the volumes that could be related. The extent of the terrorizing of the Ku Klux Klan may be perhaps more fully realized from the results of the investigation of the Congressional Committee which reported: "In North Carolina, in fourteen counties there were eighteen murders and three hundred and fifteen whippings. In South Carolina, nine counties, thirty-five murders and two

hundred and seventy-six other flagrant outrages. In Georgia, twenty-nine counties, seventy-two murders and one hundred and twenty-six whippings. In Alabama, twenty-six counties, two hundred and fifteen murders and one hundred and sixteen other outrages. In Florida, in one county alone there were one hundred and fifty-three cases of homicide. In Mississippi, twenty counties, twenty-three homicides and seventy-six other cases of outrage. In ninety-nine counties in different States he found five hundred and twenty-six homicides and two thousand and nine cases of whippings. But the committee states that in Louisiana alone in the year 1868, there were more than one thousand murders, and most of them were the result of the Ku Klux Klan.⁶ From this same Louisiana and from

6. Ibid., page 644.

another source the report was given that upon one occasion in a parish the Ku Klux Klan killed and wounded over two hundred Republicans, hunting and chasing them for two days through the fields and swamps. In one place in the woods over twenty-five bodies were found in a heap.

Appalling as the figures are, it must be admitted that the means used by the Klan were very effective in restraining the black vote. However, the Southerners realized that conditions couldn't keep on in this vein forever, and began turning to legal measures to restrict the Negro ballot. These measures will be taken up in the next chapter.

Legal Means Effecting Disfranchisement

The era of terrorism immediately following the period of reconstruction was one of the darkest in the annals of the history of the South. Like all waves of violence, it was not permanent. It is not natural for human beings to go about killing and torturing each other. The Southerners were brought to their senses after the Supreme Court laid down a few decisions favorable to their cause; they realized for the first time that they could accomplish their desires by legal means.

Their first real hope that in time they could defeat the idea of giving equal rights to the Negro came out of the doctrine of state sovereignty pronounced in the Slaughter House cases which said that the central government after the Civil War was to be a Federal government and not a unitary one in which the states were subordinate. The case of *United States v. Reese* declared that parts of the force bill of 1870, providing for the use of Federal troops to protect the Negro vote were unconstitutional. Following out this theory, the case of *United States v. Cruikshanks* declared that it was the duty of the state and not the federal government to protect its citizens. In 1873, the conspiracy clause of the Congressional Ku Klux Klan Act of 1871 was declared unconstitutional as was the Civil Rights Act of 1875.

Through these decisions it is possible to draw the conclusion that the Fourteenth Amendment was merely a guarantee

of and a protection for the Negro's civil and political rights, but it did not give him a social equality.

The legal means used to eliminate the Negro vote may be grouped under these four classifications: (1) By centralization---making all local offices appointive; (2) By complex election laws---confusing the ignorant Negro; (3) By a tax, property, or character test from which poor whites were exempt; and (4) By educational tests favoring the illiterate whites.

Though all the disfranchising acts differed in some detail, they had these points in common; limiting clauses by which great numbers of colored voters were deprived of their vote, some clauses or devices by which all white voters were able to evade the force of the disfranchising laws, and the reservation of sufficient discretionary power in boards of registrars to keep the Negroes who got by the laws from the polling booths through barefaced deceit or point blank refusal to register them for some trumped up reason or no reason at all.

One of the ways used to trap the black man was the making of every act, word, or gesture of the Negro, not consonant with good taste or good manners a crime or misdemeanor for which he could be fined by the magistrate. That doesn't sound harsh, but the catch came that if the Negro couldn't pay the fine, he was consigned to a condition of almost slavery for an indefinite period, or until he could pay the bill. This system was known as crime peonage and resulted in systematic arrests of the blacks and leasing of their labor to private parties. By 1890, the system was at its peak, and then

the whole country became aroused at its outrageous abuses and cruelties and public opinion put an end to it.

By requiring a longer residence in the State before becoming eligible to register for voting purposes, the Southern States kept many blacks out of the political setup. As a rule, The Southern Negro is a nomadic type of person. He likes to be on the move. By making this sort of law, the whites kept him from the polls. Alabama, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia all required a two year residence in the state. One of these governmental units even required one year residence in a precinct before one could vote. Because of the fact that the one race is more migratory than the other, this greater term of residence than that which was exacted in the North lent itself to race distinction.

Alabama, Arkansas, Florida, Louisiana, North Carolina, South Carolina, and Tennessee required poll taxes. In order to vote one had to pay these fees and keep their receipts for two or three years in succession. This type of legislation was discriminatory for two reasons. The Negro being shiftless and less inclined to pay taxes was almost certain to be disqualified, and then even if he did pay the tax, he would be too careless about keeping receipts for a long period and thus be unable to prove that he had paid the tax. In some states this law alone cut down the black vote to one percent of those really qualified to vote.¹

1. McCulloch, Suffrage and Its Problems, page 87.

Most Southern States also adopted the blanket official ballot which contains the names of all persons of all parties to be voted for, and requires the voter to mark his own ballot. "Where no party emblem---as the elephant, cock, or anvil heads the list of candidates of a particular party, it is well nigh impossible for one to mark his ballot properly unless he is able to both read and write."²

2. Stephenson, Race Distinctions in American Law, page 303

The educational test used in the South is most typically exemplified by the constitution of Virginia. That document provides that the applicant for registration must be able to read any section of the Virginia constitution, or interpret any section thereof when read to him; or the registrar may require that the applicant make application in his own handwriting and without aid or suggestion; he must state his name, age, date and place of birth, residence and occupation at the time of applying and for two years preceding. It is obvious how these qualifications were almost impossible to fill and discriminated against the colored man.

This is especially true when it is considered in view of the latitude given to the registrar. He could give a difficult passage of the constitution to a Negro, and a very easy one to a white person. He could permit hesitant and halting reading by one and require fluency on the part of another.

Or he could let illegible scratching on paper constitute handwriting for one, while he could require legible handwriting by another. However, it must be remembered that these discriminatory loopholes were not in the laws themselves but only in the way they were put into effect. These laws were so ingeniously devised on the whole that a black university graduate could be prevented from voting, and the most ignorant white hoodlum could and would be admitted to the polls. "The Southern objection to his requirement was that it was too hard on the whites."³

3. McCulloch, Suffrage and Its Problems, page 85.

Since the registration of voters was carried on by three reputable and suitable persons in each county, appointed by three Democratic State officials, and the party's pledge was not to disfranchise any white man is remembered, it was easy even for the ducky to see that he wasn't going to get registered.

However, the educational test was not peculiar to the South alone. As early as 1835, Connecticut had such a test. The gist of the Southern requirements are; the applicant must be able to read and write, make application in his own handwriting, understand any part of the constitution when read to him, and prepare and deposite his own ballot without aid.

The property test in the Southern States was an alternative to the educational test. The requirement usually was at least forty acres and at least \$300, of personal property

upon which a tax had been paid. This property qualification caused disfranchisement more of one race than of the other because of the colored man's shiftless nature and his natural hatred of taxes.

The states of Georgia and Mississippi also had what are known as understanding and character clauses. In Georgia, one may register if he is of good character and understands the duties and obligations of citizens under a republican form of government, although he has neither education nor property. In Mississippi, one who cannot read may register if he can understand and reasonably interpret the constitution when it is read to him. There is no doubt about it, that these clauses lent themselves to race discrimination although not as much as some of the others. The registrar who so desired could easily disqualify members of one race by asking them to explain more difficult passages or requiring a more scholarly interpretation of the constitution than demanded of the other race whom he hoped to have qualify.

Another legal means used to enable the whites to escape disfranchisement was by the passing of Grandfather clauses. The Alabama clause provided that registration for voting could be, in the option of the registrar, made dependent upon whether the applicant "had served honorably in any war prior to 1898, or upon whether the applicant was the lawful descendant of such a veteran."⁴ The State of Virginia extended this privilege

4. Robertson, The Changing South, page 86.

to any person who prior to 1902, served in time of war in the army or navy of the United States, or the Confederate States, or to a son or grandson of any such person. Oklahoma even put one of these clauses in her constitution but it was ruled unconstitutional by the Supreme Court of the United States. Georgia extended this clause back to the Revolutionary War. The whole purpose in getting a name of the permanent register was that it could not be taken off except for some crime of a serious nature, or because the individual had become a public charge.

The principle behind these laws briefly is that one who could not satisfy any of the other tests, he could continue to be a voter for life, if he answered the simple qualification, namely, if he was a voter in 1867 or an old soldier. These laws were greater race distinctions than any other of the suffrage laws simply because so few Negroes were either soldiers or descendants of old soldiers, or had the right to vote in 1867. Most of them were only of a temporary nature, but Oklahoma attempted to make her clause permanent, perhaps that was why the Supreme Court was so emphatic in declaring it unconstitutional.

Without a doubt, the Southern States were far more successful in their use of these discriminatory laws that should have been expected or hoped for. They served their purpose even to greater advantage than the illegal methods used in the previous era, and had the advantage of not only being legal but were unaccompanied by any loss of prestige to the states taking advantage of them.

VI

Conclusion

The one main fault of the suffrage laws was that they allowed the ignorant and incompetent whites to vote and kept the educated Negro away from the poll. Even the Federal courts failed to afford relief. The reason for that was that every time a colored man took his cause to court he was asked the impossible, i. e., to prove that he was kept from voting because he was a Negro, and for no other reason.

Because of the tremendous success of the Southern methods of disfranchisement, "every time an elector cast a ballot, it was equal to two votes, one for himself and one for a disfranchised Negro."¹

1. McCulloch, Suffrage and Its Problems, page 85

There was some justification for the plan of disfranchisement when we consider that the Negro race as a whole was certainly incapable of self-government and unworthy of the ballot. There was no sense in their participating in public affairs when there was no possibility of them getting any place worthy of distinction. The Negroes themselves realized this then, as they do today. They are still withdrawing themselves from politics more and more.

The Negro race by reason of its previous condition of servitude and dependency had acquired and accentuated certain peculiarities of habit, temperment, and of character which clearly distinguished itself as a race separate from the whites.

The colored man was and is docile but very careless, landless, migratory, without forethought, and inclined to furtive criminal offenses. Since the constitution of the United States forbade any discriminations against the Negro race, the discriminations were against the characteristics and offenses to which its criminal members are prone. The discriminations were never because of citizenship or age requirements. "It may be that, because of the less careful record of dates of birth among the Negroes, more of that race were unable to prove that they were twenty-one years of age." ² There are evidences that at times white men aided

2. Stephenson, Race Distinctions in American Law, page 297.

the Negro to vote, even to paying his back taxes to enable him to cast a ballot.

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