

RECONSTRUCTION AND ITS BENEFITS¹

THERE is danger to-day that between the intense feeling of the South and the conciliatory spirit of the North grave injustice will be done the negro American in the history of Reconstruction. Those who see in negro suffrage the cause of the main evils of Reconstruction must remember that if there had not been a single freedman left in the South after the war the problems of Reconstruction would still have been grave. Property in slaves to the extent of perhaps two thousand million dollars had suddenly disappeared. One thousand five hundred more millions, representing the Confederate war debt, had largely disappeared. Large amounts of real estate and other property had been destroyed, industry had been disorganized, 250,000 men had been killed and many more maimed. With this went the moral effect of an unsuccessful war with all its letting down of social standards and quickening of hatred and discouragement—a situation which would make it difficult under any circumstances to reconstruct a new government and a new civilization. Add to all this the presence of four million freedmen and the situation is further complicated. But this complication is very largely a matter of well-known historical causes. Any human being “doomed in his own person, and his posterity, to live without knowledge, and without the capacity to make anything his own, and to toil that another may reap the fruits”,² is bound, on sudden emancipation, to loom like a great dread on the horizon.

How to train and treat these ex-slaves easily became a central problem of Reconstruction, although by no means the only problem. Three agencies undertook the solution of this problem at first and their influence is apt to be forgotten. Without them the problems of Reconstruction would have been far graver than they were. These agencies were: (a) the negro church, (b) the negro school, and (c) the Freedmen's Bureau. After the war the white churches of the South got rid of their negro members and the negro church organizations of the North invaded the South. The 20,000 members of the African Methodist Episcopal Church in 1856 leaped to 75,000 in 1866 and 200,000 in 1876, while their property increased

¹ Paper read at the annual meeting of the American Historical Association in New York, December, 1909.

² *State v. Mann, North Carolina Reports*, 2 Devereux 263.

sevenfold. The negro Baptists with 150,000 members in 1850 had fully a half million in 1870. There were, before the end of Reconstruction, perhaps 10,000 local bodies touching the majority of the freed population, centring almost the whole of their social life, and teaching them organization and autonomy. They were primitive, ill-governed, at times fantastic groups of human beings, and yet it is difficult to exaggerate the influence of this new responsibility—the first social institution fully controlled by black men in America, with traditions that rooted back to Africa and with possibilities which make the 35,000 negro American churches to-day, with their three and one-half million members, the most powerful negro institutions in the world.

With the negro church, but separate from it, arose the school as the first expression of the missionary activity of Northern religious bodies. Seldom in the history of the world has an almost totally illiterate population been given the means of self-education in so short a time. The movement started with the negroes themselves and they continued to form the dynamic force behind it. "This great multitude rose up simultaneously and asked for intelligence."³ The education of this mass had to begin at the top with the training of teachers, and within a few years a dozen colleges and normal schools started; by 1877, 571,506 negro children were in school. There can be no doubt that these schools were a great conservative steadying force to which the South owes much. It must not be forgotten that among the agents of the Freedmen's Bureau were not only soldiers and politicians but school-teachers and educational leaders like Ware and Cravath.

Granted that the situation was in any case bad and that negro churches and schools stood as conservative educative forces, how far did negro suffrage hinder progress, and was it expedient? The difficulties that stared Reconstruction politicians in the face were these: (a) They must act quickly. (b) Emancipation had increased the political power of the South by one-sixth: could this increased political power be put in the hands of those who, in defense of slavery, had disrupted the Union? (c) How was the abolition of slavery to be made effective? (d) What was to be the political position of the freedmen?

Andrew Johnson said in 1864, in regard to calling a convention to restore the state of Tennessee,

who shall restore and re-establish it? Shall the man who gave his influence and his means to destroy the Government? Is he to participate in the great work of re-organization? Shall he who brought this

³ First General Report of the Inspector of Schools, Freedmen's Bureau.

misery upon the State be permitted to control its destinies? If this be so, then all this precious blood of our brave soldiers and officers so freely poured out will have been wantonly spilled.⁴

To settle these and other difficulties, three ways were suggested: (1) the Freedmen's Bureau, (2) partial negro suffrage, and (3) full manhood suffrage for negroes.

The Freedmen's Bureau was an attempt to establish a government guardianship over the negroes and insure their economic and civil rights. Its establishment was a herculean task both physically and socially, and it not only met the solid opposition of the white South, but even the North looked at the new thing as socialistic and over-paternal. It accomplished a great task but it was repudiated. Carl Schurz in 1865 felt warranted in saying

that not half of the labor that has been done in the south this year, or will be done there next year, would have been or would be done but for the exertions of the Freedmen's Bureau. . . . No other agency, except one placed there by the national government, could have wielded that moral power whose interposition was so necessary to prevent the southern society from falling at once into the chaos of a general collision between its different elements.⁵

Notwithstanding this the Bureau was temporary, was regarded as a makeshift and soon abandoned.

Meantime, partial negro suffrage seemed not only just but almost inevitable. Lincoln in 1864 "cautiously suggested" to Louisiana's private consideration, "whether some of the colored people may not be let in, as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks. They would probably help, in some trying time to come, to keep the jewel of liberty in the family of freedom."⁶ Indeed, the "family of freedom" in Louisiana being somewhat small just then, who else was to be intrusted with the "jewel"? Later and for different reasons, Johnson in 1865 wrote to Mississippi:

If you could extend the elective franchise to all persons of color who can read the Constitution of the United States in English and write their names, and to all persons of color who own real estate valued at not less than two hundred and fifty dollars, and pay taxes thereon, you would completely disarm the adversary and set an example the other States will follow. This you can do with perfect safety, and you thus place the southern States, in reference to free persons of color, upon the same basis with the free States. I hope and trust your convention will do this.⁷

⁴ McPherson, *Reconstruction*, p. 46.

⁵ Schurz. Report to the President, 1865. *Senate Ex. Doc. No. 2*, 39 Cong., 1 sess., p. 40.

⁶ Letter to Hahn, March 13. McPherson, p. 20.

⁷ Johnson to Sharkey, August 15. *Ibid.*, p. 19.

Meantime the negroes themselves began to ask for the suffrage—the Georgia Convention in Augusta, 1866, advocating “a proposition to give those who could write and read well, and possessed a certain property qualification, the right of suffrage”. The reply of the South to these suggestions was decisive. In Tennessee alone was any action attempted that even suggested possible negro suffrage in the future, and that failed. In all other states the “Black Codes” adopted were certainly not reassuring to friends of freedom. To be sure it was not a time to look for calm, cool, thoughtful action on the part of the white South. Their economic condition was pitiable, their fear of negro freedom genuine; yet it was reasonable to expect from them something less than repression and utter reaction toward slavery. To some extent this expectation was fulfilled: the abolition of slavery was recognized and the civil rights of owning property and appearing as a witness in cases in which he was a party were generally granted the negro; yet with these went in many cases harsh and unbearable regulations which largely neutralized the concessions and certainly gave ground for the assumption that once free the South would virtually re-enslave the negro. The colored people themselves naturally feared this and protested as in Mississippi “against the reactionary policy prevailing, and expressing the fear that the Legislature will pass such proscriptive laws as will drive the freedmen from the State, or practically re-enslave them”.⁸

The Codes spoke for themselves. They have often been reprinted and quoted. No open-minded student can read them without being convinced that they meant nothing more nor less than slavery in daily toil. Not only this but as Professor Burgess (whom no one accuses of being negrophile) says:

Almost every act, word or gesture of the Negro, not consonant with good taste and good manners as well as good morals, was made a crime or misdemeanor, for which he could first be fined by the magistrates and then be consigned to a condition of almost slavery for an indefinite time, if he could not pay the bill.

These laws might have been interpreted and applied liberally, but the picture painted by Carl Schurz does not lead one to anticipate this:

Some planters held back their former slaves on their plantations by brute force. Armed bands of white men patrolled the country roads to drive back the negroes wandering about. Dead bodies of murdered negroes were found on and near the highways and by-paths. Gruesome reports came from the hospitals—reports of colored men and women whose ears had been cut off, whose skulls had been broken by blows,

⁸ October 7, 1865.

whose bodies had been slashed by knives or lacerated with scourges. A number of such cases I had occasion to examine myself. A veritable reign of terror prevailed in many parts of the South. The negro found scant justice in the local courts against the white man. He could look for protection only to the military forces of the United States still garrisoning the "States lately in rebellion" and to the Freedmen's Bureau.

All things considered, it seems probable that if the South had been permitted to have its way in 1865 the harshness of negro slavery would have been mitigated so as to make slave-trading difficult, and to make it possible for a negro to hold property and appear in some cases in court; but that in most other respects the blacks would have remained in slavery.

What could prevent this? A Freedmen's Bureau, established for ten, twenty or forty years with a careful distribution of land and capital and a system of education for the children, might have prevented such an extension of slavery. But the country would not listen to such a comprehensive plan. A restricted grant of the suffrage voluntarily made by the states would have been a reassuring proof of a desire to treat the freedmen fairly, and would have balanced, in part at least, the increased political power of the South. There was no such disposition evident. On the other hand, there was ground for the conclusion in the Reconstruction report of June 18, 1866, that so far as slavery was concerned "the language of all the provisions and ordinances of these States on the subject amounts to nothing more than an unwilling admission of an unwelcome truth." This was of course natural, but was it unnatural that the North should feel that better guarantees were needed to abolish slavery? Carl Schurz wrote:

I deem it proper, however, to offer a few remarks on the assertion frequently put forth, that the franchise is likely to be extended to the colored man by the voluntary action of the Southern whites themselves. My observation leads me to a contrary opinion. Aside from a very few enlightened men, I found but one class of people in favor of the enfranchisement of the blacks: it was the class of Unionists who found themselves politically ostracised and looked upon the enfranchisement of the loyal negroes as the salvation of the whole loyal element. . . . The masses are strongly opposed to colored suffrage; anybody that dares to advocate it is stigmatized as a dangerous fanatic.

The only manner in which, in my opinion, the southern people can be induced to grant to the freedman some measure of self-protecting power in the form of suffrage, is to make it a condition precedent to "readmission".⁹

⁹ Report to the President, 1865. *Senate Ex. Doc. No. 2*, 39 Cong., 1 sess., p. 44.

Even in Louisiana, under the proposed reconstruction

not one negro was allowed to vote, though at that very time the wealthy intelligent free colored people of the state paid taxes on property assessed at \$15,000,000 and many of them were well known for their patriotic zeal and love for the Union. Thousands of colored men whose homes were in Louisiana, served bravely in the national army and navy, and many of the so-called negroes in New Orleans could not be distinguished by the most intelligent strangers from the best class of white gentlemen, either by color or manner, dress or language, still, as it was known by tradition and common fame that they were not of pure Caucasian descent, they could not vote.¹⁰

The United States government might now have taken any one of three courses:

1. Allowed the whites to reorganize the states and take no measures to enfranchise the freedmen.
2. Allowed the whites to reorganize the states but provided that after the lapse of a reasonable length of time there should be no discrimination in the right of suffrage on account of "race, color or previous condition of servitude".
3. Admitted all men, black and white, to take part in reorganizing the states and then provided that future restrictions on the suffrage should be made on any basis except "race, color and previous condition of servitude".

The first course was clearly inadmissible since it meant virtually giving up the great principle on which the war was largely fought and won, *i. e.*, human freedom; a giving of freedom which contented itself with an edict, and then turned the "freed" slaves over to the tender mercies of their impoverished and angry ex-masters was no gift at all. The second course was theoretically attractive but practically impossible. It meant at least a prolongation of slavery and instead of attempts to raise the freedmen, it gave the white community strong incentives for keeping the blacks down so that as few as possible would ever qualify for the suffrage. Negro schools would have been discouraged and economic fetters would have held the black man as a serf for an indefinite time. On the other hand, the arguments for universal negro suffrage from the start were strong and are still strong, and no one would question their strength were it not for the assumption that the experiment failed. Frederick Douglass said to President Johnson: "Your noble and humane predecessor placed in our hands the sword to assist in saving the nation, and we do hope that you, his able successor, will favorably regard the placing in our hands the ballot with which to save ourselves."¹¹ And when Johnson demurred

¹⁰ Brewster, *Sketches of Southern Mystery, Treason, and Murder*, p. 116.

¹¹ Frederick Douglass to Johnson, February 7, 1866. McPherson, p. 52.

on account of the hostility between blacks and poor whites, a committee of prominent colored men replied:

Even if it were true, as you allege, that the hostility of the blacks toward the poor whites must necessarily project itself into a state of freedom, and that this enmity between the two races is even more intense in a state of freedom than in a state of slavery, in the name of Heaven, we reverently ask, how can you, in view of your professed desire to promote the welfare of the black man, deprive him of all means of defence, and clothe him whom you regard as his enemy in the panoply of political power?¹²

Carl Schurz expressed this argument most emphatically:

The emancipation of the slaves is submitted to only in so far as chattel slavery in the old form could not be kept up. But although the freedman is no longer considered the property of the individual master, he is considered the slave of society, and all independent State legislation will share the tendency to make him such.

The solution of the problem would be very much facilitated by enabling all the loyal and free-labor elements in the south to exercise a healthy influence upon legislation. It will hardly be possible to secure the freedman against oppressive class legislation and private persecution, unless he be endowed with a certain measure of political power.¹³

To the argument of ignorance Schurz replied:

The effect of the extension of the franchise to the colored people upon the development of free labor and upon the security of human rights in the south being the principal object in view, the objections raised on the ground of the ignorance of the freedmen become unimportant. Practical liberty is a good school. . . . It is idle to say that it will be time to speak of negro suffrage when the whole colored race will be educated, for the ballot may be necessary to him to secure his education.¹⁴

The granting of full negro suffrage meant one of two alternatives to the South: (a) the uplift of the negro for sheer self-preservation; this is what Schurz and the saner North expected; as one Southern superintendent said: "the elevation of this class is a matter of prime importance since a ballot in the hands of a black citizen is quite as potent as in the hands of a white one." Or (b) a determined concentration of Southern effort by actual force to deprive the negro of the ballot or nullify its use. This is what happened, but even in this case so much energy was taken in keeping the negro from voting that the plan for keeping him in virtual slavery and denying him education failed. It took ten years to

¹² McPherson, p. 56.

¹³ Report to the President, 1865. *Senate Ex. Doc. No. 2*, 39 Cong., 1 sess., p. 45.

¹⁴ *Ibid.*, p. 43.

nullify negro suffrage in part and twenty years to escape the fear of federal intervention. In these twenty years a vast number of negroes had risen so far as to escape slavery forever. Debt peonage could be fastened on part of the rural South, and was, but even here the new negro landholder appeared. Thus despite everything the Fifteenth Amendment and that alone struck the death knell of slavery.

The steps that ended in the Fifteenth Amendment were not, however, taken suddenly. The negroes were given the right by universal suffrage to join in reconstructing the state governments and the reasons for it were cogently set forth in the report of the Joint Committee on Reconstruction in 1866, which began as follows:

A large proportion of the population had become, instead of mere chattels, free men and citizens. Through all the past struggle these had remained true and loyal, and had, in large numbers, fought on the side of the Union. It was impossible to abandon them without securing them their rights as free men and citizens. The whole civilized world would have cried out against such base ingratitude, and the bare idea is offensive to all right-thinking men. Hence it became important to inquire what could be done to secure their rights, civil and political.¹⁵

The report then proceeded to emphasize the increased political power of the South and recommended the Fourteenth Amendment, since

It appeared to your committee that the rights of these persons by whom the basis of representation had been thus increased should be recognized by the General Government. While slaves, they were not considered as having any rights, civil or political. It did not seem just or proper that all the political advantages derived from their becoming free should be confined to their former masters, who had fought against the Union, and withheld from themselves, who had always been loyal.¹⁶

It was soon seen that this expedient of the Fourteenth Amendment was going to prove abortive and that determined and organized effort would be used to deprive the freedmen of the ballot. Thereupon the United States said the final word of simple justice, namely: the states may still regulate the suffrage as they please but they may not deprive a man of the right to vote simply because he is a negro.

For such reasons the negro was enfranchised. What was the result? No language has been spared to describe these results as the worst imaginable. Nor is it necessary to dispute for a moment that there were bad results, and bad results arising from negro suffrage; but it may be questioned if the results were as bad as painted or if negro suffrage was the prime cause.

¹⁵ *House Reports No. 30, 39 Cong., 1 sess., p. xiii.*

¹⁶ *Ibid.*

Let us not forget that the white South believed it to be of vital interest to its welfare that the experiment of negro suffrage should fail ignominiously, and that almost to a man the whites were willing to insure this failure either by active force or passive acquiescence; that beside this there were, as might be expected, men, black and white, Northern and Southern, only too eager to take advantage of such a situation for feathering their own nests. The results in such case had to be evil but to charge the evil to negro suffrage is unfair. It may be charged to anger, poverty, venality, and ignorance; but the anger and poverty were the almost inevitable aftermath of war; the venality was much greater among whites than negroes, and while ignorance was the curse of the negroes, the fault was not theirs, and they took the initiative to correct it.

The chief charges against the negro governments are extravagance, theft, and incompetency of officials. There is no serious charge that these governments threatened civilization or the foundations of social order. The charge is that they threatened property, and that they were inefficient. These charges are in part undoubtedly true, but they are often exaggerated. When a man has, in his opinion, been robbed and maltreated he is sensitive about money matters. The South had been terribly impoverished and saddled with new social burdens. In other words, a state with smaller resources was asked not only to do a work of restoration but a larger social work. The property-holders were aghast. They not only demurred, but, predicting ruin and revolution, they appealed to secret societies, to intimidation, force, and murder. They refused to believe that these novices in government and their friends were aught but scamps and fools. Under the circumstances occurring directly after the war, the wisest statesman would have been compelled to resort to increased taxation and would in turn have been execrated as extravagant and even dishonest. When now, in addition to this, the new legislators, white and black, were undoubtedly in a large number of cases extravagant, dishonest, and incompetent, it is easy to see what flaming and incredible stories of Reconstruction governments could gain wide currency and belief. In fact, the extravagance, although great, was not universal, and much of it was due to the extravagant spirit pervading the whole country in a day of inflated currency and speculation. The ignorance was deplorable but a deliberate legacy from the past, and some of the extravagance and much of the effort was to remedy this ignorance. The incompetency was in part real and in part emphasized by the attitude of the whites of the better class.

When incompetency gains political power in an extravagant age the result is widespread dishonesty. The dishonesty in the reconstruction of the South was helped on by three circumstances:

1. The former dishonesty in the political South.
2. The presence of many dishonest Northern politicians.
3. The temptation to Southern politicians at once to profit by dishonesty and to discredit negro government.
4. The poverty of the negro.

(1) Dishonesty in public life has no monopoly of time or place in America. To take one state: In 1839 it was reported in Mississippi that ninety per cent. of the fines collected by sheriffs and clerks were unaccounted for. In 1841 the state treasurer acknowledges himself "at a loss to determine the precise liabilities of the state and her means of paying the same". And in 1839 the auditor's books had not been posted for eighteen months, no entries made for a year, and no vouchers examined for three years. Congress gave Jefferson College, Natchez, more than 46,000 acres of land; before the war this whole property had "disappeared" and the college was closed. Congress gave to Mississippi among other states the "16th section" of the public lands for schools. In thirty years the proceeds of this land in Mississippi were embezzled to the amount of at least one and a half millions of dollars. In Columbus, Mississippi, a receiver of public moneys stole \$100,000 and resigned. His successor stole \$55,000, and a treasury agent wrote: "Another receiver would probably follow in the footsteps of the two. You will not be surprised if I recommend his being retained in preference to another appointment." From 1830 to 1860 Southern men in federal offices alone embezzled more than a million dollars—a far larger sum than now. There might have been less stealing in the South during Reconstruction without negro suffrage but it is certainly highly instructive to remember that the mark of the thief which dragged its slime across nearly every great Northern state and almost up to the presidential chair could not certainly in those cases be charged against the vote of black men. This was the day when a national secretary of war was caught stealing, a vice-president presumably took bribes, a private secretary of the president, a chief clerk of the Treasury, and eighty-six government officials stole millions in the whiskey frauds, while the Credit Mobilier filched fifty millions and bribed the government to an extent never fully revealed; not to mention less distinguished thieves like Tweed.

Is it surprising that in such an atmosphere a new race learning the a-b-c of government should have become the tools of thieves?

And when they did was the stealing their fault or was it justly chargeable to their enfranchisement?

Undoubtedly there were many ridiculous things connected with Reconstruction governments: the placing of ignorant field-hands who could neither read nor write in the legislature, the gold spittoons of South Carolina, the enormous public printing bill of Mississippi—all these were extravagant and funny, and yet somehow, to one who sees beneath all that is bizarre, the real human tragedy of the upward striving of down-trodden men, the groping for light among people born in darkness, there is less tendency to laugh and gibe than among shallower minds and easier consciences. All that is funny is not bad.

Then too a careful examination of the alleged stealing in the South reveals much. First, there is repeated exaggeration. For instance it is said that the taxation in Mississippi was fourteen times as great in 1874 as in 1869. This sounds staggering until we learn that the state taxation in 1869 was only ten cents on one hundred dollars, and that the expenses of government in 1874 were only twice as great as in 1860, and that too with a depreciated currency. It could certainly be argued that the state government in Mississippi was doing enough additional work in 1874 to warrant greatly increased cost. A Southern white historian acknowledges that

the work of restoration which the government was obliged to undertake, made increased expenses necessary. During the period of the war, and for several years thereafter, public buildings and state institutions were permitted to fall into decay. The state house and grounds, the executive mansion, the penitentiary, the insane asylum, and the buildings for the blind, deaf, and dumb were in a dilapidated condition, and had to be extended and repaired. A new building for the blind was purchased and fitted up. The reconstructionists established a public school system and spent money to maintain and support it, perhaps too freely, in view of the impoverishment of the people. When they took hold, warrants were worth but sixty or seventy cents on the dollar, a fact which made the price of building materials used in the work of construction correspondingly higher. So far as the conduct of state officials who were intrusted with the custody of public funds is concerned, it may be said that there were no great embezzlements or other cases of misappropriation during the period of Republican rule.¹⁷

The state debt of Mississippi was said to have been increased from a half million to twenty million when in fact it had not been increased at all.

The character of the real thieving shows that white men must

¹⁷ Garner, *Reconstruction in Mississippi*, p. 322.

have been the chief beneficiaries and that as a former South Carolina slaveholder said:

The legislature, ignorant as it is, could not have been bribed without money, that must have been furnished from some source that it is our duty to discover. A legislature composed chiefly of our former slaves has been bribed. One prominent feature of this transaction is the part which native Carolinians have played in it, some of our own household men whom the state, in the past, has delighted to honor, appealing to their cupidity and avarice make them the instruments to effect the robbery of their impoverished white brethren. Our former slaves have been bribed by these men to give them the privilege by law of plundering the property-holders of the state.¹⁸

The character of much of the stealing shows who were the thieves. The frauds through the manipulation of state and railway bonds and of bank-notes must have inured chiefly to the benefit of experienced white men, and this must have been largely the case in the furnishing and printing frauds. It was chiefly in the extravagance for "sundries and incidentals" and direct money payments for votes that the negroes received their share.

That the negroes led by astute thieves became tools and received a small share of the spoils is true. But two considerations must be added: much of the legislation which resulted in fraud was represented to the negroes as good legislation, and thus their votes were secured by deliberate misrepresentation. Take for instance the land frauds of South Carolina. A wise negro leader of that state, advocating the state purchase of lands, said:

One of the greatest of slavery bulwarks was the infernal plantation system, one man owning his thousand, another his twenty, another fifty thousand acres of land. This is the only way by which we will break up that system, and I maintain that our freedom will be of no effect if we allow it to continue. What is the main cause of the prosperity of the North? It is because every man has his own farm and is free and independent. Let the lands of the South be similarly divided.

From such arguments the negroes were induced to aid a scheme to buy land and distribute it; yet a large part of \$800,000 appropriated was wasted and went to the white landholder's pockets. The railroad schemes were in most cases feasible and eventually carried out; it was not the object but the method that was wrong.

Granted then that the negroes were to some extent venal but to a much larger extent ignorant and deceived, the question is: did they show any signs of a disposition to learn better things? The theory of democratic government is not that the will of the people is always right, but rather that normal human beings of average

¹⁸ Hon. F. F. Warley in Brewster's *Sketches*, p. 150.

intelligence will, if given a chance, learn the right and best course by bitter experience. This is precisely what the negro voters showed indubitable signs of doing. First, they strove for schools to abolish ignorance, and, second, a large and growing number of them revolted against the carnival of extravagance and stealing that marred the beginning of Reconstruction, and joined with the best elements to institute reform; and the greatest stigma on the white South is not that it opposed negro suffrage and resented theft and incompetence, but that when it saw the reform movement growing and even in some cases triumphing, and a larger and larger number of black voters learning to vote for honesty and ability, it still preferred a Reign of Terror to a campaign of education, and disfranchised negroes instead of punishing rascals.

No one has expressed this more convincingly than a negro who was himself a member of the Reconstruction legislature of South Carolina and who spoke at the convention which disfranchised him, against one of the onslaughts of Tillman:

The gentleman from Edgefield [Mr. Tillman] speaks of the piling up of the State debt; of jobbery and speculation during the period between 1869 and 1873 in South Carolina, but he has not found voice eloquent enough, nor pen exact enough to mention those imperishable gifts bestowed upon South Carolina between 1873 and 1876 by Negro legislators—the laws relative to finance, the building of penal and charitable institutions, and, greatest of all, the establishment of the public school system. Starting as infants in legislation in 1869, many wise measures were not thought of, many injudicious acts were passed. But in the administration of affairs for the next four years, having learned by experience the result of bad acts, we immediately passed reformatory laws touching every department of state, county, municipal and town governments. These enactments are today upon the statute books of South Carolina. They stand as living witnesses of the Negro's fitness to vote and legislate upon the rights of mankind.

When we came into power town governments could lend the credit of their respective towns to secure funds at any rate of interest that the council saw fit to pay. Some of the towns paid as high as twenty per cent. We passed an act prohibiting town governments from pledging the credit of their hamlets for money bearing a greater rate of interest than five per cent.

Up to 1874, inclusive, the State Treasurer had the power to pay out State funds as he pleased. He could elect whether he would pay out the funds on appropriations that would place the money in the hands of the speculators, or would apply them to appropriations that were honest and necessary. We saw the evil of this and passed an act making specific levies and collections of taxes for specific appropriations.

Another source of profligacy in the expenditure of funds was the law that provided for and empowered the levying and collecting of special taxes by school districts, in the name of the schools. We saw its evil and by a constitutional amendment provided that there should

only be levied and collected annually a tax of two mills for school purposes, and took away from the school districts the power to levy and to collect taxes of any kind. By this act we cured the evils that had been inflicted upon us in the name of the schools, settled the public school question for all time to come, and established the system upon an honest, financial basis.

Next, we learned during the period from 1869 to 1874, inclusive, that what was denominated the floating indebtedness, covering the printing schemes and other indefinite expenditures, amounted to nearly \$2,000,000. A conference was called of the leading Negro representatives in the two houses together with the State Treasurer, also a Negro. After this conference we passed an act for the purpose of ascertaining the bona fide floating debt and found that it did not amount to more than \$250,000 for the four years; we created a commission to sift that indebtedness and to scale it. Hence when the Democratic party came into power they found the floating debt covering the legislative and all other expenditures, fixed at the certain sum of \$250,000. This same class of Negro legislators led by the State Treasurer, Mr. F. L. Cardoza, knowing that there were millions of fraudulent bonds charged against the credit of the State, passed another act to ascertain the true bonded indebtedness, and to provide for its settlement. Under this law, at one sweep, those entrusted with the power to do so, through Negro legislators, stamped six millions of bonds, denominated as conversion bonds, "fraudulent". The commission did not finish its work before 1876. In that year, when the Hampton government came into power, there were still to be examined into and settled under the terms of the act passed by us providing for the legitimate bonded indebtedness of the state, a little over two and a half million dollars worth of bonds and coupons which had not been passed upon.

Governor Hampton, General Hagood, Judge Simonton, Judge Wallace and in fact, all of the conservative thinking Democrats aligned themselves under the provision enacted by us for the certain and final settlement of the bonded indebtedness and appealed to their Democratic legislators to stand by the Republican legislation on the subject and to confirm it. A faction in the Democratic party obtained a majority of the Democrats in the legislature against settling the question and they endeavored to open up anew the whole subject of the state debt. We had a little over thirty members in the house and enough Republican senators to sustain the Hampton conservative faction and to stand up for honest finance, or by our votes place the debt question of the old state into the hands of the plunderers and speculators. We were appealed to by General Hagood, through me, and my answer to him was in these words: "General, our people have learned the difference between profligate and honest legislation. We have passed acts of financial reform, and with the assistance of God when the vote shall have been taken, you will be able to record for the thirty odd Negroes, slandered though they have been through the press, that they voted solidly with you all for honest legislation and the preservation of the credit of the State." The thirty odd Negroes in the legislature and their senators, by their votes did settle the debt question and saved the state \$13,000,000. We were eight years in power. We had built school houses, established charitable institutions, built and maintained the penitentiary system, provided for the education of the deaf and dumb, rebuilt the jails and

court houses, rebuilt the bridges and re-established the ferries. In short, we had reconstructed the State and placed it upon the road to prosperity and, at the same time, by our acts of financial reform transmitted to the Hampton Government an indebtedness not greater by more than \$2,500,000 than was the bonded debt of the State in 1868, before the Republican Negroes and their white allies came into power.¹⁹

So, too, in Louisiana in 1872 and in Mississippi later the better element of the Republicans triumphed at the polls and joining with the Democrats instituted reforms, repudiated the worst extravagance, and started toward better things. But unfortunately there was one thing that the white South feared more than negro dishonesty, ignorance, and incompetency, and that was negro honesty, knowledge, and efficiency.

In the midst of all these difficulties the negro governments in the South accomplished much of positive good. We may recognize three things which negro rule gave to the South:

1. Democratic government.
2. Free public schools.
3. New social legislation.

Two states will illustrate conditions of government in the South before and after negro rule. In South Carolina there was before the war a property qualification for office-holders, and, in part, for voters. The Constitution of 1868, on the other hand, was a modern democratic document starting (in marked contrast to the old constitutions) with a declaration that "We, the People", framed it, and preceded by a broad Declaration of Rights which did away with property qualifications and based representation directly on population instead of property. It especially took up new subjects of social legislation, declaring navigable rivers free public highways, instituting homestead exemptions, establishing boards of county commissioners, providing for a new penal code of laws, establishing universal manhood suffrage "without distinction of race or color", devoting six sections to charitable and penal institutions and six to corporations, providing separate property for married women, etc. Above all, eleven sections of the Tenth Article were devoted to the establishment of a complete public-school system.

So satisfactory was the constitution thus adopted by negro suffrage and by a convention composed of a majority of blacks that the state lived twenty-seven years under it without essential change and when the constitution was revised in 1895, the revision

¹⁹ Speech of Thomas E. Miller, one of the six negro members of the South Carolina Constitutional Convention of 1895. The speech was not published in the *Journal* but may be found in the *Occasional Papers* of the American Negro Academy, no. 6, pp. 11-13.

was practically nothing more than an amplification of the Constitution of 1868. No essential advance step of the former document was changed except the suffrage article.

In Mississippi the Constitution of 1868 was, as compared with that before the war, more democratic. It not only forbade distinctions on account of color but abolished all property qualifications for jury service, and property and educational qualifications for suffrage; it required less rigorous qualifications for office; it prohibited the lending of the credit of the state for private corporations—an abuse dating back as far as 1830. It increased the powers of the governor, raised the low state salaries, and increased the number of state officials. New ideas like the public-school system and the immigration bureau were introduced and in general the activity of the state greatly and necessarily enlarged. Finally, that was the only constitution ever submitted to popular approval at the polls. This constitution remained in force twenty-two years.

In general the words of Judge Albion W. Tourgee, a "carpet-bagger", are true when he says of the negro governments:

They obeyed the Constitution of the United States, and annulled the bonds of states, counties, and cities which had been issued to carry on the war of rebellion and maintain armies in the field against the Union. They instituted a public school system in a realm where public schools had been unknown. They opened the ballot box and jury box to thousands of white men who had been debarred from them by a lack of earthly possessions. They introduced home rule into the South. They abolished the whipping post, the branding iron, the stocks and other barbarous forms of punishment which had up to that time prevailed. They reduced capital felonies from about twenty to two or three. In an age of extravagance they were extravagant in the sums appropriated for public works. In all of that time no man's rights of person were invaded under the forms of law. Every Democrat's life, home, fireside and business were safe. No man obstructed any white man's way to the ballot box, interfered with his freedom of speech, or boycotted him on account of his political faith.²⁰

A thorough study of the legislation accompanying these constitutions and its changes since would of course be necessary before a full picture of the situation could be given. This has not been done, but so far as my studies have gone I have been surprised at the comparatively small amount of change in law and government which the overthrow of negro rule brought about. There were sharp and often hurtful economies introduced marking the return of property to power, there was a sweeping change of officials, but the main body of Reconstruction legislation stood.

²⁰ *Occasional Papers* of the American Negro Academy, no. 6, p. 10; Chicago *Weekly Inter Ocean*, December 26, 1890.

This democracy brought forward new leaders and men and definitely overthrew the old Southern aristocracy. Among these new men were negroes of worth and ability. John R. Lynch when speaker of the Mississippi house of representatives was given a public testimonial by Republicans and Democrats and the leading Democratic paper said:

His bearing in office had been so proper, and his rulings in such marked contrast to the partisan conduct of the ignoble whites of his party who have aspired to be leaders of the blacks, that the conservatives cheerfully joined in the testimonial.²¹

Of the colored treasurer of South Carolina, Governor Chamberlain said:

I have never heard one word or seen one act of Mr. Cardozo's which did not confirm my confidence in his personal integrity and his political honor and zeal for the honest administration of the State Government. On every occasion, and under all circumstances, he has been against fraud and jobbery, and in favor of good measures and good men.²²

Jonathan C. Gibbs, a colored man and the first state superintendent of instruction in Florida, was a graduate of Dartmouth. He established the system and brought it to success, dying in harness in 1874. Such men—and there were others—ought not to be forgotten or confounded with other types of colored and white Reconstruction leaders.

There is no doubt but that the thirst of the black man for knowledge—a thirst which has been too persistent and durable to be mere curiosity or whim—gave birth to the public free-school system of the South. It was the question upon which black voters and legislators insisted more than anything else and while it is possible to find some vestiges of free schools in some of the Southern States before the war yet a universal, well-established system dates from the day that the black man got political power. Common-school instruction in the South, in the modern sense of the term, was begun for negroes by the Freedmen's Bureau and missionary societies, and the state public-school systems for all children were formed mainly by negro Reconstruction governments. The earlier state constitutions of Mississippi "from 1817 to 1865 contained a declaration that 'Religion, morality and knowledge being necessary to good government, the preservation of liberty and the happiness of mankind, schools and the means of education shall forever be encouraged.' It was not, however, until 1868 that encouragement was given to any general system of public schools meant to embrace

²¹ Jackson (Mississippi) *Clarion*, April 24, 1873.

²² Allen, *Governor Chamberlain's Administration in South Carolina*, p. 82.

the whole youthful population." The Constitution of 1868 makes it the duty of the legislature to establish "a uniform system of free public schools, by taxation or otherwise, for all children between the ages of five and twenty-one years". In Alabama the Reconstruction Constitution of 1868 provided that "It shall be the duty of the Board of Education to establish throughout the State, in each township or other school district which it may have created, one or more schools at which all the children of the State between the ages of five and twenty-one years may attend free of charge." Arkansas in 1868, Florida in 1869, Louisiana in 1868, North Carolina in 1869, South Carolina in 1868, and Virginia in 1870, established school systems. The Constitution of 1868 in Louisiana required the general assembly to establish "at least one free public school in every parish", and that these schools should make no "distinction of race, color or previous condition". Georgia's system was not fully established until 1873.

We are apt to forget that in all human probability the granting of negro manhood suffrage and the passage of the Fifteenth Amendment were decisive in rendering permanent the foundation of the negro common school. Even after the overthrow of the negro governments, if the negroes had been left a servile caste, personally free, but politically powerless, it is not reasonable to think that a system of common schools would have been provided for them by the Southern States. Serfdom and education have ever proven contradictory terms. But when Congress, backed by the nation, determined to make the negroes full-fledged voting citizens, the South had a hard dilemma before her: either to keep the negroes under as an ignorant proletariat and stand the chance of being ruled eventually from the slums and jails, or to join in helping to raise these wards of the nation to a position of intelligence and thrift by means of a public-school system. The "carpet-bag" governments hastened the decision of the South, and although there was a period of hesitation and retrogression after the overthrow of negro rule in the early seventies, yet the South saw that to abolish negro schools in addition to nullifying the negro vote would invite Northern interference; and thus eventually every Southern state confirmed the work of the negro legislators' and maintained the negro public schools along with the white.

Finally, in legislation covering property, the wider functions of the state, the punishment of crime and the like, it is sufficient to say that the laws on these points established by Reconstruction legislatures were not only different from and even revolutionary to the

laws in the older South, but they were so wise and so well suited to the needs of the new South that in spite of a retrogressive movement following the overthrow of the negro governments the mass of this legislation, with elaboration and development, still stands on the statute books of the South.

Reconstruction constitutions, practically unaltered, were kept in

Florida, 1868-1885 17 years.

Virginia, 1870-1902 32 years.

South Carolina, 1868-1895 27 years.

Mississippi, 1868-1890 22 years.

Even in the case of states like Alabama, Georgia, North Carolina, and Louisiana, which adopted new constitutions to signify the overthrow of negro rule, the new constitutions are nearer the model of the Reconstruction document than they are to the previous constitutions. They differ from the negro constitutions in minor details but very little in general conception.

Besides this there stands on the statute books of the South to-day law after law passed between 1868 and 1876, and which has been found wise, effective, and worthy of preservation.

Paint the "carpet-bag" governments and negro rule as black as may be, the fact remains that the essence of the revolution which the overturning of the negro governments made was to put these black men and their friends out of power. Outside the curtailing of expenses and stopping of extravagance, not only did their successors make few changes in the work which these legislatures and conventions had done, but they largely carried out their plans, followed their suggestions, and strengthened their institutions. Practically the whole new growth of the South has been accomplished under laws which black men helped to frame thirty years ago. I know of no greater compliment to negro suffrage.

W. E. BURGHARDT DU BOIS.

DOCUMENTS

Documents relative to the Adjustment of the Roman Catholic Organization in the United States to the Conditions of National Independence, 1783-1789.

It was the general policy of the Roman Catholic Church to recognize in its ecclesiastical administration the actual governmental conditions in America. The Spanish possessions, as they changed from time to time, were under the direction of the Spanish crown and the papal nuncio at Madrid; those of France were under the more immediate superintendence of the nuncio at Paris;¹ and the responsibility for those of England, at least from 1746,² rested upon the vicar-general at London, who reported through the nuncio at Brussels.³ At Rome the management of all these fell to the Congregation of the Propaganda. The cession of Canada to England in 1763 led to a practical modification of this system, as the bishop and chapter of Quebec kept up their connection with Rome through an agent at Paris, generally the director of the Seminary of Foreign Missions, and the nuncio at Paris;⁴ but the patronage of the see passed from the hands of the King of France.⁵

It was natural, therefore, that the situation created by the treaty of Paris in 1783 should engage the attention of the papal statesmen, even though the ravages of the Barbary pirates made any temporal relations between the Pontifical and the United States improbable. To continue the spiritual direction in the hands of the vicar-general at London would seem to court the disfavor of the Americans; and besides, that direction had never been very effective, and was likely to be less so now that the Society of Jesus, to which the American priests belonged, had been dissolved.⁶ An element of novelty was introduced by the fact that the United States were the first independent nation in America, and were without a European metropolis. It was therefore natural to consider the possibility that

¹ Propaganda Archives, Atti, vol. I., f. 3; February 4, 1622.

² *Id.*, Atti, ff. 176-182; July 9, 1746.

³ See note 1.

⁴ Propaganda Archives, Scrittura Riferite, America Settentrionale, Canada, etc., 1668 al 1791, vol. I., *passim*. "Congregazioni Particolari", vol. 137, ff. 1-71.

⁵ *Id.*, ff. 47-50.

⁶ July 21, 1773. Shea, *Carroll*, p. 38.