

A Brief Moment in the Sun: Francis Cardozo and Reconstruction in South Carolina

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I, Neil Kinghan, confirm that the work presented in this dissertation is my own. Where information has been derived from other sources, I confirm that this has been indicated in the dissertation.

Abstract

This dissertation examines the life and career of Francis Lewis Cardozo, the first African American to win election to state-wide office in the United States, in April 1868. He served as Secretary of State, then as State Treasurer, for South Carolina from 1868 to 1877. He played a significant role in developing a new state constitution, in promoting land reform and public education and in securing financial stability for South Carolina. Unlike many of his peers, he was an honest and effective office holder, described by a local white newspaper as “the faithful one among the faithless many.” For that reason, the white Democratic government, returning to power after Reconstruction, prosecuted him on a trumped-up charge of fraud. They secured his conviction and, briefly, his imprisonment. Condemning him proclaimed the disgrace of Reconstruction as a whole.

Cardozo was also a successful educator, at Saxton School in Charleston, between 1865 and 1868, later as Principal of the M Street High School in Washington, after his pardon and release from prison. In both schools, Cardozo’s purpose was to show that African American children could succeed on the same terms as white if given the opportunity. As a political leader, he believed that African Americans could govern alongside white people and win acceptance if they proved themselves capable. Despite his own successes, the white population was not persuaded. Racism prevailed and Reconstruction was defeated.

Cardozo was the most powerful African American political leader in South Carolina. His experiences illuminate the history of Reconstruction. Yet there has been no full-length biography of him. His name has appeared regularly in histories of the period, but never at centre stage. This dissertation aims to recognise Cardozo’s central role in Reconstruction and his contribution as an educator, and to demonstrate why he should be remembered now.

Impact Statement

The subject of my research is the life and career of Francis Lewis Cardozo and the history of Reconstruction in South Carolina in the 1860s and 1870s. Francis Cardozo was an African American educator in Charleston S.C. and in Washington D.C. and a leading figure in the government of South Carolina during Reconstruction. He is largely unknown in his home state and among students of nineteenth century American history.

Inside academia, I hope that my dissertation will give Cardozo the recognition he deserves and fill a gap in the historiography of Reconstruction. African American political leaders of the nineteenth century have received relatively little attention from historians of the period, themselves mostly white, with the distinguished exceptions of Frederick Douglass, Booker T. Washington and Sojourner Truth. There have been a handful of biographies of others, none of Francis Cardozo.

Cardozo was an outstanding educator and the most influential African American political leader in South Carolina during a remarkable period in its history. He was arguably the most effective and influential African American to hold elected office in the South between the Civil War and the Civil Rights era one hundred years later. He was one of a handful of “outstanding cases of notably incorruptible Negro leaders,” in the words of the African American historian, W.E.B. Du Bois.¹ He was the target of a false charge of corruption, convicted and imprisoned, when the Democrats regained power in South Carolina in 1877. In traducing him, they succeeded in completing the picture of Reconstruction as a “tragic failure” and in undermining his reputation. My aim is both to restore Cardozo’s reputation to his rightful place in nineteenth century history and African American history and to provide a new perspective on the history of Reconstruction

Outside academia, the image of Reconstruction is still characterised by “hoary fictions of a subjugated white South that are perpetuated by novels and films like *Gone With the Wind* and by some strands of contemporary political

¹ W.E.B. Du Bois, *Black Reconstruction in America 1860-1880* (New York: Harcourt, Brace and Co., 1988) 617.

discourse.”² The dissertation will seek to demonstrate that Reconstruction did not subjugate the South but opened it to inter-racial government for the first time. There was certainly corruption in southern states, but it was much exaggerated and no worse than elsewhere in the country. There was notable progress in education for both white and black children and in civil rights and land reform. Francis Cardozo played a leading part in securing that progress.

Racism and white supremacy were the main factors in the defeat of Reconstruction. They were the inevitable legacy of slavery and they are still relevant today. A better understanding of Reconstruction and of the positive contributions of African Americans should demonstrate that they are as dangerous and negative now as they were then.

² Thomas J. Brown ed. *Reconstructions: New Perspectives on the Postbellum United States* (New York: Oxford University Press, 2006) 8.

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Neil Kinghan, October 2019.

Chapter 1

Introduction

“The slave went free, stood a brief moment in the sun, then moved back toward slavery”³

The elections of April 1868 in South Carolina and other southern states marked an extraordinary moment in the history of the United States. Just seven years earlier, these states had seceded from the Union to protect the institution of slavery and precipitated the Civil War. Now, three years after the end of the war, African Americans, most of them newly freed, were able to vote and did so in large numbers. South Carolina held elections for its state government and legislature between 14th and 16th April. Francis Lewis Cardozo, son of a white man and an African American woman, herself born in slavery, was elected Secretary of State, the first African American to win election to state-wide office in the United States.

So began “a massive experiment in inter-racial government, without precedent in the history of this or any other country that abolished slavery in the nineteenth century.”⁴ Such a government was unimaginable in the countries of Europe with which most white Americans compared their own and in the United States itself of ten years earlier. The experiment did not last long. In

³ W.E.B. Du Bois, *Black Reconstruction in America 1860-1880* (New York: Harcourt, Brace and Co., 1935) 30.

⁴ Eric Foner, *Reconstruction: America’s Unfinished Revolution 1863-1877* (New York: Harper and Row, 1988) xxiii.

Virginia, it was to end without ever beginning. In most southern states, it was over or struggling to hold on by 1873. In Mississippi, it lasted until 1875. In the three states where it lasted longest, Louisiana, Florida and South Carolina, the party of inter-racial government, the Republican Party, was ejected from office in 1877 and replaced by white Democratic government.

There would be other short periods of political hope for African Americans, in the Readjuster movement in Virginia in 1881 and in an alliance between Republicans and Populists in North Carolina in 1896. Both attracted African American support and achieved brief electoral success but neither involved inter-racial state government as Reconstruction had done.⁵ The record of Reconstruction, as the period usually dated from the end of the Civil War in 1865 to 1877 is known, has been deeply controversial for most of the last 150 years. Its most notorious characteristics were violence, corruption and disappointed expectations. There were also great advances in public education, significant though short-lived improvements in civil rights and some progress in the economic conditions of the freed people.

The years after Reconstruction saw the reversal of most, though not all, of the advances made. Most seriously, they resulted in disfranchisement for African Americans and the imposition of the Jim Crow system of discrimination across the South. They also saw a determined effort by white politicians and subsequently by white historians to discredit the achievements of Reconstruction and its leaders, black and white. The picture these historians painted of the “tragic era” was to dominate historical writing until the 1950s.⁶

⁵ Steven Hahn, *A Nation Under Our Feet: Black Political Struggle in the Rural South from Slavery to the Great Migration* (Cambridge: Belknap Press of Harvard University, 2001) 376-411.

⁶ The best-known include: James S. Pike, *The Prostrate State: South Carolina Under Negro Government* (New York: Appleton and Company, 1874); William A. Dunning, *Reconstruction*

It was not fully re-drawn until historians of the 1960s and 1970s began consistently to offer a more balanced historical account of Reconstruction. Even today, an eminent historian can refer to Reconstruction almost casually, as “a dismal failure.” Given the progress that was made in the years of Reconstruction, and the burden of slavery from which the freed people had so recently escaped, it would be fairer to characterise it as a mix of limited success and ultimate defeat.⁷

This dissertation examines the life and career of Francis Lewis Cardozo, the African American elected Secretary of State in South Carolina in April 1868. His experiences illuminate the history of Reconstruction, its place in the history of the United States in the nineteenth century and the African American experience within it. Cardozo was first an educator, then an honest and effective office holder. He was Secretary of State in South Carolina, then State Treasurer, between 1868 and 1877. He played a significant role in developing a new constitution for the state, in promoting land reform and in the development of public education in South Carolina. After Reconstruction, he faced conviction and imprisonment for fraud in a show trial, then received a pardon from the Democratic Governor, William Simpson. He would subsequently be Principal of the M Street High School for African American children in Washington. Cardozo’s life was remarkable in its variety and achievement but no full-length biography of him has been published.

Political and Economic 1865-1877 (New York: Harper and Brothers, 1906); Claude G. Bowers, *The Tragic Era: The Revolution After Lincoln* (Boston: The Literary Guild of America, 1929); and E. Merton Coulter, *The South During Reconstruction 1865-1877* (Baton Rouge: Louisiana State University Press, 1947).

⁷ David Brion Davis, *The Problem of Slavery in the Age of Emancipation* (New York: Broadway Books, 2014) 335.

Historians have given more attention to other African American politicians who were active in Reconstruction in the South. Two were US Senators, one very briefly a Governor. Hiram R. Revels and Blanche K. Bruce were Senators from Mississippi. Revels was the first, appointed by the Mississippi legislature in 1870 for just a year. Bruce was the only African American to serve a full term in the Senate, from 1875 to 1881, until Edward Brooke took office as Senator for Massachusetts in 1967. The only African American to serve as state governor, before Douglas Wilder became Governor of Virginia in 1990, was Pinkney B.S. Pinchback. He was Governor of Louisiana for five weeks in December and January 1872-1873, following the impeachment of the white governor, Henry Warmoth.⁸

Three of Cardozo's African American contemporaries in South Carolina have been the subject of biographies: Martin Delany, Robert Smalls and Robert Brown Elliott. Delany was a national figure, a black nationalist before the Civil War, the first black commissioned officer in the war, active in South Carolina during Reconstruction though not successful in elections. Robert Smalls was famous in the Civil War as the man who piloted the Confederate ship the *Planter* into the hands of the Union Navy. He would serve as U.S. Congressman for the district covering his hometown of Beaufort for five terms, with one gap, between 1875 and 1887. Robert Elliott was the most flamboyant black politician in South Carolina, variously serving as U.S. Congressman, Speaker of the State House of Representatives and State Attorney General.⁹

⁸ Eric Foner, *Freedom's Lawmakers: A Directory of Black Officeholders During Reconstruction* (Baton Rouge: Louisiana State University Press, 1993) xiv, 29-30, 138-139, 171-172, 180-181; Howard N. Rabinowitz ed., *Southern Black Leaders of the Reconstruction* (Urbana: University of Illinois Press, 1982) 1-38; Lawrence O. Graham, *The Senator and the Socialite: The True Story of America's First Black Dynasty* (New York: Harper Collins, 2006).

⁹ Foner, *Freedom's Lawmakers*, 59-61, 69-70, 197-198; Victor Ullmann, *Martin Delany: The Beginnings of Black Nationalism* (Boston: Beacon Press, 1971); Okon E. Uya, *From Slavery to*

Francis Cardozo was not a national figure. He was not a U.S. Senator, nor a State Governor. Nor was he as publicity conscious as his peers in South Carolina. He was, however, the only African American to win election to state-wide office in South Carolina in every election during Reconstruction (including the 1876 election). He was at the heart of the Republican administrations in South Carolina between 1868 and 1877. Like many other African American politicians, Cardozo had been born free and was of mixed race. In other respects, he was exceptional as this dissertation seeks to show. A photograph of him taken in the 1870s is below. He deserves more attention than he has received from historians of the American South in the nineteenth century.¹⁰

Public Service: Robert Smalls 1839 to 1915 (New York: Oxford University Press, 1971); Edward A. Miller Jr., *Gullah Statesman: Robert Smalls from Slavery to Congress, 1839 to 1915* (Columbia: University of South Carolina Press, 1995); Peggy Lamson, *The Glorious Failure: Black Congressman Robert Brown Elliott and the Reconstruction in South Carolina* (New York: W.W. Norton and Co., 1973).

¹⁰ Foner, *Freedom's Lawmakers*; photograph taken from E. Louise, *Reflections: A Pictorial History of Certain People of South Carolina 1840s to 1940s* (Columbia SC: Phoenix Publishers, 2009) 24.



The literature associated with the Civil War and Reconstruction is vast and seemingly never-ending. In 1996, a survey estimated that 70,000 books had been published since the end of the War, most concerned with the War itself, but many dealing with Reconstruction.¹¹ The flow has continued since then, a prospect both daunting and inspiring to students of the period. It is daunting to think it possible to offer a worthwhile new perspective when so many have been offered before, inspiring because many fine new works have continued to appear providing new insights on the history of the period and on how it is remembered. Scholars have continued to find new ways of addressing familiar and less familiar aspects of the story.

This introductory chapter sets out the aims and methodology of the dissertation and then offers a review of the literature of Reconstruction. The

¹¹ Steven E. Woodworth ed., *The American Civil War: A Handbook of Literature and Research*, (Westport CT: Greenwood, 1996) preface.

review does not attempt to encompass the many thousands of books published but looks at those that are most relevant and important to an understanding of Reconstruction in South Carolina. Alongside the secondary sources, there are valuable primary sources, which the third section of this chapter, on the framework of the dissertation, will summarise. The most important primary source is in the newspapers of the time, partisan though they were. There are also official records and, in Francis Cardozo's case, personal and family papers which are both precious and very limited. It is a familiar regret for students researching African American politics in the nineteenth century that, by contrast with their approach to white politicians of the period, white librarians and archivists chose not to collect and preserve the personal papers of black politicians.

Aims and Methodology

The dissertation aims to weave together analysis of Cardozo's life and career, drawing on the available records, contemporary newspapers and his personal and family records, with some of the key themes of Reconstruction historiography. It seeks to illustrate the perspective which his experience gives to the history of Reconstruction and to show why he matters. At the time of writing, he is barely remembered in South Carolina even by those with a professional interest in nineteenth century American history. Yet he was an African American who had a major influence on one of the most remarkable periods in American history in a part of the country which a white slave-owning elite had dominated for the previous 150 years. His was a central role in the history of South Carolina throughout Reconstruction, a man ambitious for his own success and for the improvement of his race.

The words of W.E.B. Du Bois quoted at the beginning of this chapter provide the overarching framework for the dissertation: “the slave went free, stood a brief moment in the sun, then moved back toward slavery.” The dissertation begins with a brief account of the development of slavery in South Carolina and its impact on the politics of the state before the American Revolution and up to the outbreak of the Civil War. It shows the increasing importance of slavery to wealthy slave-owners and to the rest of the white population of the state. Even as slavery declined and all but disappeared in northern states, it grew in numbers and importance in the South. The leaders of South Carolina became still more determined to maintain and to justify slavery. The ideology of racism developed as support for abolition increased in the North. At the same time a small free black community grew in Charleston and in other southern cities, separate from the white population and the enslaved, precariously existing between them. Francis Cardozo was born and brought up in that community.

The dispute between North and South erupted into Civil War; the South was defeated, and slavery abolished. The “slave went free,” and the white population of South Carolina accepted the fact of abolition. They were much less willing to accept that freedom should mean the same for African Americans as for white people. In common with the leaders of other former Confederate states, the post-war leaders of South Carolina sought to impose strict controls on the freed people. The U.S. Congress in response decreed military government for the South and universal male suffrage. South Carolina and other southern states elected Republican state governments in 1868. Reconstruction in government began and, with it, the “brief moment in the sun.”

The Republican Party controlled the government and legislature of South Carolina for nine years between 1868 and 1877, winning successive elections with the near complete support of newly enfranchised African American voters. The Reconstruction governments of the Palmetto state faced accusations of corruption, regular tides of violence and continuous racial hostility from the white population. The dissertation will chart their problems and failures alongside the progress they made in promoting the political, social and economic status of the freed people. In doing so, it will analyse Francis Cardozo's contribution to the years of Reconstruction in government and his perspective on it.

The elections of 1876 led to conflict over their results at national and state level, in Louisiana, Florida and South Carolina. In the end, conflict was resolved by a deal whereby the Republican Rutherford B. Hayes took the Presidency and the Democrats took the three state governments. The incoming Democrat government in South Carolina prosecuted Francis Cardozo, secured his conviction and imprisonment on a trumped-up charge of fraud and eventually pardoned him. He left the state in 1879 as the Democrats began the process of disfranchisement and the removal of the rights which African Americans had secured during Reconstruction. Jim Crow came to South Carolina as it did to other southern states. In Du Bois' words "the slave moved back toward slavery." The racism and white supremacy which had developed before the Civil War, lain barely suppressed beneath the surface during the brief years of Reconstruction, now flourished unchecked across the South. The legacy of Francis Cardozo and his achievements in Reconstruction were largely, though not completely, destroyed.

Francis Cardozo's life and career provide a distinct perspective through which to view the history of Reconstruction. His childhood in Charleston, the son of a white Jewish man and a free African American woman who had been born in slavery, was an unusual one. In 1858, he took the exceptional step of going abroad to study at the University of Glasgow. He was successful there, returned to New Haven, Connecticut, as a Minister in 1864, then moved to Charleston to run a school for African American children in 1865. His school grew and won acclaim, first as the Saxton School (an elementary school), then as the Avery Normal School, the first incarnation of the Avery Center for African American Culture and History in Charleston today.

His political profile rose as one of the most influential African Americans in Charleston and he won election to the Convention charged with writing a new Constitution for South Carolina in 1868. He made a major contribution to the convention and was elected Secretary of State in April that year. He remained in office throughout Reconstruction as Secretary of State and State Treasurer. He was an effective and loyal member of the Republican governments. But he stood apart, both in his own mind and in the perception of the white press, as a man committed to financial probity, the enemy of the corruption around him. As a symbol of good government, Cardozo became a target for the forces who sought to discredit Reconstruction completely. He was one of just three Republican leaders to face prosecution in 1877, the only one to go to jail, for a total of seven months.

Cardozo left South Carolina for Washington in 1879, following his pardon by Governor William Simpson, and took a job in the U.S. Treasury Department. In 1884, he took over as Principal of the Colored High School in the city. The school flourished under his leadership and moved premises to be the M Street

High School. As in Charleston, he led an outstanding school for African American children. In each of his schools, he set out to demonstrate that African American children could succeed on the same terms as white children if given the opportunity.

Cardozo brought the same beliefs and commitment to his race into his political career. He did not share the view that Booker T. Washington would advocate, thirty years after the Civil War, that black people should accept second-class citizenship until they had proved themselves. He believed that African Americans could govern alongside white people and that they would persuade at least some white people to accept them in government if they showed themselves competent and honest. He himself would demonstrate these qualities, as would a small number of his colleagues, but it was not enough to win over the white population. As W.E.B. Du Bois was to say, “if there was one thing that (white) South Carolina feared more than bad Negro government, it was good Negro government.”¹²

The dissertation examines the history of Reconstruction through the life and experiences of Francis Cardozo. It analyses the factors which determined its progress and eventual defeat in South Carolina: its internal weaknesses alongside its strengths, the contributions of its political leaders, black and white, the influence of the press of the day, the attitudes of the white and black population of the state, the impact of corruption and violence and the role of the Federal Government in providing, then withdrawing, military support for the state government. It concludes with an assessment of the achievements and failures of Reconstruction and of Francis Cardozo’s

¹² Du Bois, *Black Reconstruction*, 428.

contributions to the history of the American South in the nineteenth century and to African American history.

The analysis seeks to illuminate the key themes that were central to Francis Cardozo's experiences and to the history of Reconstruction:

- the experience of **racism** which dominated political life in South Carolina before the Civil War and continued to suffuse the lives of Cardozo and all African Americans during and after Reconstruction;
- the determination of **white supremacists** to resist the abolition of slavery before the Civil War, then to retain power in South Carolina after defeat. They lost power during Reconstruction, but they were determined to regain it as Reconstruction faltered in 1876, then to reverse its achievements and destroy its legacy;
- the commitment which Cardozo and a small number of his colleagues showed to **good government**. They sought to weaken the forces of racism and white supremacy by demonstrating black achievement in education and government. They had a measure of success for a time, but they were ultimately defeated;
- the overriding priority given during Reconstruction to the **education** of black children to which Cardozo devoted himself both as a school Principal and in government and which was to represent Reconstruction's most enduring achievement;
- the positive achievements of Reconstruction, alongside education, in **civil rights** and **land reform** for the freed people, to the second of which Cardozo made a major contribution. They were limited in scope and undermined by subsequent reverses, but, for a time, surprisingly effective;

- the tensions within the **Republican Party** and the **black political leadership** in South Carolina between radicalism and caution and between those born free and those born in slavery, tensions with which Cardozo was closely involved throughout Reconstruction; and
- the negative aspects of Reconstruction: the **corruption** which infected the administration and the legislature for most of the period of Republican government in South Carolina which Cardozo strove continuously to combat, the **violence** which threatened black leaders, including Cardozo, and their supporters throughout Reconstruction, and its **defeat** in 1877, which Cardozo could not prevent.

It would have been possible to organise this dissertation around these themes rather than in the largely chronological structure which it follows. But such an approach would have involved a good deal of repetition of historical events in which many of the themes recur regularly. The intention is to use the historical analysis offered here both to illustrate the continuing importance which many of the themes represent to Francis Cardozo's life and times and to show their changing impact during Reconstruction and in the last twenty-five years of the nineteenth century.

My objective is to give Francis Cardozo the place he should occupy in the history of Reconstruction in South Carolina. That history will always be controversial, but it will also be incomplete without a fuller understanding of the role played by Cardozo and his achievements in education and government. He was, from the beginning, an exceptional educator. He created a successful school for African American children in Charleston out of very little and received acclaim for his success from white newspapers and white political leaders. He showed that African American children could learn as well as

white, with good teaching. The white population, for a time at least, became less hostile to black education. He would repeat his success in education in the very different environment of Washington D.C. twenty years later. In politics and government, Cardozo was, in the words of John Hope Franklin, “the most important black political leader in South Carolina” during Reconstruction.¹³

Despite themselves, South Carolina’s white newspapers recognised Cardozo’s achievements during Reconstruction. His subsequent trial and conviction damaged his reputation, as his accusers in the white Democratic government that followed Reconstruction intended. Successive Democratic governments set out to undermine and, as far as possible, to destroy his legacy. It is a measure of their success and of the many competing histories which have attracted writers on Reconstruction that he has received less attention and, consequently, less credit for his achievements than he should. This dissertation aims to restore him to his proper position in the history of the period and to demonstrate his significance in African American history. His name is one with which students of Reconstruction and of the history of South Carolina should be familiar.

Literature Review

The literature of Reconstruction is voluminous and impressive but little of it has been directly concerned with the contribution of African Americans. For Francis Cardozo, just three brief accounts of his life have appeared in print: by William Simmons in his 1887 survey of the lives of prominent black leaders, by Edward Sweat in an article in the *Journal of Negro History* in 1961, and by

¹³ John Hope Franklin, *Race and History; Selected Essays 1938-1988* (Baton Rouge: Louisiana State University Press, 1989) 19.

Lewis Burke in his 2001 article on Cardozo's trial. There is also an unpublished dissertation on Cardozo's public life, by a Princeton student, John Farley.¹⁴

Three other black leaders in South Carolina, Martin Delany, Robert Smalls and Robert Brown Elliott have been the subject of published biographies but none of these appeared before 1970. Between the end of the Civil War and the Civil Rights era of the 1960s, the lives and careers of African American politicians, and the experiences of African American people, were apparently of little interest to mainstream historians or publishers, with a small number of honourable exceptions.

For most of that period of almost 100 years, white historians sustained the images of unrelieved corruption and incompetence generated by white opponents of Reconstruction. Many were members of the Dunning School, named for Columbia Professor William Dunning. Their influence and the prevailing racism of the times ensured that the contribution of African Americans to U.S. history received little attention. That picture changed in the 1960s and 1970s as revisionist historians replaced the one-sided images provided by the Dunning School with a more balanced picture of Reconstruction. There is now a great wealth of writing on African American history and the history of slavery on which this dissertation seeks to draw. There are studies of Reconstruction which take the perspective of the freedmen as their starting point, not that of white southerners, as had been the near-universal practice until the 1950s.

¹⁴ William J. Simmons, *Men of Mark: Eminent, Progressive and Rising* (New York: Geo. M. Revel and Co., 1887); Edward F. Sweat, "Francis L. Cardozo – Profile of Integrity in Reconstruction Politics," *Journal of Negro History*, Vol. 46, No. 4 (Oct. 1961) 217-232; W. Lewis Burke, "Reconstruction, Corruption and the Redeemers' Prosecution of Francis Lewis Cardozo," *American Nineteenth Century History* Vol. 2, No. 3, (Autumn 2001) 67-106; John E. Farley, "Francis L. Cardozo" (BA Dissertation: Princeton University, 1949).

The Dunning School has lost its hold completely on the output of academic historians, but its version of Reconstruction has not disappeared in public perceptions in the South. As Thomas Brown said in introducing a collection of essays on the subject in 2006,

for all its triumphs, the scholarship of the past forty years has had uneven success in reaching the general public credible histories have not yet found adequate outlets to counter more widely the hoary fictions of a subjugated white South that are perpetuated by novels and films like *Gone With the Wind* and by some strands of contemporary political discourse.¹⁵

Several academics and students made the same point strongly to the author following a presentation on this research at the Avery Center in Charleston in 2014. There is a task yet for historians to promote popular understanding of the period very different from that of *Gone With the Wind*.

As the range and content of writing about Reconstruction has expanded dramatically, so has the study of the writings themselves, the historiography of Reconstruction. Once a field of academic conflict as the revisionists began seriously to challenge the Dunning School, that battle is now over.¹⁶ The subject is, however, one of continuing re-examination and debate. Many studies of the period now begin or conclude with historiographical essays, notably those of Eric Foner and Michael Perman, two major historians of Reconstruction in the last thirty years.¹⁷ In another striking contribution,

¹⁵ Thomas J. Brown ed., *Reconstructions: New Perspectives on the Postbellum United States* (New York: Oxford University Press, 2006) 8.

¹⁶ Bernard A. Weisberger, "The Dark and Bloody Ground of Reconstruction Historiography," *Journal of Southern History* Vol. 25, No. 4 (Nov. 1959) 469-486.

¹⁷ Foner, *Reconstruction*, xvii-xxiii in 1988 edition, xxviii-xxlii in 2014 edition. Michael Perman, *The Road to Redemption: Southern Politics 1869-1879* (Chapel Hill: University of North

Thomas Holt emphasised the “gross errors” and racist bias in most early writing on the subject. Howard Rabinowitz was also critical though less harsh on the treatment of African Americans by historians writing before 1982.¹⁸

Interest has grown further since the 1980s with the publication of several collections of essays on historiography. It feels sometimes as if the historiography of Reconstruction has itself become an industry. It would take too long to review many of these collections here. But three have been most helpful, those edited by: Eric Anderson and Alfred Moss in honour of John Hope Franklin, by Thomas Brown and by Lacy Ford. Their contents range from the economic history of African Americans and the significance of sharecropping, to the centrality of African Americans in U.S. history and the constitutional importance of Reconstruction, to remembrance of the Civil War and the relative importance of nationalism, citizenship and class consciousness. Lacy Ford’s collection includes a particularly good discussion on the chronological definition of Reconstruction. The authors offer no firm conclusion but the thought that “if Reconstruction means African American resistance to racism, it is still going on today.”¹⁹

Michael Perman defined three phases in the historiography of the subject: the Dunning School, which represented “virtual orthodoxy” until the 1950s; the revisionist historians who challenged, then superseded, the Dunning School

Carolina Press, 1984); and *Reconstruction and Emancipation* (Wheeling, Ill: Harlan Davidson Inc., 1988) 1-5 and 145-161.

¹⁸ Thomas Holt, *Black over White: Negro Political leadership in South Carolina During Reconstruction* (Urbana: University of Illinois Press, 1977) 1-3; Rabinovitz, *Southern Black Leaders*, xi-xviii.

¹⁹ Eric Anderson and Alfred A. Moss Jr. eds., *The Facts of Reconstruction: Essays in Honor of John Hope Franklin* (Baton Rouge: Louisiana State University Press, 1991); Thomas Brown, previously quoted; Lacy K. Ford ed., *A Companion to the Civil War and Reconstruction* (Chichester: Wiley-Blackwell, 2011).

from the 1960s onwards; and the post-revisionists of the 1970s and 80s. Perman said that historians in each of these phases, while disagreeing seriously about the causes of the “failure” of Reconstruction, shared the sense that someone was to blame: the vindictive northern radicals in Congress in the Dunning version; the intransigent white southerners, according to the revisionists; and the leaders of Reconstruction in Congress and the South for not being radical enough, according to the post-revisionists. Perman’s conclusion was that, whatever the failings of those who led or supported or opposed Reconstruction, the problems it faced may have been “so far reaching and so complex that they defied solution.”²⁰

William Dunning and his school were themselves the heirs to a literary tradition which began during Reconstruction. James Pike’s *The Prostrate State*, published in 1874, damned South Carolina as the epitome of corruption and ignorance in the Republican South. Pike was a journalist sent by the *New York Tribune* to South Carolina in 1873 to examine the impact of Reconstruction in government. He painted a garish picture: “in place of the old aristocratic society stands the rude form of the most ignorant democracy that mankind ever saw invested with the functions of government.” He mocked African American legislators, “Sambo can talk on these topics day in and day out,” and officeholders, “Sambo takes naturally to stealing for he is used to it.” Some black officeholders were better than their white colleagues, “notably ... the State Treasurer, a colored man educated abroad” (Francis Cardozo) but, by the time Cardozo was elected Treasurer, “there was nothing left to steal.”²¹

²⁰ Perman, *Reconstruction and Emancipation*, 2-5.

²¹ Pike, *Prostrate State*, 12, 27, 29 and 35.

Pike's images re-appeared in James Bryce's survey of the United States in 1888: "Such a Saturnalia of robbery and jobbery has seldom been seen in any civilised country, and certainly never before under the forms of free self-government." For this Victorian elitist suffused with the racist ideology of the British empire, the message was clear: "to nearly all Europeans, such a step (black suffrage) seemed and still seems monstrous."²² Eric Foner said that the images painted by Bryce "proved that blacks, coolies and aborigines were unfit to be citizens" and carried conviction not only to the white population of the United States but also in Australia and South Africa.²³ After Pike and Bryce came James Ford Rhodes, a businessman turned historian whose history of the United States characterised Reconstruction as "an attack on civilisation ... by the ignorant mass of an alien race".²⁴

These non-professional historians were influential, but it was William Dunning, Professor of History and Political Philosophy at Columbia University, who led a generation of historians, many of them his students, to give academic legitimacy to their accounts. They brought detailed research to the social, economic and political history of the period. Dunning described African Americans as "impervious to arguments based on existing maladministration.... no pride of race and no aspiration save to be like the whites," resulting in "the hideous crime against white womanhood which now assumed new meaning in the annals of outrage." This version of Reconstruction saw the South as victim of northern vengeance after the War. Radical insistence on black suffrage ushered in the era of corrupt carpetbaggers, traitorous scalawags and ignorant

²² James Bryce, *The American Commonwealth* (London: McMillan and Co., 1888) 498 and 502.

²³ Foner, *Reconstruction*, (2014 edition), xxxix.

²⁴ James Ford Rhodes, *History of the United States from the Compromise of 1850* (New York: McMillan and Co., 1906) Vol. VI, 35-38.

negroes who spent unheard-of amounts of taxpayers' money mainly on themselves.²⁵

For South Carolina, John Reynolds writing in 1905 shared Dunning's views and could quote the example of Francis Cardozo's conviction for fraud, describing him as "a man of some ability and culture who was ... convicted of having conspired to cheat the state, an example of the Republican Party's unvarying support of plunderers and corruptionists."²⁶ The modern historian David Blight said of Dunning's influence that "he and his students ... were to plant so deep the tragic legend of Reconstruction that it simply became an article of faith in American historical understanding."²⁷

The Dunning version found its voice in popular culture in D.W. Griffith's film, *The Birth of a Nation* in 1915, based on Thomas Dixon's 1905 novel, *The Clansman*,²⁸ then in Claude Bowers' highly successful history, *The Tragic Era*, in 1929, and in the still more successful film, *Gone With the Wind*, in 1939. *The Birth of a Nation* emphasised the theme of black attacks on white women and the Ku Klux Klan's heroism in rescuing them. Francis Cardozo may have been the model for the evil-minded mixed-race politician in the story, Silas Lynch.²⁹ Claude Bowers wrote of the tragedy caused by the "brutal, hypocritical and corrupt" leaders of Reconstruction. Kenneth Stampp said that Bowers was "the

²⁵ William A. Dunning, *Essays on the Civil War and Reconstruction and Related Topics* (New York: McMillan and Co., 1897) xiv, 384; and *Reconstruction, Political and Economic*, 211-214.

²⁶ John S. Reynolds, *Reconstruction in South Carolina 1865-1877* (Columbia: The State Co., 1905) 235.

²⁷ David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Belknap Press of Harvard University, 2001) 358.

²⁸ Thomas F. Dixon Jr., *The Clansman* (New York: Doubleday, Page and Co., 1905).

²⁹ Chapter 7; Burke, "Reconstruction," 68.

chief disseminator of the traditional picture of Reconstruction.”³⁰ *Gone With the Wind* was less over-stated than *The Birth of a Nation* but offered similar images of loyal slaves and of the South ruined by Reconstruction.³¹

These images dominated popular culture in the first half of the twentieth century. They inevitably influenced political leaders. Theodore Roosevelt invited Booker T. Washington to dine at the White House but his biographer, Edmund Morris, says that he shared the views of his friend, James Ford Rhodes. They agreed that the Fifteenth Amendment, designed to protect African Americans’ right to vote, was “very unjust and bad policy,” since “Negroes were 200,000, or even a million, years behind.”³² More notoriously, Woodrow Wilson, himself a Southerner who had spent part of his childhood in Columbia, South Carolina, during Reconstruction, was a friend of Thomas Dixon. He allegedly said of *The Birth of a Nation*, which he watched in the White House: “it is like writing history with lightning and my only regret is that it is all so terribly true”.³³ Eric Foner contended that the Dunning School provided scholarly legitimation for Jim Crow and disfranchisement.³⁴

Serious historians maintained the Dunning tradition. In 1937, James Randall published *The Civil War and Reconstruction*, a key text for students for many years, describing “a time of party abuse, of corruption and of vindictive bigotry” He gave the title “Johnson and the Vindictives” to a chapter dealing

³⁰ Bowers, *The Tragic Era*, v; Kenneth Stamp, “The Tragic Legend of Reconstruction” in Kenneth M. Stamp and Leon F. Litwack eds., *Reconstruction: An Anthology of Revisionist Writings* (Baton Rouge: Louisiana State University Press, 1969) 4.

³¹ Molly Haskell, *Frankly, My Dear* (New Haven: Yale University Press, 2005) 5.

³² Edmund Morris, *Theodore Rex* (New York: Random House, 2001) 52-55 and 425.

³³ Melvyn Stokes, *D.W. Griffith’s The Birth of a Nation* (Oxford: Oxford University Press, 2007) 111.

³⁴ Foner, *Reconstruction*, (2014 edition) xlii.

with President Johnson's battles with the Radicals in Congress.³⁵ In 1947, E. Merton Coulter published the "last full scale history of the period written entirely within the Dunning tradition," in the words of Eric Foner. Coulter said that black participation in government was "longest to be remembered, shuddered at and execrated."³⁶ The theme was still running in 1956 when an ambitious young Senator, John F. Kennedy, wrote of Reconstruction as "a black nightmare the South could never forget," in his successful study of *Profiles in Courage*.³⁷ That image was to stay with Kennedy as he became President and influenced his cautious approach to civil rights, according to historian Carl Brauer.³⁸

The Dunning School remained dominant until the 1950s but there had been challenges in the intervening years. In 1924, the black historian Alrutheus Taylor wrote of the positive qualities of African Americans elected to Congress and of the achievements of Reconstruction in South Carolina. He began with the observation that previous histories of his subject "were written to prove that the Negro is not capable of participation in government. Only the negative side of the case has been discussed." Francis Cardozo was a counterexample, quoted frequently as a man of good education, competent and honest. Taylor accepted that corruption was rife during Reconstruction, but no worse in South Carolina than in other states or in the federal government. The state

³⁵ James G. Randall, *The Civil War and Reconstruction* (Boston: D.C. Heath and Co., 1937) 689, Chapter XXX.

³⁶ Coulter, *The South During Reconstruction*, 141, xi; Foner, *Reconstruction*, (1988 edition) xviii.

³⁷ John F. Kennedy, *Profiles in Courage* (New York: Harper and Brothers, 1956) 152.

³⁸ Carl M. Brauer, *John F. Kennedy and the Second Reconstruction* (New York: Columbia University Press, 1977) 16-17.

government began to “purify itself” in 1875 with Daniel Chamberlain as Governor and Francis Cardozo as State Treasurer.³⁹

In 1935, W.E.B. Du Bois published the most important alternative statement on Reconstruction of its time. Howard Rabinowitz said it was “the first full-length revisionist analysis of the period.”⁴⁰ Du Bois saw Reconstruction not as a black nightmare, but as “an idealistic effort to construct a democratic, inter-racial political order from the ashes of slavery.” Universal male suffrage and the Freedmen’s Bureau offered the potential for revolutionary change. The Bureau was “the most extraordinary and far-reaching institution of social uplift that America has ever attempted.” In South Carolina, Du Bois recognised the spread of corruption but also praised its “excellent constitution ... good social legislation ... a new system of public schools.” Francis Cardozo was one of a small number of “notably incorruptible leaders” in the southern states.⁴¹

Du Bois was a black Marxist and he was not acceptable to the academic establishment. White historians criticised his reliance on secondary sources and lack of use of archive material, an ironic criticism since archivists and librarians routinely denied black academics access to historical records before the Civil Rights era. The *American Historical Review* ignored the book as did James Randall in 1937. As late as 1953, the authorities at the University of California, Berkeley, barred Du Bois, now 85, from addressing students on campus under the University Regent’s rule 17. He gave his talk in a nearby Unitarian church instead.⁴² By the 1960s, the new generation of historians

³⁹ Alrutheus A. Taylor, *The Negro in South Carolina During the Reconstruction* (Washington: Association for the Study of Negro Life and History, 1924; reprinted by Kessinger Publishing) 2, 3, 96, 156-157, 222-223.

⁴⁰ Rabinowitz, *Southern Black Leaders*, xv.

⁴¹ Du Bois, *Black Reconstruction*, 55, 121, 219, 420, 423, 585, 617.

⁴² David Levering Lewis, Introduction to *Black Reconstruction* (Free Press edition, 1998)

recognised the importance of Du Bois' work. Not only had he offered the first significant revisionist version of Reconstruction, he was the first serious writer to put African Americans at the centre of its history.

Du Bois was a revisionist pioneer, but Francis Simkins and Robert Woody had offered a relatively objective view of the period in their 1932 history of Reconstruction in South Carolina.⁴³ David Lewis described them as “kindly and gentle revisionists.” Thomas Holt, by contrast, deplored their “patronising and racist study,” reflecting on comments such as: “it is a remarkable fact that during the War, the blacks manifested no general desire to become free” and, of the freedmen, “to their simple minds, slavery was synonymous with work and freedom with not working.” Simkins and Woody did, however, recognise the abilities of several black political figures, including Francis Cardozo, whom they described as intelligent and knowledgeable. They provided a thorough and well-documented account of Reconstruction on which this dissertation draws frequently.⁴⁴

John Hope Franklin was the first modern African American historian to offer a new perspective on African American history, in 1947, and to achieve recognition as a serious academic writer. Rayford Logan of Howard University followed him in the 1950s. Both brought an increased emphasis on the role of African Americans in the history of the late nineteenth century. Comer Vann Woodward led more deliberate moves towards a revisionist view of Reconstruction in the 1950s but the widespread change of perspective came in the early 1960s. Franklin and Kenneth Stampp looked at Reconstruction across

⁴³ Francis B. Simkins and Robert H. Woody, *South Carolina During Reconstruction* (Chapel Hill: University of North Carolina Press, 1932).

⁴⁴ Lewis, Introduction to *Black Reconstruction*, iii; Holt, *Black over White*, 1; Simkins and Woody, *ibid.*, 12, 225, 92, 117 and 129-133.

the South, Joel Williamson at South Carolina, Eric McKittrick and LaWanda and John Cox at the battles between President Johnson and Congress and James McPherson at the interaction between abolitionism and the Republican Party.⁴⁵

The revisionists recognised the mixed story that combined corruption and failure in Reconstruction with ambition and achievement. They did not seek to portray Reconstruction as a triumph but as a period in which the leading figures, northern and southern, white and black, acted on altruistic as well as more selfish motives. Eric Foner said that the revisionists provided “a usable past for the civil rights movement. “ They in turn were influenced by the spirit of their times as Dunning and his followers had been. Franklin and A.S. Eisenstadt made the point in their foreword to Michael Perman’s book that: “Every generation writes its own history for the reason that it sees its past in the foreshortened perspective of its own experience.”⁴⁶

These impressive re-assessments of Reconstruction were followed by several writers focussing specifically on South Carolina: Martin Abbott on the Freedmen’s Bureau, Willie Lee Rose on a rehearsal for Reconstruction in the Sea Islands and Carol Bleser on the Land Commission; and by the biographers

⁴⁵ John Hope Franklin, *From Slavery to Freedom: A History of African Americans* (New York: McGraw Hill Inc., 1947) and *Reconstruction: After the Civil War* (Chicago: University of Chicago Press, 1961); Rayford W. Logan, *The Betrayal of the Negro from Rutherford B. Hayes to Woodrow Wilson* (New York: Collier Books, 1965; first published 1954); Kenneth M. Stamp, *The Era of Reconstruction 1865-1877* (London: Eyre and Spottiswode, 1965); Joel Williamson, *After Slavery: The Negro in South Carolina During Reconstruction 1861-1877* (New York: W.W. Norton and Co., 1965); Eric L. McKittrick, *Andrew Johnson and Reconstruction* (Chicago: University of Chicago Press, 1960); LaWanda and John H. Cox, *Politics, Principle and Prejudice 1865-1866* (New York: Free Press of Glencoe, 1963); James M. McPherson, *The Struggle for Equality: Abolitionists and the Negro in the Civil War and Reconstruction* (Princeton: Princeton University Press, 1964).

⁴⁶ Foner, *Reconstruction* (2014 edition) xlii; Perman, *Reconstruction and Emancipation*, vii.

of Robert Smalls, Martin Delany and Robert Brown Elliott.⁴⁷ Francis Cardozo featured prominently in the accounts of South Carolina, usually though not always in a positive light. They referred to him as a successful educator and an influential African American politician, a moderate and effective member of the state government. Carol Bleser saw him as the man primarily responsible for the achievements of the South Carolina Land Commission.

For the revisionists, it was primarily the white southern leadership which forced an end to Reconstruction and secured its defeat. The post-revisionists argued that the Republican Party was itself to blame. The northern Republican Party, far from the radical vindictive force portrayed by the Dunning School, was too often conservative and cautious in its approach to reform in the South, refusing to contemplate land reform and wary of constitutional change. The party in the South was characterized more by internal factionalism than by a determined and single-minded campaign of reform. Influential in the 1970s and 1980s, this group included: Michael Les Benedict, William Gillette, Michael Perman (in his early writing), Thomas Holt and Richard Abbott. Thomas Holt described Francis Cardozo as a conservative and cautious figure, an interpretation to which this dissertation will return in Chapter 4.⁴⁸

⁴⁷ Martin Abbott, *The Freedmen's Bureau in South Carolina, 1865-1872* (Chapel Hill: University of North Carolina Press, 1967); Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (Indianapolis: Bobbs-Merrill Co., 1964); Carol K. Bleser, *The Promised Land: The History of the South Carolina Land Commission 1869-1890* (Columbia: University of South Carolina Press, 1969); Ullmann, Uya and Lamson previously quoted.

⁴⁸ Michael Les Benedict, *A Compromise of Principle: Congressional Republicans and Reconstruction 1863-1869* (New York: W.W. Norton and Co., 1974); William Gillette, *Retreat from Reconstruction 1869-1879* (Baton Rouge: Louisiana State University Press, 1973); Michael Perman, *Reunion Without Compromise: The South and Reconstruction 1865-1868* (New York: Cambridge University Press, 1973); Holt previously quoted; Richard H. Abbott, *The Republican Party and the South 1855-1877* (Chapel Hill: University of North Carolina Press, 1986).

The post-revisionists made a valuable contribution to the historiography of Reconstruction, but Eric Foner's revisionist synthesis of the subject in 1988 changed the terms of the historical debate. Foner succeeded in moving the focus from the failures and successes of the governments of the period to the perspective of the freedmen and the extraordinary nature of the experiment: "Perhaps the most remarkable thing about Reconstruction was not that it failed but that it was attempted at all, and lasted as long as it did."⁴⁹ In his generous review of Foner's book in 1989, Michael Perman said that it represented "the mature and settled perspective on the period and thus appropriately supersedes" William Dunning's writings of eighty years before. Perman concluded his review of Foner's book with the question "What is left to be done?"⁵⁰

Perman's question was understandable but many answers have been offered since in new studies of race, violence and other aspects of Reconstruction and of remembrance of the war. On the wider aspects of slavery and African American history, writers as diverse as Alexis de Tocqueville, George Washington Williams and Carter Woodson had authored a handful of critical accounts in the nineteenth and early twentieth centuries.⁵¹ They attracted interest but their influence was much less than that of Ulrich B. Phillips in his racist history of slavery in 1918.⁵² Since 1945, there has been a great flowering

⁴⁹ Foner, *Reconstruction*, 603.

⁵⁰ Michael Perman, "Eric Foner's Reconstruction: A Finished Revolution," *Reviews in American History* Vol. 17, No. 1 (March 1989) 73-78.

⁵¹ Alexis de Tocqueville, *Democracy in America* Vol. 1 (Chicago: University of Chicago Press, 2000; first published 1835); George Washington Williams, *The American Negro from 1776 to 1876* (oration delivered at Avondale Ohio, 1876, published by Franklin Classics, 2018); Carter G. Woodson, *The Negro in Our History* (Washington: The Associated Publishers Inc., 1922).

⁵² Ulrich B. Phillips, *American Negro Slavery: A Survey of the Supply, Employment and Control of Negro Labor as Determined by the Plantation Regime* (New York: D. Appleton and Co., 1918).

of writing on these themes, displacing Phillips, which has inspired and informed the substance of this dissertation. Beginning with Gunnar Myrdal in 1944, post-war writers including Frank Tannenbaum, John Hope Franklin, Stanley Elkins, Kenneth Stampp and Comer Vann Woodward opened a new debate on the history of slavery.⁵³ Following them, the list of powerful writing on these subjects has grown rapidly.

There is some risk that a literature review begins to look like a long catalogue of books on these subjects, but they are essential to understanding the context of Reconstruction and the racial tensions which suffused its history. This dissertation seeks to take into account some of the most important works dealing with slavery in North America, including those of: Ira Berlin, Eugene Genovese, Peter Parish, Philip Morgan, David Brion Davis, Robin Blackburn and Walter Johnson.⁵⁴ A smaller number of historians have addressed slavery in South Carolina, including Peter Wood, William Cooper, Daniel Littlefield, Peter Coclanis and Rachel Klein.⁵⁵ Many of these works on the history of slavery

⁵³ Gunnar Myrdal, *An American Dilemma* (New York: Harper and Row, 1944); Frank Tannenbaum, *Slave and Citizen: The Negro in the Americas* (New York: Alfred A. Knopf, 1947); Franklin, previously quoted; Stanley M. Elkins, *Slavery: A problem in American Institutional and Intellectual Life* (Chicago: University of Chicago Press, 1959); Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Ante-Bellum South* (New York: Eyre and Spottiswode, 1956); Comer Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1955).

⁵⁴ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Belknap Press of Harvard University, 1998); Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Pantheon Books, 1974); Peter J. Parish, *Slavery: History and Historians* (New York: Harper and Row, 1989); Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Low Country* (Chapel Hill: University of North Carolina Press, 1998); David Brion Davis, *Inhuman Bondage: The Rise and Fall of Slavery in the New World* (Oxford: Oxford University Press, 2006); Robin Blackburn, *The American Crucible: Slavery, Emancipation and Human Rights* (London: Verso, 2011); Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: The Belknap Press of Harvard University, 2013).

⁵⁵ Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: W.W. Norton and Co., 1974); William J. Cooper Jr., *Liberty and*

inevitably address the history of racism which has played so large a part in the history of South Carolina. It has been helpful to draw on books on racism itself, by Pierre van den Berghe and George Fredrickson, and on articles by Bertram Wyatt-Brown, Willie Lee Rose and Barbara Fields in an excellent collection edited by J. Morgan Kousser and James McPherson.⁵⁶

Eric Foner's *Reconstruction* put the experiences of the freedmen at the centre of his analysis. Du Bois had been one of the few earlier writers to do so. Leon Litwack was another, writing in 1978 of the hopes and fears of the freed people before and after emancipation. More recently, Steven Hahn emphasised black community and black political initiative in the South from slavery up to the first world war.⁵⁷ Both Litwack and Hahn quoted Francis Cardozo as a leading African American figure in Reconstruction. A handful of recent writers have looked more specifically at the free black community in Charleston, in which Cardozo grew up before the Civil War, including Marina Wikramanayake, in 1973, Michael Johnson and James Roark in 1984, Larry Koger in 1985, Bernard Powers in 1994 and Amrita Chakrabati Myers in 2011.

Slavery: Southern Politics to 1860 (New York: Alfred A. Knopf, 1983); Daniel C. Littlefield, *Rice and Slaves: Ethnicity and the Slave Trade in Colonial South Carolina* (Baton Rouge: Louisiana State University Press, 1981); Peter A. Coclanis, *The Shadow of a Dream: Life and Death in the South Carolina Low Country 1670-1920* (New York: Oxford University Press, 1989); Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry 1760-1808* (Chapel Hill: University of North Carolina Press, 1990).

⁵⁶ Pierre L. van den Berghe, *Race and Racism: A Comparative Perspective* (New York: John Wiley and Sons, 1967); George Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny 1817-1914* (New York: Harper and Row, 1971); J. Morgan Kousser and James M. McPherson eds., *Region, Race and Reconstruction: Essays in Honor of C. Vann Woodward* (New York: Oxford University Press, 1982).

⁵⁷ Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Alfred A. Knopf, 1979); Hahn, previously quoted.

Their studies offer a range of different perspectives on the relations between the enslaved and free black people, and the white population.⁵⁸

Slavery and the African American experience have been the most important subjects for scholars in the last fifty years, but there have been valuable works on a range of other subjects too, including gender, family and social change in black communities.⁵⁹ Eric Foner, Leon Litwack and Steven Hahn all focussed on the importance of religion for African Americans after emancipation as did Wilbert Jenkins and Daniel Stowell both in 1998.⁶⁰ Several authors have looked specifically at violence and the use of terror by white opponents of Reconstruction: notably Allen Trelease in 1971 and George Rable in 1984 and, for South Carolina, Lou Falkner Williams and Richard Zuczek, both in 1996.⁶¹

⁵⁸ Marina Wikramanayake, *A World in Shadow: The Free Black in Antebellum South Carolina* (Columbia: University of South Carolina Press, 1973); Michael P. Johnson and James L. Roark eds., *No Chariot Let Down: Charleston's Free People of Color on the Eve of the Civil War* (New York: W.W. Norton and Co., 1984); Larry Koger, *Black Slaveowners: Free Black Slave Masters in South Carolina 1790-1860* (Jefferson NC: McFarland and Co., 1985); Bernard E. Powers Jr., *Black Charlestonians: A Social History 1822-1885* (Fayetteville: University of Arkansas Press, 1994); Amrita Chakrabati Myers, *Forging Freedom: Black Women and the Pursuit of Freedom in Antebellum Charleston* (Chapel Hill: University of North Carolina Press, 2011).

⁵⁹ These include: Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Urbana: University of Illinois Press, 1997); Catherine Clinton and Nina Silber, *Battle Scars: Gender and Sexuality in the American Civil War* (Oxford: Oxford University Press, 2006); Julia Saville, *The Work of Reconstruction: From Slave to Wage Laborer in South Carolina 1860-1870* (Cambridge: Cambridge University Press, 1994); Leslie Schwalm, *A Hard Fight for We: Woman's Transition from Slavery to Freedom in South Carolina* (Urbana: University of Illinois Press, 1997).

⁶⁰ Wilbert L. Jenkins, *Seizing the New Day: African Americans in Post-War Charleston* (Bloomington: Indiana University Press, 1998); Daniel Stowell, *Rebuilding Zion: The Religious Reconstruction of the South 1863-1877* (New York: Oxford University Press, 1998).

⁶¹ Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper and Row, 1971); George C. Rable, *But There Was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens: University of Georgia Press, 1984); Lou Falkner Williams, *The Great South Carolina Ku Klux Klan Trials 1871-72* (Athens: University of Georgia Press, 1996); Richard Zuczek, *State of Rebellion* (Columbia: University of South Carolina Press, 1996).

The other villains of William Dunning's Reconstruction, the carpetbaggers and the scalawags, have been re-assessed recently. Richard Current's biographical accounts of leading carpetbaggers in 1998 revealed a more mixed and interesting picture than southern tradition had painted. James Baggett re-examined the role of scalawags in 2003, as did Hyman Rubin for South Carolina in 2006. Benjamin Ginsberg gave the state's most notorious scalawag, Franklin Moses, a fuller appraisal in 2010.⁶² A nicely written article by Clifton Johnson of the Amistad Research Center, which holds the archives of the American Missionary Association, made the point that Francis Cardozo combined features of all three of Dunning's villains in himself: a negro, by the definition of the day and by self-identification; a scalawag born in Charleston; and a carpetbagger, who moved from Connecticut to South Carolina in 1865.⁶³

For all the publications that have gone before, just a small proportion listed here, there continue to be regular new histories and re-assessments of Reconstruction, among others by Michael Fitzgerald in 2005, Heather Cox Richardson in 2007, Carol Emberton in 2013 and Douglas Egerton in 2014. Some have promoted new ways of thinking about the period, notably David Blight in 2001 with his discussion of conflicting memories of the Civil War in the process of reunion and of the importance to that process of the demonization of Reconstruction and of African Americans. The theme of remembrance was also central to Bruce Baker's analysis in 2007 of the use which South Carolina politicians made of images of Reconstruction in the development of the Jim

⁶² Richard N. Current, *Those Terrible Carpetbaggers* (New York: Oxford University Press, 1988); Benjamin Ginsberg, *Moses of South Carolina: A Jewish Scalawag during Radical Reconstruction* (Baltimore: Johns Hopkins University Press, 2010); James A. Baggett, *The Scalawags: Southern Dissenters in the Civil War and Reconstruction* (Baton Rouge: Louisiana State University Press, 2003); Hyman Rubin Jr., *South Carolina Scalawags* (Columbia: University of South Carolina Press, 2006).

⁶³ Clifton H. Johnson, "Francis Cardoza: "Black Carpetbagger," *Crisis* 78 (Sept. 1971) 226-228.

Crow system. Robert Cook wrote of the continuing impact of the Civil War on American life in his study of memories of the war in 2017. More recently still, Erik Mathisen published a study in 2018 of the role of loyalty to the Union in the Civil War and Reconstruction. The period is one of never-ending interest and it seems certain that new and challenging studies on the subject will continue to be published.⁶⁴

Framework of the Dissertation; Primary and Secondary Sources

This section sets out the framework of the dissertation and looks at the use of primary and secondary sources in each chapter. The literature review has discussed the secondary sources which have informed its preparation. It is inevitable that they have formed a substantial part of the reading for this research given the vast quantity of literature on the subject and the high quality of the sources quoted. Primary sources are relatively limited and the most important, the newspapers of the time, were partisan and far from objective in their account of events. They provide, nonetheless, an immensely valuable source of information, thanks to the Library of Congress database, *Chronicling America*, and the electronic and microfilm holdings of other libraries and archives. There are official state papers for the government of

⁶⁴ Michael W. Fitzgerald, *Splendid Failure: Post-war Reconstruction in the American South* (Chicago: Ivan R Dee, 2005); Heather Cox Richardson, *West from Appomattox: The Reconstruction of America after the Civil War* (New Haven: Yale University Press, 2007); Carol Emberton, *Beyond Redemption: Race, Violence and the American South after the Civil War* (Chicago: University of Chicago Press, 2013); Douglas R. Egerton, *The Wars of Reconstruction* (New York: Bloomsbury Press, 2014); Blight previously quoted; Bruce E. Baker, *What Reconstruction Meant: Historical Memory in the American South* (Charlottesville: University of Virginia Press, 2007); Robert J. Cook, *Civil War Memories: Contesting the Past in the United States since 1865* (Baltimore: Johns Hopkins University Press, 2017); Erik Mathisen, *The Loyal Republic: Traitors, Slaves and the Re-Making of Citizenship in Civil War America* (Chapel Hill: University of North Carolina Press, 2018).

South Carolina, national and local archives in Washington, contemporary accounts, a range of Cardozo family papers and his own letters.

The first contextual chapter, Chapter 2, offers a brief history of slavery and the African American experience in South Carolina, up to the War of Independence and the Civil War. It will analyse their impact on the political history of the state and its ideological development, drawing largely on published accounts.

The third section of this chapter looks at the free black community in Charleston into which Francis Cardozo was born, his family background and his early life before the Civil War. This section makes use of a diverse range of sources, including histories of the Jewish people of South Carolina and family papers, an unpublished novel by Francis's son, also Francis, and the papers of his granddaughter, Eslanda Robeson.⁶⁵

Chapter 3 analyses the first steps towards Reconstruction at national level and the early rehearsals for Reconstruction in Mississippi and South Carolina. Much of the chapter looks at so-called self-reconstruction on the part of the post-war white government of South Carolina, whose objective was to resist radical Reconstruction rather than to prepare for it. Francis Cardozo was perforce largely an observer of state politics at the time but a keenly interested one. For Presidential and Congressional Reconstruction numerous studies have been published, supplemented by the newspapers of the day. For South Carolina, there is a similar, though less extensive, mix of secondary and primary sources on the years between 1865 and 1868 and the actions and words of the state's political leaders.

⁶⁵ Sources quoted in Chapter 2; Francis L. Cardozo Jr., "Folks' Ways," an unpublished and undated novel passed on to Lewis Burke by the author's son, Dr Warwick Cardozo; Eslanda Robeson, notes on her grandfather's life, in the Robeson family papers Box 1, Moorland Spingarn Collection, Howard University Archives, Washington D.C.

Chapter 4 brings the focus much more strongly onto Francis Cardozo, on his return to the United States, initially to New Haven, then to Charleston in the early years of Reconstruction. It looks at Cardozo's experiences in his school in Charleston, the impact of his leadership of the school and his perceptions of post-war South Carolina. It reviews his part in the Constitutional Convention of 1868 and his success as a Republican candidate in the elections that followed. The secondary sources are limited but there are several contemporary accounts of the years immediately after the war.⁶⁶ Fortunately, the primary sources are strong here, in the newspapers of the day, albeit mostly supportive of the Democratic Party, and in records more personally relevant to Cardozo himself. Best of all, there are two hundred letters which Cardozo wrote to the American Missionary Association which funded his school, about the school and about life and politics in South Carolina, the most valuable single source for Cardozo in this research. There is a full transcript of the Proceedings of the Constitutional Convention of 1868 in which Cardozo played a significant role.⁶⁷

Chapters 5 and 6 review the years of Reconstruction government in South Carolina, between 1868 and 1877, the central subject of most of the published histories of the period. These two chapters analyse Cardozo's record during the three Republican administrations, his relationships with the Governors and

⁶⁶ Edmund L. Drago, *Initiative, Paternalism and Race Relations: Charleston's Avery Normal Institute* (Athens: University of Georgia Press, 1990); Joe M. Richardson, *Christian Reconstruction: The American Missionary Association and Southern Blacks 1861-1890* (Athens: University of Georgia Press, 1986); Sidney Andrews, *The South Since the War* (Boston: Arno Press, 1866); John Richard Dennett, *The South As It Is 1865-66* (New York: Viking Press, 1965; published as a series of articles in *The Nation* in 1865-66); Edward King, *The Great South* (Hartford CT: American Publishing Co. 1875); John W. De Forest, *A Union Officer in the Reconstruction* (New Haven: Yale University Press, 1948); Whitelaw Reid, *After the War: A Southern Tour* (London: Samson Low, Son & Marston, 1866).

⁶⁷ Letters in the *American Missionary Association Archives*, Amistad Research Center, Tulane University, New Orleans; *Proceedings of the Constitutional Convention of South Carolina* (Charleston: Denny and Perry, 1868).

other members of his party, his attempts to combat corruption and mismanagement, and the impact of violence on the lives of African Americans. They assess the achievements of Reconstruction in government and of Cardozo's contribution to them and the factors which led to their defeat. The most important primary sources here are the newspapers of the time, now reflecting a better, though far from equal, balance between Democrat and Republican. There are valuable contemporary accounts, state records of reports and statements by Cardozo, together with unpublished family papers.

Chapter 7 looks at what followed Reconstruction. For Cardozo personally, the immediate aftermath was a show trial, conviction and imprisonment for fraud, then a pardon, a process designed both to punish him for crimes he did not commit and to condemn the memory of Reconstruction. For African Americans in South Carolina what followed was disfranchisement and the loss of other rights over the following twenty years. Jim Crow and systematic discrimination displaced the legacies of Francis Cardozo and Reconstruction. The third section of the chapter examines Cardozo's life in Washington and his successful contribution to education there. The sources for this chapter include a most helpful article on Cardozo's trial and conviction, court records and official papers on the trial and extensive newspaper coverage. There are many studies of the aftermath of Reconstruction for African Americans, relatively little in published works on Cardozo's later life. But there are valuable records in the archives of the Treasury Department and the city's public schools' records, newspaper reports and family accounts of his life in Washington.

The final chapter reviews Francis Cardozo's contribution to Reconstruction in South Carolina, to the government of the state and to education there and in Washington. It offers an assessment of Reconstruction through Cardozo's

perspective, reflecting on his ambitions, his achievements and his defeats. It aims to take full account of the literature and other sources reviewed here. The conclusions are my own.

There have been few written accounts concerned specifically with African American political leaders in Reconstruction for all that they played a significant role in the politics and government of Louisiana, Mississippi and South Carolina. Francis Cardozo was the most influential African American in the government of South Carolina. He played a major part in the achievements of the three Republican administrations of which he was a member. His name has appeared regularly in accounts given of the period in recent years but never at centre stage. This dissertation takes Cardozo as its central figure and seeks to do justice to his career as an educator in South Carolina and Washington D.C. and as a political leader.

The dissertation draws on the most relevant secondary sources and on a range of primary sources. Some of them are well-known and well-researched, in particular the newspapers of the day which have been the most important contemporary source for historians. Other writers have drawn on Cardozo's letters to the American Missionary Association written from his school in Charleston between 1865 and 1868, though less comprehensively than here. This dissertation brings together for the first time official records relating to Cardozo's career in South Carolina and in Washington, his speeches and his letters to the press and to other political figures, and the personal papers of his son, Francis Cardozo Jr. and his granddaughter, Eslanda Robeson. My aim has been to draw as full a picture as possible, to fill a gap in the historiography of Reconstruction and to make a worthwhile contribution to the scholarship of the period

Chapter 2

Before Reconstruction, legacies in conflict: slavery and racial politics in South Carolina; Charleston's free black community

Francis Cardozo was born free in 1837 in the city of Charleston, South Carolina. He grew up in the city's free black community which in 1830 comprised 2,100 people, almost seven percent of the city's population. Yet both city and state were identified with slavery. South Carolina had been the first colony in British North America to see an enslaved majority in its population, as early as 1708. By 1860, it had the highest percentage population enslaved of any state, at 58 percent; 48 percent of white households were slave-owners.⁶⁸ Its political leaders in the antebellum period, notably John C. Calhoun and James Henry Hammond, were among the most prominent advocates of slavery. In Ira Berlin's typology, the South Carolina low country, encompassing Charleston and the Atlantic seaboard, was "a slave society" from early in the eighteenth century. "Slavery stood at the centre of economic production and the master-slave relationship provided the model of social relations," for one hundred and fifty years up to the start of the Civil War.⁶⁹

⁶⁸ Walter Edgar, *South Carolina: A History* (Columbia: University of South Carolina Press, 1998) 69; Charleston City Council, *Census of the City of Charleston, 1848* (Charleston: J.B. Nixon, Printer, 1849) 5; U.S. Census Bureau, *Measuring America: A Century of Population Growth 1790-1900*, Chapter XIV (published online).

⁶⁹ Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: The Belknap Press of Harvard University, 1998) 8-9; Philip D. Morgan, *Slave*

Charleston's free black community was an anomaly in this society, self-consciously separate from both the enslaved people and the white population around them. Members of the community were hard-working and determined to show that they could live successfully as free people. They remained free in the years before the Civil War as racial tension increased and threats of re-enslavement became more frequent in South Carolina and other southern states. The war itself removed those threats and brought emancipation for all the enslaved people. But the memories and belief-systems of slavery remained strong for black and white. Members of the free black community would play a prominent part alongside their freed neighbours in the history of Reconstruction after the war.

Francis Cardozo's life and experiences would reflect these conflicting legacies. He embodied the determination of free-born African Americans to demonstrate that they were as capable as white people, in education and in government, if given the chance. Throughout his career, he faced the consequences of slavery in the racism and suspicions of the white population. It was unavoidable that these legacies would have a pervasive effect on white and black politics for many years after the Civil War. Many would argue that the legacy of slavery remains all too real 150 years after the war. Racism and the determination of the white leaders to assert their hold on power are central themes of the history of South Carolina during Reconstruction with which this dissertation is concerned. So too are the struggles of the freed people and their supporters, Cardozo prominent among them, to take control of their lives, to secure education and to set aside the memory of slavery.

Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Low Country (Chapel Hill: University of North Carolina Press, 1998) 1.

This chapter will set the context for Reconstruction and for Francis Cardozo's role within it, in two parts. The first will review the history of slavery and racial politics in South Carolina from the foundation of the colony up to secession and the Civil War. It will look briefly at the origins of the colony and the development of slavery over its first 100 years, before the Revolution and Independence. Plantation slavery and the wealth it generated gave South Carolina a prominence in British North America in the eighteenth century which it has not enjoyed in the United States in the twentieth or twenty-first centuries. After the Revolution, the divergence between southern and northern states, largely because of slavery, grew and festered until it erupted into the Civil War. The white leadership of South Carolina and other southern states became increasingly obsessed with their determination to defend slavery and fight off abolitionism. Their obsessions led to secession from the Union and to war. In South Carolina, they were shared throughout the white population, by large and small slave-owners and those who were not owners.

The second part of the chapter looks at the background to Reconstruction and to Francis Cardozo's experiences from the perspective of Charleston's free black community. It had grown to 3,400 by 1850, among the biggest in the South. Francis Cardozo was brought up in this community, the son of a white Jewish man and a free African American woman who had been born in slavery. By 1860, three quarters of the free black community was of mixed race like Francis, protected from the worst excesses of slavery but precariously caught between the white and black populations.⁷⁰ These distinctions of racial origin were to continue to be significant during Reconstruction, for Cardozo and other leaders. For Cardozo himself, family influences and his father's Jewish

⁷⁰ Bernard E. Powers Jr., *Black Charlestonians: A Social History 1822-1885* (Fayetteville: University of Arkansas Press, 1994) 36; Edgar, *South Carolina*, 310.

intellectual background underlay the commitment to education which took him to University in Glasgow. He returned to the U.S. to a Ministry in New Haven, then back to Charleston to run a school there. On a general and a personal level, an understanding of South Carolina's racial history and politics before the Civil War and of the experience of the free black community are central to its history during Reconstruction and to Francis Cardozo's role in it.

Slavery and Racial Politics in South Carolina before the Civil War

African captives were first brought to mainland North America in relatively small numbers and sold into slavery in the Chesapeake area of Virginia and Maryland in the first half of the seventeenth century. More numerous at this stage were indentured white servants, 80,000 of them brought to Virginia between 1610 and 1690. It was not until the end of the seventeenth century that enslaved Africans outnumbered white servants.⁷¹ But, as early as 1660, when less than five percent of the population of Virginia were enslaved, the colony's legislature, the House of Burgesses, began to enact a series of codes specifying and restricting their rights. In 1662, one code decreed that a child's legal status - free or unfree - would follow that of the mother, contrary to English common law, to ensure that the children of white masters and their enslaved black mistresses did not become free.⁷²

White settlers came later to South Carolina and slavery came too. Slavery and white settlement went "hand in hand" there, in Philip Morgan's phrase, from the foundation of the colony in 1670. Between a quarter and a third of the

⁷¹ Robin Blackburn, *The American Crucible* (London: Verso, 2011) 61-63.

⁷² Berlin, *Many Thousands Gone*, 29-32; Darlene and William C. Hine, Stanley Harrold eds., *The African-American Odyssey* (Upper Saddle River NJ: Pearson, 2010) 59-60.

population were enslaved from the first years. Many of the first colonists came from Barbados and brought their enslaved servants with them.⁷³ They worked alongside each other in the early years of settlement, mainly engaged in cattle farming and lumber production for export to the Caribbean. But this period was relatively brief in South Carolina where the influence of Barbados and plantation slavery was strong. Morgan described South Carolina at the end of the seventeenth century as a “colony in search of a plantation economy.”⁷⁴ In 1696, the colony enacted its first slave code, defining enslaved people as chattels and restricting their movement. The code followed the Barbados code, seeking, “to regulate the slaves without whose service ... the plantations and estates of this Province cannot be well managed.”⁷⁵

The staple product which the planters of South Carolina began to develop from the 1690s onwards was rice. Its cultivation was to dominate the state’s economy, in particular in the low country, throughout the eighteenth century. The tidal river conditions of the low-lying areas along the coast were well-suited to rice production. Landowners believed that Africans would make the best labour force to grow it, since they were better able than Europeans to withstand the climate and the risk of disease on the plantations. In fact, as Kenneth Stampp observed, the main factor in the employment of Africans was that “slaves could be forced to work in the swamps.”⁷⁶ They also brought with them skills in rice production which made them valuable to white planters. Peter Wood, who studied the early years of slavery in the low country, recognised that West Africans had a measure of immunity from yellow fever

⁷³ Morgan, *Slave Counterpoint*, 1; Hine and Hine, *African-American Odyssey*, 62.

⁷⁴ Morgan, *ibid*, 7.

⁷⁵ Hine and Hine, *ibid*, 54; Edgar, *South Carolina*, 68-69.

⁷⁶ Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Antebellum South* (New York: Alfred A. Knopf, 1956) 7-8.

which had long been endemic in their home region. But the death rate among enslaved Africans was nonetheless very high in the first half of the eighteenth century as a result both of disease and of the excessive demands of rice production.⁷⁷

Rice accounted for between one half and two thirds of the annual value of South Carolina's exports for most of the eighteenth century; indigo was also widely grown from the 1740s onwards.⁷⁸ Both crops were suitable for large plantations and, by the middle of the eighteenth century, two thirds of enslaved people in South Carolina, numbering 75,000 by 1760, lived on plantations where more than thirty were enslaved. Their lives were separate from those of their owners, since rice production involved gang labour in the swamps in which the pace of work was largely controlled by the gangs themselves.⁷⁹ Separation brought with it a measure of autonomy and stability in family life in the enslaved community. But it was accompanied by continuing mistreatment and cruelty, deemed necessary by slave-owners to maintain levels of production. By 1780, the total black population of the state was almost 100,000, their numbers sustained by continuing imports from Africa.⁸⁰

Slave-owners began to develop controls, with watchmen, patrols and militia, to give the white population more security and to pursue runaways.⁸¹ The Stono Rebellion in 1739 prompted still tougher restrictions. The rebellion involved a

⁷⁷ Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: W.W. Norton and Co., 1974) 75-91; Daniel C. Littlefield, *Rice and Slaves: Ethnicity and the Slave Trade in Colonial South Carolina* (Urbana: University of Illinois Press, 1981) 104-114.

⁷⁸ Morgan, *Slave Counterpoint*, 148, 159.

⁷⁹ Peter A. Coclanis, *The Shadow of a Dream: Economic Life and Death in the South Carolina Low Country 1670-1920* (New York: Oxford University Press, 1989) 98.

⁸⁰ Morgan, *ibid*, 203; Berlin, *Many Thousands Gone*, 149, 162-176.

⁸¹ Wood, *ibid*, 271-277.

group of enslaved men, initially just twenty but rising to one hundred, who killed thirty whites near the Stono River, twenty-five miles from Charleston. The local militia quickly and ruthlessly suppressed the rebellion.⁸² The South Carolina legislature responded with a new code in 1740 designed to determine “every aspect of a slave’s conduct, from prohibiting the wearing of fancy clothing to limiting what could be sold in the market.” No slave was allowed to carry an offensive weapon, except in the company of a white person or with his express permission. Plantation slavery meant strict control of large numbers of black workers to serve the prosperity of their white owners.⁸³

Slavery was a very different experience for those who lived and worked in towns and cities. Ira Berlin described the enslaved population in Charleston in the eighteenth century: “hiring out their own time, living apart from their owners ... dressing in excessive and costly apparel.” The white population of the city were unhappy with what they saw as Negro pretension, among the enslaved and free black population alike, the competition for their jobs and the availability of prostitution. The free black community in Charleston, largely mixed race, was tiny in 1770, just 25 in Berlin’s estimate, but it had grown to almost 600 by 1790, 3.6 per cent of the city’s population. The Brown Fellowship Society was formed that year in Charleston, “for bona fide men of good character.” Members encouraged in-group marriages, the accumulation of wealth and the education of their children, according to E. Horace Fritchett, a black sociologist writing in the 1940s.⁸⁴ As the lives of the enslaved on the plantations grew more separate from the white community, the lives of other

⁸² Wood, *Black Majority*, 314-320; Edgar, *South Carolina*, 74-75; Morgan, *Slave Counterpoint*, 455-6; Berlin, *Many Thousands Gone*, 73-74.

⁸³ Morgan, *ibid*, 264; Berlin, *ibid*, 149; Edgar, *ibid*, 77-79.

⁸⁴ Berlin, *ibid*, 156-161; E. Horace Fritchett, “The Traditions of the Free Negro in Charleston, South Carolina,” *Journal of Negro History*, Vol. 25, No. 2 (April 1940) 140, 144.

African Americans, enslaved and free, involved continuous contact with the white population.

For the owners of successful rice and indigo plantations, slavery brought great wealth. South Carolina's exports of rice rose in value from £6 million in 1720 to £60 million by 1770, when the colony accounted for twenty-nine percent of the value of all exports from the British American colonies.⁸⁵ Nine of the ten richest men in North America were from South Carolina. In the northern colonies, the value of "human property" was relatively insignificant. Economic historian Peter Coclanis compared per capita wealth for the free population in both total wealth, including the value of the enslaved, and non-human wealth, excluding their value, in £ sterling in 1774:

Area	Total Wealth	Non-Human Wealth
New England	38.2	38.0
Middle Colonies	45.8	44.1
Charleston District	416.0	179.6 ⁸⁶

The northern and southern colonies which were to form the United States began to diverge dramatically in their attitudes to slavery in the final quarter of the eighteenth century. The campaign for emancipation in the North began to gain ground as the Declaration of Independence declared that all men were created equal. Black regiments to fight the British were formed in Massachusetts and Rhode Island in 1778. In New York, enslaved soldiers who served for three years in the revolutionary army were promised their freedom. After Independence, the process of abolition in the northern states was

⁸⁵ Edgar, *South Carolina*, 144, 151.

⁸⁶ Coclanis, *Shadow of a Dream*, 125

inexorable though slow. There were still 35,000 in slavery in New Jersey and New York in 1810, but less than 2,500 in 1830.⁸⁷ In the Upper South, as the Chesapeake area came to be known, slavery flourished into the nineteenth century, but many thousands were freed. By 1810 there were 108,000 free black people in the Upper South, ten percent of the black population.⁸⁸

In the Lower South, there was very little such change, or doubt about the maintenance of slavery. South Carolina and Georgia refused to allow black enlistment in the revolutionary army despite the offer of the Continental Congress to pay slave-owners \$3,000 for each man. George Washington castigated them for their selfishness.⁸⁹ In fact, the number of enslaved people in South Carolina fell substantially during the War of Independence, though not by choice of their owners. Many took advantage of the chaos of the war to escape, some responded to the British offer of freedom by fleeing to the British lines, and many died of starvation and disease, also the consequences of war. As a modern historian of slavery, Manesha Sinha, has said, African Americans fought on both sides to gain their freedom.⁹⁰ Ira Berlin quoted estimates that the number of enslaved people in South Carolina fell by 25,000 between 1775 and 1783, a quarter of the total.⁹¹

It is possible to imagine that slavery might have declined in the South after the Revolution without the emergence of cotton as a staple crop. Indigo production did not recover from the disruption of its market in the Revolution.

⁸⁷ John Hope Franklin and Alfred A. Moss Jr., *From Slavery to Freedom: A History of African Americans* (New York: McGraw-Hill Inc., 1994) 76; Hine and Hine, *African-American Odyssey*, 107-109.

⁸⁸ Berlin, *Many Thousands Gone*, 283-284.; Hine and Hine, *ibid*, 98.

⁸⁹ Franklin and Moss, *ibid*, 76.

⁹⁰ Manesha Sinha, *The Slave's Cause: A History of Abolition* (New Haven: Yale University Press, 2016) 48

⁹¹ Berlin, *ibid*, 293-304.

The rice market revived quickly, and reached higher levels of production in the 1790s than it had before 1776, but would gradually become less prosperous in the face of competition from India and elsewhere.⁹² It was cotton which was to change the history of the South and of slavery in the nineteenth century.

Cotton was grown in small amounts in the Sea Islands during the eighteenth century but it was difficult to separate the sticky green seeds from the fibres to use in large scale production until Eli Whitney's invention of the cotton gin in 1793. It now became possible to produce cotton throughout the South Carolina back country and across the South. South Carolina exported 10,000 pounds of cotton in 1790, 94,000 in 1794, 20 million in 1800 and 50 million in 1810. The demand for labour accelerated, partly to replace workers lost in the Revolution, mainly to grow cotton. Slave-traders imported 90,000 Africans into the state between 1782 and 1810.⁹³

The enslaved population of South Carolina would continue to multiply during the antebellum period, reaching 400,000 in 1860. In three new states of the Union admitted in the 1810s, Alabama, Louisiana and Mississippi, the growth was still greater, to 1.3 million in slavery by 1860 to meet the demands of cotton and sugar production. The total enslaved population of the South increased from 850,000 in 1800 to four million in 1860.⁹⁴ International trade did not supply this increase as it had in the eighteenth century. The population had begun to reproduce itself towards the end of the colonial period as enslaved communities stabilized and owners found those born in bondage more ready to accept their condition than new arrivals.⁹⁵ The abolition of the

⁹² Coclanis, *Shadow of a Dream*, 112-140.

⁹³ Berlin, *Many Thousands Gone*, 307-310; Edgar, *South Carolina*, 270-271.

⁹⁴ U.S. Census Bureau, *Measuring America* 132-133; Hine and Hine, *African-American Odyssey*, 143.

⁹⁵ Morgan, *Slave Counterpoint*, 293.

international trade by the U.S. Congress in 1808 was followed by growth in the American-born population and by domestic trade. Slaveholders in the Upper South sold an average of 25,000 enslaved people to the states of the Lower South each year between 1830 and 1860.⁹⁶

The natural growth in the enslaved population of the southern states led Ulrich Phillips and other historians to emphasise the benign nature of U.S. slavery by comparison with Brazil, the British Caribbean islands and Cuba. More recent studies have offered more complex and sophisticated comparisons. Slavery was more sharply defined in racial terms in the American South and offered almost no prospect of freedom. But survival rates compared favourably because of a more temperate climate, better food and a deliberate policy of increasing rates of childbirth to promote population growth.⁹⁷ In the Upper South, the breeding of enslaved people for sale became as much of a business as employing them directly. As W.E.B. Du Bois put it, men were selected from “big field-hand stock” and given “the run of the likeliest females,” to breed offspring who could be sold to the Lower South or the South West. Walter Johnson’s account of slavery in the Mississippi valley quoted many debates among slave-owners about the “best breeding stock.”⁹⁸

Within South Carolina, the spread of slavery and of cotton production into the back country from the 1790s onwards widened the base of political power. Many family names that were to figure prominently in the history of South

⁹⁶ Stamp, *The Peculiar Institution*, 238; Hine and Hine, *African-American Odyssey*, 151.

⁹⁷ Ulrich B. Phillips, *American Negro Slavery: A Survey of the Supply, Employment and Control of Negro Labor as Determined by the Plantation Regime* (New York: D Appleton & Co., 1918) 91; Peter J. Parish, *Slavery: History and Historians* (New York: Harper and Row, 1989) 112-121.

⁹⁸ W.E.B. Du Bois, *Black Reconstruction in America 1860-1880* (New York: Harcourt, Brace and Co., 1935) 43-44; Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: The Belknap Press of Harvard University, 2013) 159-170.

Carolina throughout the nineteenth century first appeared as new fortunes were made in cotton - Hampton, Calhoun, Sumter and Butler among them. Low country politicians accepted that it was safe to share power with their back country, now known as up country, neighbours since they were now slave-owners too, and increasingly connected by marriage.⁹⁹ In 1808, South Carolina's legislature changed its constitution to provide for fairer representation between the low country and the rest of the state. A further amendment implemented in 1810 gave all white men the vote, an apparently radical change at the time. But property ownership remained a qualification for office. All major officeholders were selected by the legislature, not directly elected. In practice, this apparent compromise "compromised nothing of aristocratic sway, since aristocrats controlled up country and low country both," in William Freehling's words.¹⁰⁰

The wealthy retained their political dominance largely unchallenged within South Carolina until the Civil War. They persuaded themselves and their poorer white neighbours that the state was an example of concord and harmony, a model for the rest of the country, according to John C. Calhoun, South Carolina's leading politician, in 1837. The model rested on slavery, which protected white men from the unpleasant aspects of rice and cotton production. It also exempted the South "from the disorders and dangers resulting from the conflict between labor and capital" in the North and

⁹⁹ Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry 1760-1808* (Chapel Hill: University of North Carolina Press, 1990) 237-265.

¹⁰⁰ William W. Freehling, *The Road to Disunion: Secessionists At Bay* (New York: Oxford University Press, 1990) 222; Klein, *ibid*, 266; Edgar, *South Carolina*, 261-263; Stephanie McCurry, *Masters of Small Worlds: Yeomen Households, Gender Relations and the Political Culture of the South Carolina Low Country* (Oxford: Oxford University Press, 1995) 242-243.

Europe.¹⁰¹ More accurately, slavery was “a monstrous hybrid that combined the horrors of an archaic labour system with the rapacious efficiencies of capitalism,” in Manesha Sinha’s words.¹⁰² But Calhoun’s version was popular at the time, one of three lines of defence developed to justify slavery against abolitionism before the Civil War.

The first line of defence was practical, following Calhoun in the assertion that slavery represented a better means of regulating the relationships between the owners of wealth and workers than industrial capitalism. and better for the enslaved than the barbarism of their African past. The slave-owner was a “patriarch guiding his children, his female dependents and his slaves with a steady hand and a loving voice,” according to Christopher Memminger, a South Carolina politician, subsequently Treasury Secretary in the Confederate government.¹⁰³ Sixty years later, Ulrich Phillips would repeat the claim that American slavery was far preferable to peasant life in Ireland.¹⁰⁴

The second principal defence of slavery purported to be ethical and religious. William Harper, State Chancellor of South Carolina, declared, in a widely publicised lecture in 1837, that “slavery anticipates the benefits of civilisation, and retards the evils of civilisation.” Others emphasised that the Bible did not forbid slavery. “There is not a single line in the Old or New Testament either censuring or forbidding it,” Charles Pinkney, another South Carolina politician,

¹⁰¹ Lacy K. Ford, “Republicans and Democracy: The Parameters of Political Citizenship in Antebellum South Carolina”, in David R. Chesnutt and Clyde N. Wilson eds., *The Meaning of South Carolina History: Essays in Honor of George C. Rogers Jr.* (Columbia: University of South Carolina Press, 1991) 122, 129.

¹⁰² Sinha, *The Slave’s Cause*, 3.

¹⁰³ Bertram Wyatt-Brown, “Modernising Southern Slavery: The Pro-Slavery Argument Reinterpreted,” in J. Morgan Kousser and James M. McPherson eds. *Region, Race and Reconstruction: Essays in Honor of C. Vann Woodward* (New York: Oxford University Press, 1982) 33.

¹⁰⁴ Phillips, *American Negro Slavery*, 513-514.

told Congress in 1820.¹⁰⁵ The main churches of the South, Methodist, Baptist and Presbyterian, which had questioned and sometimes opposed slavery in the eighteenth century, became firm supporters in the nineteenth. The Methodist and Baptist churches split on the issue between North and South in 1845, reflecting and intensifying the divisions between politicians and public in the two sections.¹⁰⁶

The third, so-called scientific, defence of slavery emerged as the pressure of abolitionism increased. George Fredrickson has compared this set of arguments with the herrenvolk theories of apartheid in South Africa. The “American School of Ethnology,” a group of nineteenth century scientists led by Samuel George Morton, asserted in the 1840s that Negroes and white people belonged to separate races, separately created in different areas of the world. Josiah Nott, another leading advocate of scientific racism, went further with the claim that black and white were not just different races but different species; children of mixed-race couples were inherently weaker and would die out in three or four generations. Fredrickson and James McCardell considered this an increasingly important argument in the lead-up to the Civil War, replacing cosier paternalist images.¹⁰⁷

The legacy of these lines of defence was inevitably significant in the aftermath of the war and emancipation. White men and women who saw slavery as

¹⁰⁵ James McCardell, *The Idea of a Southern Nation: Southern Nationalists and Southern Nationalism 1830-1860* (New York: W.W. Norton and Co., 1979) 206-207; Edgar, *South Carolina*, 294.

¹⁰⁶ McCurry, *Masters of Small Worlds*, 143-198, 212; Eugene D. Genovese, *The Slaveholders' Dilemma: Freedom and Progress in Southern Conservative Thought 1820-1860* (Columbia: University of South Carolina Press, 1992) 36-39; McCardell, *ibid*, 192-200.

¹⁰⁷ George Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny 1817-1914* (New York: Harper and Row, 1971) 71-96; McCardell, *ibid*, 77-78.

sanctioned by the Bible and justified because of their own racial superiority in 1860 would not lose their convictions five or ten years later. For some, the defences may have been convenient constructions to justify the indefensible. For many white southerners, the justification was central to their image of themselves and their world. In the years before the war, the rhetoric became increasingly strident in the face of abolitionism and in fear of the possibility of slave revolts. The bloody revolution between 1791 and 1804 in Saint Domingue, now Haiti, offered a frightening example to the white population of the southern states of what might happen if enslaved people were not ruthlessly controlled.

Eugene Genovese has argued that historians of the nineteenth century have much underestimated the impact of the Haitian revolution. There were few rebellions in the American South during 200 years of slavery; slave-owners remained vigilant and retained control of the use of force. Denmark Vesey's thwarted rebellion in Charleston in 1822 was one inspired by the example of Saint Domingue.¹⁰⁸ Vesey had himself been enslaved there briefly but was a free man when his conspiracy developed in Charleston. His plan for a rebellion was betrayed by a house servant and 130 conspirators were arrested, thirty-five of them hanged. There have long been questions about how serious a threat the conspiracy really posed. South Carolina historian Michael Johnson has argued that Vesey and his co-conspirators were beaten and tortured into confessing to a conspiracy that was never real.¹⁰⁹

¹⁰⁸ Eugene D. Genovese, *From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the Modern World* (Baton Rouge: Louisiana State University Press, 1979) 11-12, 93-5, 113; David Brion Davis, *The Problem of Slavery in the Age of Emancipation* (New York: Alfred A. Knopf, 2014) 82; Hine and Hine, *African-American Odyssey*, 124.

¹⁰⁹ Michael P. Johnson, "Reading Evidence," *William and Mary Quarterly* LVIII (October 2001) 915-976.

Real or not, the story of the conspiracy terrified the white population of Charleston in the 1820s. Thomas Wentworth Higginson, a Unitarian Minister who commanded the first official black regiment in the Union Army in the Civil War, described the Vesey plot as “the most elaborate insurrectionary project ever formed by American slaves and came the nearest to a terrible success.”¹¹⁰ It played its part in increasing paranoia in South Carolina which had been a relatively open society in the 1770s. In the first half of the nineteenth century, the state became increasingly closed to external influence. Fear of rebellion was one factor. Another was the publication of a pamphlet by David Walker in 1829. Walker was an anti-slavery activist, son of a free woman and an enslaved father, born in North Carolina, now living in Boston. His pamphlet urged the enslaved to rise up and free themselves, providing “virtually the first impact of incendiary literature in the Southern States,” in the words of cultural historian, Clement Eaton. Many states in the South tried to ban abolitionist literature through controls on the postal service and restrictions on freedom of speech and the press.¹¹¹ In Charleston, an “intellectual blockade” developed in the years before the Civil War, in which “raising questions about slavery met with a violent response,” said its historian Walter Fraser ¹¹²

The possibility of secession from the Union took root in this closed and censored atmosphere. The secessionists, popularly known as fire-eaters, made

¹¹⁰ Stephen A. Channing, *Crisis of Fear: Secession in South Carolina* (New York: Simon and Schuster, 1970) 21; Thomas Wentworth Higginson, *Black Rebellion: Five Slave Revolts* (New York: Dossier Press, 2015; first published 1911) unnumbered pages; Hine and Hine, *African-American Odyssey*, 198-199; Edgar, *South Carolina*, 329.

¹¹¹ Clement Eaton, *The Freedom-of-Thought Struggle in the Old South* (New York: Harper and Row, 1964); David Walker, *Appeal in Four Articles, Together with a Preamble to the Colored Citizens of the World But in Particular and Very Expressly to Those of the United States of America* (Boston, 1829).

¹¹² Walter J. Fraser Jr., *Charleston! Charleston! The History of a Southern City* (Columbia: University of South Carolina Press, 1991) 224.

their first serious attempt to persuade other states to join their cause in 1850. Their leader, Robert Barnwell Rhett, was prepared for South Carolina to secede alone if necessary. Others were not, and the time was not yet ready. By 1860, the mood had shifted, not just in South Carolina but across the South. The founding of the anti-slavery Republican Party in 1854, disputes in Congress about new states and slavery and growing support for abolitionism in the North made the southern white population increasingly nervous. John Brown's raid on Harper's Ferry, Virginia, in 1859 and Abraham Lincoln's election in November 1860 convinced South Carolina, then other southern states, to endorse secession.¹¹³

It may be argued that "on the premise that slavery could and should be perpetuated, secession was a highly rational action; it proceeded from the entirely rational conviction that slavery would no longer be safe within the Union," in the words of John Ashworth, a historian with no sympathy for slavery.¹¹⁴ It suited South Carolina's land and slave-owners to maintain a "developmental backwater" committed to agriculture. On the eve of the Civil War, South Carolina still "followed the economic patterns of 150 years before – an agricultural economy producing staple crops with slave labor." Charleston fell from the fifth largest city in the US in 1800 to the twenty-second in 1860.¹¹⁵ But, if the position of the slave-owners was rational, it is harder to understand the willingness of the rest of the white population to endorse secession. Stephanie McCurry offered an explanation that reflected the narrowness of

¹¹³ Freehling, *Road to Disunion*, 254-266, 296, 482-486; Edgar 342-353; William J. Cooper Jr., *Liberty and Slavery: Southern Politics to 1860* (New York: Alfred A. Knopf, 1983) 234-273; McCardell, *Idea of a Southern Nation*, 62-63, 293-330.

¹¹⁴ John Ashworth, *Slavery, Capitalism and Politics in the Antebellum Republic Vol. 2* (New York: Cambridge University Press, 2007) 171.

¹¹⁵ Edgar, *South Carolina*, 281, 287; McCardell, *ibid*, 92.

their experience: “they found common cause with planters in maintaining and policing the class, gender and racial boundaries for citizenship in the slave republic.”¹¹⁶

Two factors stand out as the most important in explaining the willingness, even enthusiasm, with which the white population of South Carolina, rich and poor, resolved on secession in 1860, and they were inextricably linked to one another – racism and fear. The defence of slavery in the face of abolitionism had become one of ideology based on race, justified by religious interpretation and by pseudo-scientific theorising. The term “white supremacy” was not yet in use, because there was no question but that free white men were superior to enslaved black men. Racism fed the fear of abolition, of the Republican Party and of the election of Abraham Lincoln. By 1861, Robert Barnwell Rhett was able to declare: “All fraternity of feeling between the North and the South is lost or has been consumed in hate.” As Stephen Channing said, “secession was a revolution of passion and the passion was fear.”¹¹⁷

Charleston’s Free Black Community before the War

Just as the prevalence of slavery and the obsession of the white community of South Carolina with its defence are key elements in understanding the context of Reconstruction, so were the experiences of the free black community in Charleston. As the white population became more fearful of the growth of abolitionism before the war, their suspicions of the black people among them, enslaved and free, grew more intense. Manumission had by law required the

¹¹⁶ McCurry, *Masters of Small Worlds*, 228.

¹¹⁷ William Davis ed., *A Fire-Eater Remembers: The Confederate Memoir of Robert Barnwell Rhett* (Columbia: University of South Carolina Press, 2000) 17; Channing, *Crisis of Fear*, 293.

approval of the state legislature since 1820, though the law was often ignored. Francis Cardozo's mother, Lydia Weston, was effectively freed in 1826 despite the law. In 1841, the state legislature passed a more restrictive "Act to Prevent the Emancipation of Slaves."¹¹⁸ White residents appeared to see no paradox in surrounding themselves with enslaved servants, "while bemoaning the dangers of living in the midst of a black majority that might rise and annihilate them where they stood," noted Amrita Myers, a historian of black women's experience before the Civil War.¹¹⁹

There were significant numbers of mixed-race people in Charleston in the years before the Civil War - three quarters of the free black population, 2,800 out of 3,800 in 1860. Most mixed-race people were employed as artisans as carpenters, tailors, masons and shoemakers.¹²⁰ Francis Cardozo's family was unusual. There were "only five instances (in South Carolina before the Civil War) in which documentary evidence indicates cohabitation of Jews with Negro women," the historian, Bertram Korn, told the American Jewish Historical Society in 1961. Two of these relationships were in Charleston, one of them between Francis's parents, Isaac Cardozo and Lydia Williams (in fact, Weston).¹²¹

The Cardozos were Sephardic Jews who had left Europe for North America in the eighteenth century. Isaac's father, David, was born in New York in 1753,

¹¹⁸ Powers, *Black Charlestonians*, 39-40; Marina Wikramanayake, *A World in Shadow: The Free Black in Antebellum South Carolina* (Columbia: University of South Carolina Press, 1973) 43-44.

¹¹⁹ Amrita Chakrabati Myers, *Forging Freedom: Black Women and the Pursuit of Liberty in Antebellum Charleston* (Chapel Hill: University of North Carolina Press, 2011) 35.

¹²⁰ Wikramanayake, *ibid*, 13, 22; Fraser *Charleston! Charleston!* 200, 242-3.

¹²¹ Bertram Korn, "Jews and Negro Slavery in the Old South, 1789-1865: Address of the President," in *Publications of the American Jewish Historical Society* Vol. 50, No. 3 (March 1961) 151-201.

moved to Charleston in the 1770s and served in the revolutionary army.¹²² The family had fled Europe to escape persecution and found acceptance in South Carolina. Dr Barnett Elzas, a Rabbi in Charleston between 1894 and 1910 and a leading early historian of the Jews of South Carolina, described the state's history as "a thrilling one a long tale of glorious achievement" with "broad and liberal principles," which had welcomed the Jew "as a man ... as a brother ... as a citizen."¹²³ Charles Reznikoff and James Hagy, more recent historians of the same subject, used less flowery language, but Hagy nonetheless entitled his study *This Happy Land*. Hagy estimated that there were 800 Jewish residents in Charleston in 1820, five percent of the white population and the largest number in any U.S. city, though the number had declined to 700 by 1850, Charleston overtaken by New York and Philadelphia.¹²⁴

Such claims for South Carolina's liberal principles and tolerance are hardly consistent with the picture of intolerance and fear drawn by modern antebellum historians, still less with the harsh reality of life for South Carolina's enslaved population. They clearly reflect the history of the Jewish people who had escaped persecution in Europe. Rabbi Maurice Mayer, a revolutionary in Germany in 1848 and a reformer in Charleston in the 1850s, opposed the abolition of slavery for fear that its Christian inspiration would threaten the separation of church and state that protected Jews in the United States.¹²⁵

¹²² Malcolm H. Stern, *First American Jewish Families: Six Hundred Genealogies 1654-1977* (Cincinnati: American Jewish Archives, 1978) 29.

¹²³ Barnett A. Elzas, *The Jews of South Carolina: A Survey of the Records at Present Existing in South Carolina* (New Delhi: Isha Books, 2013; first published 1902) 2-4.

¹²⁴ James W. Hagy *This Happy Land: The Jews of Colonial and Antebellum Charleston* (Tuscaloosa: University of Alabama Press, 1993) 15-17; Charles Reznikoff, *The Jews of Charleston: A History of an American Jewish Community* (Philadelphia: The Jewish Publication Society of America, 1950) 42-44.

¹²⁵ Anton Hieke, "Rabbi Maurice Mayer: German Revolutionary, Charleston Reformer and Anti-Abolitionist," *Journal of Southern Jewish Historical Society*, 2014, Vol. 17, 73-76.

Much of the Jewish community of the South, including Francis Cardozo's uncle Jacob, supported the Confederacy in the Civil War. Jacob was editor of *The Southern Patriot* from 1816 onwards, its publisher from 1826 until 1860. He was a highly regarded economist and a strong defender of slavery.¹²⁶

Isaac Cardozo was less successful than his brother and attracted little attention in histories of pre-war South Carolina. But he played a significant role in the establishment of the Reformed Society of Israelites of Charleston between 1824 and 1833, the first such group in the United States. The Society was mainly concerned with modernising Jewish religious rituals and services but it saw itself in the revolutionary tradition, in line with "the liberal spirit of the age." One of its leaders, Isaac Harby, sent a copy of his Discourse in 1825 to Thomas Jefferson and received an encouraging reply in January 1826, offering the thought that: "nothing is wiser than that all our institutions should keep pace with the advance of time." Jefferson's response was probably an example of platitudinous courtesy, but it was seen as a significant endorsement by Harby's first biographer, L.C. Moise, and no doubt by his supporters. Isaac Cardozo made the case for reform and welcomed news of reform movements in Liverpool and Germany in the third anniversary address to the Society in 1827. He was vice-president of the Society from 1828 to 1832.¹²⁷

Isaac Harby's modern biographer, Gary Zola, described him as one of the founders of the Jewish reform movement.¹²⁸ The Reformed Society did not, however, attract much support in South Carolina in the 1820s. Harby died in

¹²⁶ Reznikoff, *Jews of Charleston*, 84-5.

¹²⁷ L.C. Moise, "Biography of Isaac Harby, with an account of the Reformed Society of Israelites of Charleston, South Carolina, 1824-1833" (MA thesis: University of South Carolina, 1931) 36-38, 95, 99-121, 128-140; Hagy, *This Happy Land*, 145-154

¹²⁸ Gary Philip Zola, *Isaac Harby of Charleston, 1788-1828: Jewish Reformer and Intellectual* (Tuscaloosa: University of Alabama Press, 1994) ix.

poverty in New York in 1828 and the Society was wound up in 1833. As James Hagy said, the reformers may have been inspired by the reformist spirit of their times, but the forces of religious conservatism were too strong for them.¹²⁹ Any influence which Isaac Cardozo had in the Jewish community apparently disappeared with the Reformed Society. Charles Reznikoff wrote him out of Jewish history with the words that “Cardozo was to spend the last twenty-four years of his life as a weigher in the customhouse” (from 1831 to 1855).¹³⁰ It may be no coincidence that, by the time the society was wound up and Isaac had taken up his new career in the customhouse, he had begun his relationship with Lydia Weston.

The relationship between Isaac and Lydia was a more open one than many between white men and black women. Francis and his brothers took their father’s name. But there was no recorded marriage between their parents. There has been uncertainty about Francis’ parentage, though that is resolved by close examination of the evidence. He is sometimes referred to as the son of Jacob Cardozo, his uncle, but this is carelessness on the part of the historians concerned, surprisingly including South Carolina historians Francis Simkins and Robert Woody and Marina Wikramanayake.¹³¹ Those closest to the subject identify Isaac as his father and Francis did so himself in his entry in the registry of the English Presbyterian College in London which he attended in 1862-64.¹³² His mother’s name was given as Lydia Williams by Bertram Korn

¹²⁹ Hagy, *This Happy Land*, 158-160.

¹³⁰ Zola, *Isaac Harby*, 147, 232; Reznikoff, *Jews of Charleston*, 132.

¹³¹ Francis B. Simkins and Robert H. Woody, *South Carolina During Reconstruction* (Chapel Hill: University of North Carolina Press, 1932) 116; Wikramanayake, *A World in Shadow*, 15.

¹³² Records of the English Presbyterian College, now Westminster College, Cambridge 1862-63.

and Lee Drago, historian of the Avery Institute which Francis founded.¹³³ But it is Lydia Weston who appears in the free Negro capitation books for 1855 and 1857 at the same address as Henry Cardozo, Francis' elder brother. There is no entry for a Lydia Williams.¹³⁴

Lydia was freed in Plowden Weston's will in 1826. Her own origin is uncertain. She was described in the unpublished novel by Francis Cardozo's son, Francis Jr, *Folks' Ways*, as a "beautiful octoroon," that is one eighth negro.¹³⁵ That would make Francis and his brothers one sixteenth negro, hard to reconcile with their self-definition as "colored," and can reasonably be discounted. More frequently quoted is the description of Lydia as half African American, half native American. One source for this was Francis' granddaughter, Eslanda Robeson, wife of Paul and a political campaigner herself, whose papers are held in the Robeson Archive in Howard University. Eslanda's version has been supported by other writers, including E. Louise who recently published a South Carolina collection of portraits and photographs, among them portraits of Isaac Cardozo and Lydia Weston.¹³⁶ Lydia's designation as "mulatto" rather than "colored" in the 1850 census is further evidence that she was of mixed race. Whatever her racial background, it is clear that she was enslaved until "freed" by Plowden Weston's will.

¹³³ Korn, *Jews and Negro Slavery*, 177; Edmund Lee Drago, *Initiative, Paternalism and Race Relations: Charleston's Avery Normal Institute* (Athens: University of Georgia Press, 1990) 20.

¹³⁴ *State Free Negro Capitation Books*, Charleston, South Carolina, 1855 and 1857 (South Carolina Department of Archives and History, Columbia, SC).

¹³⁵ Francis L. Cardozo Jr., "Folks' Ways," unpublished and undated novel passed on by the author's son, Dr Warwick Cardozo, p.12.

¹³⁶ Eslanda Robeson, notes on her grandfather in Robeson family papers, Box 1, Moorland-Spingarm Collection, Howard University Archives, Washington DC; E. Louise, *Reflections: A Pictorial history of Certain People of South Carolina 1840s-1940s* (Columbia SC: Phoenix Publishers, 2009) 23.

The will said:

my servant Lydia, a colored woman with the greatest care and tenderness waited on me day and night during my illness two years ago ... in consideration of her faithful services, I will and direct that she be permitted to act for herself on her paying to my estate twenty dollars a year without being in any other way answerable to my estate ... and I bequeath to the said woman Lydia an annuity of sixty dollars a year during her natural life.

Manumission was then illegal except with its express approval of the state legislature, so the will went on to say: “should the law of this State at any time thereafter permit, I will that ... Lydia be emancipated and set free or allowed to depart from this state.”¹³⁷ In practice, the executors of the will allowed Lydia to live as a free woman. She was listed as free, herself a slave-owner, in the 1830 census and in the free Negro capitation books quoted above.¹³⁸ She remained under threat of re-enslavement, however, and so did her children.

Isaac and Lydia had three sons, Henry born in 1831, Francis in 1837 and Thomas in 1838. There was also a daughter, Eslanda, whom Francis recruited to be a teacher at his school in Charleston in 1865. Eslanda is not mentioned in any of the historical references to the family, presumably reflecting the male bias of the time, and of most historians since. Isaac and Lydia do not appear in any records at the same address, though *Folks Ways* said that Isaac “provided for her in a house on one of the main streets of Charleston, visiting her

¹³⁷ Plowden Weston’s will, Record of Wills, vol. 37, 1826-1834, County Records Office, Charleston, SC; Larry Koger, *Black Slaveowners: Free Black Slave Masters in South Carolina 1790-1860* (Jefferson NC: McFarland & Co, 1985) 37.

¹³⁸ Research Department of the Association for the Study of Negro Life and History, “Free Negro Owners of Slaves in the United States in 1830,” *Journal of Negro History*, Vol. 9, No. 1 (January 1924) 71.

occasionally in broad daylight, a violation of the custom of the city and the state.”¹³⁹ In 1852, Lydia petitioned the City Council for permission to build a house on Inspection Street in Charleston which adjoined East Bay Street, one of the main streets of the city.¹⁴⁰ She was successful; this is the address quoted for her and her son Henry in the free Negro capitation books of 1855 and 1857.

It is impossible to know for sure the nature of the relationship between Isaac and Lydia. Cynthia Kennedy, historian of women’s lives in antebellum Charleston, wrote that “few women of color in the slave South were so unencumbered by sexual and racial prescription as to render truly free their choice to become a concubine.”¹⁴¹ In 1851, a member of the city’s Jewish community (unnamed) wrote to Isaac Leeser, the hazzan of Congregation Mikveh Israel, a letter mainly concerned with religious argument but including the accusation that Isaac Cardozo “lives in open concubinage with a mulatto woman by whom he has six illegitimate children, and to this day is running after the colored girls.” Six may have been an exaggeration.¹⁴² Family tradition, on the other hand, implied a strong consensual relationship, including a marriage, according to Eslanda Robeson.¹⁴³ Lydia was a seamstress, recorded in the Charleston City Directories, and may have lived in some comfort, to judge by the daguerreotype portrait of Francis at the age of four, with a large

¹³⁹ Francis Cardozo Jr., “Folks’ Ways,” 14.

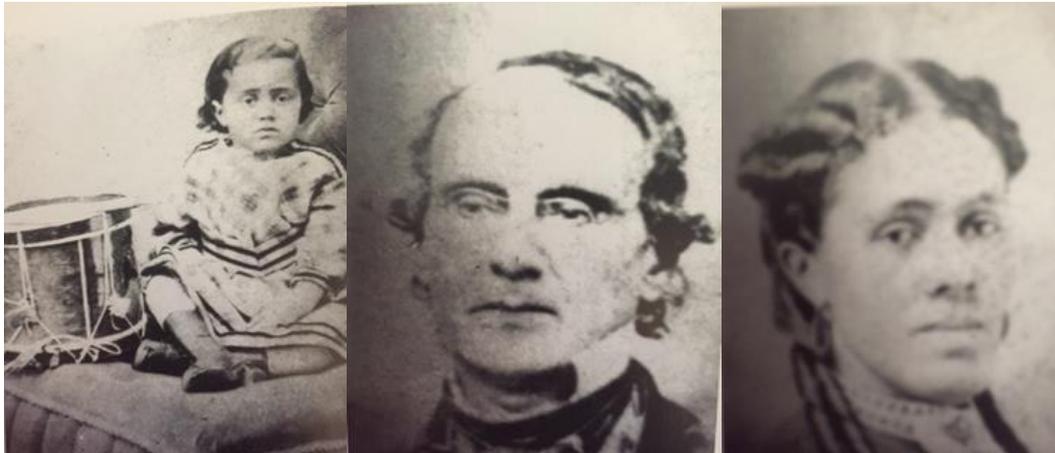
¹⁴⁰ Koger, *Black Slaveowners*, 74.

¹⁴¹ Cynthia M. Kennedy, *Braided Relations, Entwined Lives: The Women of Charleston’s Urban Slave Society* (Bloomington: Indiana University Press, 2005) 112.

¹⁴² Letter dated 7 September 1851, in the *Isaac Leeser Collection*, The Library of the Dropsie College for Hebrew and Cognate Learning, Philadelphia.

¹⁴³ Eslanda Robeson previously quoted.

drum on a well-upholstered chair, reproduced below with the portraits of Isaac and Lydia.¹⁴⁴



Francis and his brothers, and, presumably, his sister, were educated in the schools for free black children in Charleston.¹⁴⁵ Such schools were restricted by State legislation in 1835, which banned the education of enslaved children completely. The schools for free black children continued up until the Civil War mainly taught by free black teachers who had themselves been educated when restrictions were less severe.¹⁴⁶ According to *Folks Ways*, Francis and his brothers were “skilfully, albeit surreptitiously, instructed” by their father and their uncle, Jacob.¹⁴⁷ Given Francis’ subsequent success at Glasgow University and his career thereafter, and his brothers’ and sister’s future roles, in education, politics and the ministry, their education clearly went beyond the

¹⁴⁴ James W. Hagy, *Directories for the City of Charleston, South Carolina for the Years 1849, 1852 and 1855* (Baltimore: Clearfield Company, 1998) 173; E. Louise, *Reflections*, 20.

¹⁴⁵ American Missionary Association Annual Report 1866, *AMA Archives*.

¹⁴⁶ C. Birnie, “Education of the Negro in Charleston, South Carolina Prior to the Civil War,” *Journal of Negro History*, Vol. 12, No. 1 (January 1927) 13-21; Wikramanayake, *A World in Shadow*, 86-87; Myers, *Forging Freedom*, 101.

¹⁴⁷ Francis Cardozo Jr., “Folks’ Ways,” 18.

basic levels available to most black children. Nonetheless, the boys followed the example of their peers by taking apprenticeships and employment in artisan trades from the age of twelve onwards, for Francis as a carpenter.¹⁴⁸ In 1855, Isaac's death "left them bereft of their white protector," as Thomas Cardozo's biographer put it.¹⁴⁹ He had been their guardian while he lived. Lydia and Thomas (and, probably, Eslanda) left Charleston for New York in 1857, Francis to university in Glasgow and Henry to Cleveland, both in 1858.¹⁵⁰

The lives of members of the free black community in the South were becoming more restricted, their status defined as that of a "denizen", not a citizen, dependent on white guardians to guarantee their freedom, and liable to a capitation tax of two dollars a year. Justice William Harper of South Carolina said in a judgement in the 1830s that "the presumption of our law is against a negro's freedom."¹⁵¹ The position in other southern states was worse.

Legislation in Maryland, Tennessee, Virginia, Louisiana, Texas and Arkansas gave free blacks a choice between exile and enslavement. Proposals for similar legislation in South Carolina failed but were raised again in the legislature. In 1858, Charleston City police began to enforce the laws requiring payment of a capitation tax by free black people and threatening enslavement to any who did not pay; fifty-three people were arrested in October 1858. "Charleston more closely resembled a modern police state than any other city in the nation," said Walter Fraser. In 1859-60, four Bills were introduced into the

¹⁴⁸ William J. Simmons, *Men of Mark: Eminent, Progressive and Rising* (New York: Geo. M. Rewell & Co., 1887) 428; Drago, *Initiative, Paternalism and Race Relations*, 39.

¹⁴⁹ Obituary notice, *Charleston Evening News*, 21 August 1855; Euline M. Brock, "Thomas W. Cardozo, Fallible Black Reconstruction Leader," *Journal of Southern History*, Vol. 47 (May 1981) 183-206.

¹⁵⁰ Brock, *ibid*, 188; J.B. Middleton, *Memoir of Henry Cardozo*, Annual Report of the Methodist Episcopal Church of South Carolina for 1887.

¹⁵¹ Wikramanayake, *A World in Shadow*, 54-70.

state legislature to provide for removal or re-enslavement as in other southern states. “By the eve of the Civil War, segregation had extended to almost every corner of Southern life ... to hospitals, theaters, parks, even brothels in effect, southern whites set the racial policies which they went on to apply after the Civil War and Emancipation,” said Ira Berlin.¹⁵²

The relatively well-off members of the so-called “mulatto elite” tried to believe that such dangers did not apply to them. They had long seen themselves as different from other free black people, let alone from the enslaved. The experiences of the wealthiest of these groups, members of the family of William Ellison, born in slavery, then a slave-owner, are graphically told in a collection of letters between family members edited by Michael Johnson and James Roark. In December 1859, the family was still convinced that it would survive the pressures for re-enslavement, whatever might happen to other free blacks. “I prophesied from the outset that nothing would be done affecting our position,” wrote Ellison’s son-in-law. A year later, as the state legislature resolved on secession, that confidence was gone and the family was debating where to emigrate to, Hayti (sic) being the most likely destination. In the event, the war soon drove concerns about free black people out of the minds of members of the legislature.¹⁵³

Francis Cardozo’s family was not part of the self-consciously exclusive group exemplified by the Ellison family. But he and his brothers were, like other free black people, members of white churches. They were surely following their mother’s religion here; their father’s was presumably not open to them.

¹⁵² Fraser, *Charleston! Charleston!* 241; Powers, *Black Charlestonians*, 64; Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Random House, 1974) xiv, 326.

¹⁵³ Michael P. Johnson and James L. Roark, *No Chariot Let Down: Charleston’s Free People of Color on the Eve of the Civil War* (New York: W.W. Norton & Co., 1984) 3-17, 41, 143.

Henry, the eldest brother, was a member of, and subsequently a minister in, the Methodist Episcopal Church.¹⁵⁴ Francis was first a member of Trinity Methodist Episcopal Church in South Charleston, then in 1857 joined the Second Presbyterian Church in Charleston, a significant step in his life.¹⁵⁵ He was favoured by the minister, Thomas Smythe, who wrote of him two years later, in his autobiographical notes: “Mr Cardozo, a free person of color, is now preparing for the ministry in Scotland. His father was a Jew. His conversion and Calvinist experience were very clear, thorough and remarkable.”¹⁵⁶ Dr Smythe probably inspired Francis to go to Glasgow. He had himself been awarded a Doctorate in Civil Law by Glasgow University in 1850 and wrote a letter of recommendation for Francis to the University.¹⁵⁷

Dr Smythe may also have been indirectly responsible for funding Francis’ attendance at Glasgow University. The principal source of information about his university education is William Simmons, who was subsequently a student of his at Howard University. Simmons says that Francis saved \$1,000 as a journeyman carpenter in Charleston and earned the same amount again by working at this trade during his vacations in Scotland.¹⁵⁸ He may well have worked as a carpenter during university vacations in Glasgow, but it is very unlikely that he could have saved \$1,000 as a carpenter in Charleston in the 1850s. One possibility is that his relatively wealthy uncle, Jacob, contributed. Another comes from the current archivist of the Second Presbyterian Church in Charleston, Noel Mellen, who told the author that Cardozo “was privately

¹⁵⁴ Middleton’s Memoir quoted above.

¹⁵⁵ Minutes of the Session of the Second Presbyterian Church, Charleston, 6 May 1857, South Carolina Historical Society, Charleston.

¹⁵⁶ Thomas Smythe, *Autobiographical Notes, Letters and Reflections* (Charleston: Walter Evans & Coswell Co., 1914) 206.

¹⁵⁷ Smythe, *ibid*, 227; AMA Annual Report, 1867, 32, *AMA Archives*

¹⁵⁸ Simmons, *Men of Mark*, 428.

funded by a collocation of members of the Church with John Adger being the lead party.” John Adger was Thomas Smythe’s son-in-law, at that time a professor of theology at the Theological Seminary in Columbia. He published his own autobiography in 1899, a remarkable mixture of personal reminiscence and religious argument on Calvinism and the theory of Evolution.¹⁵⁹

It seems possible that Cardozo benefitted from a combination of family and church support and his own earnings. It is very likely that he left Charleston both to escape the growing tension there and because he was, as the American Missionary Association’s Report said in 1868, “refused education in Charleston and obliged to seek it in Europe because of the tinge of colored blood in his veins.”¹⁶⁰ He appears in the 1861 Scotland Census, described as a Divinity student, lodging in the Govan parish at the house of Margaret Strong and her children.¹⁶¹ He was very successful in Glasgow, according to William Simmons, winning “the fifth prize in Latin, among two hundred students, and the seventh in Greek, among one hundred and fifty students.” Glasgow University website says that “he took classes in the Arts Faculty between 1858 and 1861: Latin in his first year, Greek and Logic in his second, Ethics and Mathematics in his third. He was awarded prizes for General Eminence in the Humanities class in the session 1858-59, decided by the vote of the students, and in Greek the following year.” Simmons’ comment that this was a “very

¹⁵⁹ E-mail from Noel Mellen to the author 19 May 2016, no documentary evidence; John B. Adger, *My Life and Times 1810-1899* (Richmond VA: Whittet and Shepperson, 1899; republished by Forgotten Books, 2015)

¹⁶⁰ AMA Annual Report, 1868, *AMA Archives*.

¹⁶¹ 1861 Scotland Census (Ancestry.com database online).

remarkable feat,” bearing in mind the limited education available to Cardozo in his Charleston childhood, was no exaggeration.¹⁶²

Cardozo left Glasgow in 1861 without graduating, a common practice among students at the time.¹⁶³ Graduation was not seen as important or necessary as it is today. It seems unlikely that he was unable to pass the university examinations given his prizes. He may have chosen to save the cost of graduation, or to avoid the graduation oath which quoted the Church of Scotland. For the next three years, he attended theological seminaries in Edinburgh and London, in training for the ministry. In London, he was a student at the English Presbyterian College, now Westminster College. In May 1864 he returned to the United States and in July was invited to become Pastor of the African American Temple Street Congregational Church in New Haven, Connecticut. It was not unusual for non-white men to become ministers at the time. It was very unusual for them to do so after university education and theological training in Great Britain.

Cardozo grew up a free colored man, in his own description, sharing some of the social and educational advantages of Charleston’s “mulatto elite.” His family background was exceptional, his mother born in slavery and illegally freed, his father a Jewish intellectual, his uncle a well-known publisher and economist. His success at Glasgow University marked him out still further and encouraged the belief he would maintain in his subsequent career that he and other successful members of his race were the equal of their white contemporaries. He was unusually ambitious and enterprising in seeking

¹⁶² Simmons, *Men of Mark*, 429; University of Glasgow, *Francis Lewis Cardozo* (International Story: universitystory.gla.ac.uk, June 2013).

¹⁶³ Glasgow University Archives Enquiry Service.

university education abroad but his commitment to personal achievement was one which other members of the free black community shared and which sustained them in the face of racial hostility in Charleston.

This commitment on the part of the free black community to prove themselves in a hostile world was one of the legacies which Cardozo and his peers would carry with them into the years after the Civil War. They did so in the face of the conflicting legacy of South Carolina's racial history. The tradition of slavery and the obsessive determination of the white leadership to defend it generated the tensions that suffused Charleston before the war and found their expression in secession and the war itself. They would retain a dominant influence on the white population after the war. Francis Cardozo was forced to leave Charleston in 1858 to pursue his education and to escape those tensions. He would return to a city in which the war had been lost and slavery abolished but one still dominated by undiluted racism and by the white landowners who had always ruled South Carolina.

Chapter 3

The Beginning of Reconstruction

Francis Cardozo returned to the United States in 1864 and to South Carolina in August 1865, to begin to play his part in the transformation of the states defeated in the Civil War. By then the first steps towards the Reconstruction of those states had been taken. In January 1863, Abraham Lincoln issued his Emancipation Proclamation, declaring an end to slavery in ten southern states. The Amnesty and Reconstruction Proclamation, providing for Reconstruction to begin in rebel states in which ten per cent of voters would swear an oath of loyalty to the Union, followed in December 1863. It may be argued that either Proclamation heralded the true beginning of Reconstruction, rather than the most obvious date at the end of the Civil War itself. In South Carolina, a form of Reconstruction began even earlier, in November 1861, when the Union Army occupied the Sea Islands and the plantation owners abandoned their lands and their enslaved workers. Joel Williamson dated his history of Reconstruction from that point.¹⁶⁴ In the rest of South Carolina, most of the white population remained loyal to the Confederacy until the end of the war and hostile to Reconstruction in the years that followed.

For Eric Foner, the Emancipation Proclamation in January 1863 “marked the beginning of an extended historical process, the adjustment of American

¹⁶⁴ Michael Perman, *Emancipation and Reconstruction* (Wheeling, Ill: Harlan Davidson Inc., 1988) 1; Joel Williamson, *After Slavery: The Negro in South Carolina During Reconstruction 1861-1877* (New York: W.W. Norton and Co., 1965) 3.

society to the ending of slavery.”¹⁶⁵ In this analysis, he led the development of a growing view among historians that the history of Reconstruction should not be limited too closely by beginning and end-dates. Rather, the Civil War and Reconstruction should be seen together as the start of a period of conflict about slavery and its aftermath which continued in different ways for the rest of the nineteenth century, perhaps up until the legislative achievements of the Civil Rights movement in the 1960s. In the face of continuing inter-racial violence into the twenty-first century, it may with reason be asked if the historical process is yet complete.¹⁶⁶

The Confederate Armies surrendered at Appomattox, Virginia on 9 April 1865 and in North Carolina on 26 April. In South Carolina, the Union Armies captured Columbia and Charleston on 17 February. But the Confederate State Governor, Andrew Magrath, was unwilling to give up. He was still trying to restore his administration in May when he was arrested and imprisoned on the orders of General Quincey Gillmore, Commander of the Union Army’s Department of the South. The army took control of the government of the state until a provisional governor was appointed in June and Presidential Reconstruction began. South Carolina’s white population accepted defeat reluctantly, in common with their neighbours across the South.¹⁶⁷ For Francis Cardozo on his return to Charleston, the city of his birth, Reconstruction offered unprecedented opportunities to contribute to the new South. But

¹⁶⁵ Eric Foner, *Reconstruction: America’s Unfinished Revolution* (New York: Harper and Row, 1988) xxv.

¹⁶⁶ O. Vernon Burton, David Herr and Matthew Cheney, “Defining Reconstruction” in Lacy K. Ford ed., *A Companion to the Civil War and Reconstruction* (Oxford: Oxford University Press, 2010) 299-318.

¹⁶⁷ Francis B. Simkins and Robert H. Woody, *South Carolina During Reconstruction* (Chapel Hill: University of North Carolina Press, 1932) 29-34; Walter Edgar, *South Carolina: A History* (Columbia: University of South Carolina Press, 1998) 377-381.

those opportunities would be slow in coming for him and other African Americans. Their ability to take part in the political life of South Carolina would be severely limited in the two years immediately after the war.

This chapter will look at the context for Cardozo's experiences as Reconstruction began: very briefly at President Lincoln's preliminary steps, then at the rare but enterprising rehearsals for reconstruction in South Carolina and Mississippi. Following Lincoln's assassination in April 1865, his successor Andrew Johnson became quickly engaged in a conflict with Congress which centred on the treatment of the freed people in the South and their rights as free people. That conflict has been the subject of as much historical analysis as any other aspect of the period and will be summarised briefly here. It was reflected in the behaviour and the expectations of the white leaders of South Carolina and in the experiences of African Americans. The remainder of this chapter will look at South Carolina's approach to "self-reconstruction," and at the work of the Freedmen's Bureau in the state. Racism and the development of white supremacy are the key themes in this chapter at national and local level.

The dominating factor in South Carolina's political life in the years immediately after the war was the determination of its white leaders to retain their power. They saw the U.S. Congress as their enemy, Andrew Johnson as their friend and supporter. Self-reconstruction for most white politicians meant the restoration of the old order with as few concessions as possible to the political aspirations of the freed people. In the cities of the North, the leading black activist Frederick Douglass campaigned for black suffrage with the argument

that “slavery is not abolished until the black man has the ballot.”¹⁶⁸ But there were few opportunities to make similar arguments in the South. Francis Cardozo and other black leaders could make little progress in 1865-66 in the face of white intransigence. Cardozo was, however, able to establish and promote his first school for African American children in Charleston and to observe and comment on the world around him.

The first steps - Abraham Lincoln and Reconstruction

Plans for future policy towards the South in the expectation of Union victory began to circulate in Washington soon after the war began. In August 1861, the radical Congressman Thaddeus Stevens of Pennsylvania began writing about the “conquered provinces.” By 1863, his ideas were fully developed, and much debate focussed on the treatment to be meted out to the leaders of the rebellion.¹⁶⁹ President Lincoln’s priority in 1863-64 was to bring the war to an end as soon as possible. His Proclamation of Amnesty and Reconstruction in December 1863 offered a pardon to those who would take an oath of loyalty to the Union and pledge to accept the abolition of slavery. In any southern state in which ten percent of the population made the pledge of loyalty, this minority could establish a state government which would be recognised in Washington (though it would be for Congress to decide on the re-admission of any state). The Proclamation was designed to undermine the Confederacy rather than to provide “a comprehensive blueprint for the post-war South,” in Eric Foner’s words.¹⁷⁰ Tennessee and Louisiana responded positively to the

¹⁶⁸ David W. Blight, *Frederick Douglass: Prophet of Freedom* (New York: Simon and Schuster, 2018) 477.

¹⁶⁹ Eric L. McKittrick, *Andrew Johnson and Reconstruction* (Chicago: University of Chicago Press, 1960) 99-101.

¹⁷⁰ Foner, *Reconstruction*, 35-37.

offer, though Congress was not persuaded to re-admit either state before the end of the war. South Carolina and other southern states remained committed to the Confederacy.

It is not possible to know for sure how Lincoln would have handled the defeated states; he was assassinated on 14 April, just five days after Appomattox. The new President, Andrew Johnson claimed that he was following Lincoln's model in the lenient attitude he took to the southern states. There is no doubt that Lincoln sought reconciliation with the rebel states as soon as they were willing to accept the Union, and emancipation. But his priority was to bring the war to an end. It is far from clear that he would have tolerated the severe restrictions which the southern states sought to impose on the freed people after the war. Johnson was the most racist of Presidents and he was happy to endorse those restrictions.

Johnson described Frederick Douglass as "just like any nigger and he would sooner cut a white man's throat than not," after a meeting with him in February 1866. By contrast, Frederick Douglass said that Lincoln was "the first great man that I talked with in the United States freely, who in no single instance reminded me of the difference between himself and myself, of the difference of color."¹⁷¹ Lincoln was prepared to allow slavery to remain in place in order to preserve the Union but Michael Perman is surely right in his assessment that "Lincoln was, from an early point in his career, morally opposed to slavery."¹⁷² He followed the Emancipation Proclamation by driving

¹⁷¹ Michael W. Fitzgerald, *Splendid Failure: Post-war Reconstruction in the American South* (Chicago: University of Illinois Press, 2007) 27-28; Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln* (London: Penguin Books, 2009; first published 2005) 207.

¹⁷² Perman, *Emancipation and Reconstruction*, 14.

the Thirteenth Amendment through Congress to extend abolition throughout the Union.

One point on which historians of the past fifty years are agreed is that Lincoln's political genius would have ensured a far better beginning for Reconstruction than resulted from Johnson's equally remarkable incompetence. But, before looking at the effects of Johnson's incompetence, it is valuable to observe two places where the first practical "rehearsals for Reconstruction" were played out. Their location strikes an ironic note in the context of civil war history. One developed in Davis Bend, Mississippi on the estates of Joseph Davis, elder brother of the Confederate President, Jefferson Davis. The other was on the Sea Islands of South Carolina, the state where the Civil War began.

These "rehearsals" have been the subject of two fascinating studies, of Davis Bend in *The Pursuit of a Dream* by Janet Sharp Herman and of the Sea Islands in *Rehearsal for Reconstruction* by Willie Lee Rose.¹⁷³ There were fore-runners for Reconstruction in other southern states during the war, following the occupation of southern territory by Union forces. But the rehearsals in Davis Bend and the Sea Islands were the most striking. They anticipated the achievements and the problems that would characterise the central period of Reconstruction. They brought into sharp relief the potential of the world after slavery, and its dangers. They demonstrated the possibilities of black leadership, the central role of education for the freed people and the complexities of land ownership, all of them to be crucial issues for Francis Cardozo and his peers during Reconstruction.

¹⁷³ Janet Sharp Herman, *The Pursuit of a Dream* (New York: Oxford University Press, 1981); Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (Indianapolis: Bobbs-Merrill Co., 1964).

Rehearsals for Reconstruction

The Davis Bend experiment had begun long before the Civil War, in 1827 when Joseph Davis established a model system for the enslaved people on his land. The model provided for them to be well housed, fed and educated, allowed to trade for themselves and responsible for discipline within their own courts. They were not, however, free, until the war brought the destruction of the Davis family estate and the departure of the family, in 1862. After two more years of chaos, a new experiment emerged, under the leadership of Colonel Samuel Thomas of the Union Army, soon to be appointed Assistant Commissioner of the Freedmen's Bureau for Mississippi. Five thousand acres at Davis Bend were "leased to freedmen to work on their own account", involving 1750 men, women and children in 181 partnerships, with elected courts following the tradition of the pre-war model. There were missionary teachers, mostly "young women from middle-class families (in the north) who went south with a sincere desire to help the poor victims of slavery."¹⁷⁴

In the short term, the experiment was an economic success, producing cotton, corn and vegetables and a profit of almost \$160,000 for the community in 1865, which Thomas claimed, "proved how well the freedmen could operate as independent farmers." Steven Hahn described it as "the most prominent example of black self-management" of the time. It did not last, as President Johnson insisted on the return of lands to their former owners. He removed Thomas from his post in 1866. But another black enterprise took over, led by Ben Montgomery, who leased the land from the former owner, Joseph Davis, and established a successful business lasting until 1879. Ben Montgomery died in 1877 but his son, Isiah, went on to establish a new black community at

¹⁷⁴ Herman, *Pursuit of a Dream*, 56, 61-63, 65.

Mound Bayou, which attracted the attention and support of Booker T. Washington and thrived until after Isiah's own death in 1924.¹⁷⁵

The most famous rehearsal for Reconstruction was on the Sea Islands of South Carolina, occupied by Union forces in November 1861 and abandoned by the white landowners ("evacuated", as one museum curator in Beaufort on Port Royal Island described it to the author in 2014). The white owners left behind ten thousand people, now in effect free, termed "contraband" at the time by Union Army officers. In March 1862, a mixed band of missionaries arrived in Beaufort to provide support and education to the freed people. They were financed by the American Missionary Association and other northern charities. They would be known as "Gideon's Band". They were mostly young men and women who had no experience of the climate or in growing cotton, still less of dealing with freed people who wanted land to grow their own food rather than cotton, "the slave-owners' crop." Their organisation improved when General Rufus Saxton was appointed military governor of the Sea Islands in April 1862. Many stayed for the rest of the war.¹⁷⁶

Some of the northern arrivals had been attracted by the pay on offer and the economic opportunities. Others were genuine missionaries, particularly among women teachers from the north-east, who went to bring education to the freed people and their children. Laura Towne arrived in April 1862 and stayed until her death in 1901.¹⁷⁷ They found conditions very difficult and many of them struggled with their own racial prejudices. They also found great

¹⁷⁵ Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2003) 80; Herman, *Pursuit of a Dream*, 205, 219-243.

¹⁷⁶ Rose, *Rehearsal for Reconstruction*, 49-54, 79, 171.

¹⁷⁷ Now commemorated in the Penn Center National Historical Monument on St Helena Island.

enthusiasm for learning and had established schools for 2,600 children by the end of 1862. The Sea Islands experiment began early in the war, but it would be followed in other states, even in Georgia, always hostile both to the aspirations of African Americans and to incoming northerners who wanted to help them. The experiences of young northern women there were described by Jacqueline Jones in *Soldiers of Light and Love* with many echoes of Willie Lee Rose's account.¹⁷⁸

In many respects, the missionary teachers on the Sea Islands anticipated the work which Francis Cardozo would do in Charleston after the war. He too would be funded by the American Missionary Association which gave generously to Gideon's Band. Like them, he would encounter an intense demand for education, and for religious expression. Other northerners combined a missionary role with an entrepreneurial approach to replacing slavery with the free labour model of the North. Edward Philbrick was one who adapted the model pragmatically and paid the freedmen less than northern workers, to grow cotton, in order to "teach them the virtues of hard work". He made a substantial personal fortune in selling the cotton they grew. The free labour model contributed to better living conditions, but it ran up against the overriding desire of the freed people to farm their own land, and Philbrick sold his plantations in small parcels in 1865 to them and to northern buyers.¹⁷⁹

¹⁷⁸ Rose, *Rehearsal for Reconstruction*, 63-140; Jacqueline Jones, *Soldiers of Light and Love: Northern Teachers and Georgia Blacks 1865-1873* (Chapel Hill: University of North Carolina Press, 1981).

¹⁷⁹ Rose, *ibid*, 300-310; Douglas R. Egerton, *The Wars of Reconstruction: The Brief, Violent History of America's Most Progressive Era* (New York: Bloomsbury Press, 2014) 150-153; Julie Saville, *The Work of Reconstruction: From Slave to Wage Laborer in South Carolina 1860-1870* (New York: Cambridge University Press, 1994) 45-71; Gerald D. Jaynes, *Branches Without Roots: Genesis of the Black Working Class in the American South 1862-1882* (New York: Oxford University Press, 1986) 80-81.

General William Sherman gave a great boost to the land-owning aspirations of the freedmen with his Special Field Order 15 issued in January 1865, after his march through Georgia and South Carolina. The Order set aside the Sea Islands and land 30 miles from the coast for distribution to the freedmen, 40 acres each. Rufus Saxton, now Assistant Commissioner for the Freedmen's Bureau for South Carolina, implemented the order with enthusiasm, but also with fear that it might be rescinded. The Freedmen's Bureau had been established by Act of Congress in March 1865 as the Bureau of Refugees, Freedmen and Abandoned Lands, to distribute clothing, food and fuel to destitute freedmen and "oversee all subjects relating to their condition in the South."¹⁸⁰

Saxton's enthusiasm prevailed in the next few months after the issue of the Order and he had distributed 40,000 acres by mid-1865. He was almost wholly positive about the willingness to work of the freed people, about their intense desire for education and about their commitment to the Union, in the evidence he gave to the Congressional Committee on Reconstruction in 1866. Whitelaw Reid travelling though the South after the War saw a picture of prosperity and industry on the Sea Islands, with the freedmen better fed and clothed than ever before. But Saxton was right to fear that the programme of land redistribution would be overturned. President Johnson did so in September 1865 and sacked Saxton in January 1866 because he was restoring land to its former owners too slowly.¹⁸¹

Eric Foner argued that neither Davis Bend nor the Sea Islands constituted proper rehearsals for Reconstruction: Davis Bend had a unique degree of black

¹⁸⁰ Foner, *Reconstruction*, 69.

¹⁸¹ Rose, *Rehearsal for Reconstruction*, 230, 300-310, 328-330; Williamson, *After Slavery*, 60-63; *Report of the Joint Committee on Reconstruction*, First Session of the Thirty-ninth Congress (Washington: Government Printing Office, 1866) 219-222; Whitelaw Reid, *After the War: A Southern Tour* (London: Samson Low, Son and Marston, 1866) 93, 125.

independence and control; the Sea Islands were isolated, free of their former landowners and blessed with unusually idealistic reformers. But both examples showed the potential for self-government among people only just freed from slavery, their commitment to education and the contribution which idealistic northern teachers could make. The Davis Bend experience demonstrated the potential for economic success; the Sea Islands experiment mixed personal gain for some of the northern incomers with improvements in conditions for their new employees. The distribution of land, limited as it was, inspired the South Carolina Land Commission which Francis Cardozo would later lead. They were important symbols at the time. Several Mississippi politicians emerged from Davis Bend, including Israel Shadd, Speaker of the State House of Representatives during Reconstruction. Members of the Sea Islands Gideon's Band will reappear in this history, one of them Reuben Tomlinson who was to be a vital supporter for Francis Cardozo in his school in Charleston.¹⁸² Rufus Saxton was a hero to African Americans, not least to Francis Cardozo, who named his school after him. Both examples, like Reconstruction generally, provided reasons for hope and for pessimism. Both were undermined by Andrew Johnson's insistence on the restoration of white land ownership.

Andrew Johnson, Congress and the national debate on Reconstruction

Andrew Johnson's approach to Reconstruction had malign consequences for both the white and black populations of South Carolina. This was quickly obvious for newly freed African Americans in his demand that land distributed following General Sherman's Field Order be returned to its former white owners. Then, in the last few months of 1865, Johnson gave enthusiastic

¹⁸² Chapters 4 and 5; Foner, *Reconstruction*, 52-60.

support to the Black Codes which post-war state government across the South enacted in order to restrict drastically the freedom of those newly freed. Those who had been free before the war, including Francis Cardozo, were also potentially caught by the South Carolina code. Johnson's negative impact on white southerners was more indirect but nonetheless destructive. He misled them into believing that it would be possible to restore much of the traditional Old South, excepting only slavery itself, without interference from the North. He then so mishandled his relationship with Congress and with the northern public that he ensured both his own defeat and more far-reaching reforms in southern political institutions than Congress might otherwise have imposed.

Andrew Johnson was a southerner, from Tennessee. He was a Democratic Unionist and had been the only Senator from a Confederate state to oppose secession. President Lincoln chose him to be his running-mate in the 1864 election for that reason, rather than in any expectation that he might be his successor. That all changed with Lincoln's assassination in April 1865. The new President moved quickly to appoint as provisional governors to the former Confederate states men who had not been part of the pre-War leadership responsible for secession but were committed to white supremacy.¹⁸³

Benjamin Perry, appointed provisional governor for South Carolina, was one such. In pursuing his own form of "Presidential Reconstruction," Johnson's priorities were to restore the former Confederate States to the Union as soon as possible and to keep the freedmen in submission if not in slavery. He made clear his views in a letter to Governor Thomas Fletcher of Missouri, quoted in the *Cincinnati Enquirer* on 10 September 1865, "this is a country for white men

¹⁸³ Foner, *Reconstruction*, 189-200; Fitzgerald, *Splendid Failure*, 29-32.

and, by God, as long as I am President, this shall be a government for white men.”¹⁸⁴

Many in Congress did not share Johnson’s determination to restore the rebel states to the Union as soon as possible. As soon as they reconvened after the end of the war, in December 1865, the Senate and the House established a Joint Committee on Reconstruction “to inquire into the condition of the States which formed the so-called Confederate States of America and report whether any of them are entitled to be represented in either House of Congress.” The Committee took evidence from Rufus Saxton, from John W. Alvord, Inspector of Schools for the Freedmen’s Bureau, and others with direct experience of post-war conditions in South Carolina and other southern states. Most of the witnesses were consistent in their accounts of the continuing hostility towards the Union and to the freedmen on the part of white southerners. By contrast, they were greatly impressed by the commitment of the freedmen to the Union, their willingness to work for “regular wages,” their religious devotion and their intense desire for education. John Alvord put it eloquently:

We have just emerged from a terrible war ... and yet here is a people long imbruted by slavery and the most despised on earth, whose chains are no sooner broken than they spring to their feet what other people on earth have shown, while in their ignorance, such a passion for education?

In Charleston, he singled out for mention Francis Cardozo’s school with its “accomplished headmaster, a colored man, and eight hundred and fifty pupils

¹⁸⁴ Hans L. Trefousse, *Andrew Johnson: A Biography* (New York: W.W. Norton and Co., 1989) 236, 242; Fitzgerald, *Splendid Failure*, 27-28.

in daily attendance many hundreds of pupils bore excellent examination in reading, writing, geography and English grammar.”¹⁸⁵

The Joint Committee had little to say about the freedmen in their report, but they were scathing about the attitude of the new leadership of the southern states. They noted that:

glaring irregularities and unwarranted assumptions of power are manifest in several states, particularly in South Carolina. Hardly is the war closed before the (white) people of these insurrectionary states come forward and haughtily claim, as a right, the privilege of participating at once in that government which they had for four years been fighting to overthrow.

They concluded that the states were not entitled to re-admission to the Congress of the United States.¹⁸⁶

President Johnson could not force Congress to admit the representatives of the southern states, but he could try to resist legislation designed to protect the rights of the freedmen. He vetoed a Civil Rights Bill and a Bill to extend the life of the Freedmen’s Bureau in March 1866. Congress overrode both vetoes and, in June, passed a new amendment to the Constitution. The Fourteenth Amendment granted citizenship to all those born in the United States and prohibited states from abridging the civil rights of citizens or denying equal protection under the law. None of these measures went far enough for radical Republican leaders such as Charles Sumner in the Senate, Thaddeus Stephens in the House of Representatives or Wendell Philips outside Congress. The

¹⁸⁵ *Report of Joint Committee on Reconstruction, 39th Congress, 219-256.*

¹⁸⁶ *Joint Committee Report, XV to XXI*

measures that passed were the work of moderate politicians seeking to deliver changes which President Johnson would accept.¹⁸⁷

Johnson was not interested in the overtures of the moderates. Instead, he began a campaign against the ratification of the Fourteenth Amendment by the States. Race riots in Memphis in May and in New Orleans in July resulted in the deaths of nearly 100 African Americans and their white supporters at the hands of white mobs. Johnson's response was to blame the radicals in Congress who wanted to "enfranchise the colored population," not the white rioters.¹⁸⁸ In August he took his argument directly to the people in a disastrous personal campaign across ten major cities, "the swing around the circle", described in awful detail by Eric McKittrick, James McPherson and others. He compared Sumner, Stevens and Phillips to Judas; he asked: "why not hang Thad Stevens and Wendell Phillips?"¹⁸⁹ The *New York Independent* commented that: "Such a humiliating spectacle has never before been seen, nor anything like it."¹⁹⁰ The campaign was a failure. In Kenneth Stampp's words, "the genuine fear was that President Johnson, through his southern governments, was going to lose the peace, that unrepentant rebels were gaining control of the South and re-establishing slavery."¹⁹¹

The judgement of history, initially sympathetic to Johnson, has been scathing for most of the last sixty years. On this issue, William Dunning, the foremost

¹⁸⁷ Michael Les Benedict, *A Compromise of Principle: Congressional Republicans and Reconstruction 1863-1869* (New York: W.W. Norton and Co., 1974) 13-14.

¹⁸⁸ Egerton, *The Wars of Reconstruction*, 207-8.

¹⁸⁹ McKittrick, *Andrew Johnson*, 432; James M. McPherson, *The Struggle for Equality: Abolitionists and the Negro in the Civil War and Reconstruction* (Princeton: Princeton University Press, 1964) 363.

¹⁹⁰ *New York Independent* 13 September 1866.

¹⁹¹ Kenneth M. Stampp, *The Era of Reconstruction* (London: Eyre and Spottiswode, 1965) 118.

critic of Radical Reconstruction, anticipated his revisionist successors, writing in 1897 that Johnson's behaviour made "reconciliation with Congress inconceivable." His campaign was wholly counter-productive. As more recent historians, LaWanda and John Cox said,

No oratory of Charles Sumner, no lash of Thaddeus Stevens' tongue ... could drive the Republican majority in Congress into open warfare with the President. That accomplishment was Johnson's own. By refusing support for equality before the law ... for the freed slaves, he fatally alienated the reasonable man who wished to act with him rather than against him.¹⁹²

With Johnson's encouragement, South Carolina and most southern states had refused to ratify the Fourteenth Amendment by January 1867. Only Tennessee had done so and was readmitted to Congress in July 1866. In practice, far from protecting a white man's government as he wanted, Johnson's intransigence led to the election of a far more radical Congress at the end of 1866. Congress passed three Reconstruction Acts in 1867 imposing military government across the South and requiring universal male suffrage for future elections there. To quote LaWanda and John Cox again,

Johnson had won the lasting gratitude of white southerners to whom the concept of equality between the races was anathema, despite the ordeal of military government and immediate universal suffrage which,

¹⁹² William A. Dunning, *Essays on the Civil War and Reconstruction* (New York: Harper and Row, 1965; first published 1897) 85-99; LaWanda and John H. Cox, *Politics, Principle and Prejudice 1865-1866* (New York: Athenaeum, 1969; first published 1963) 202; Annette Gordon-Reed, *Andrew Johnson* (New York: Henry Holt and Co., 2011) 144; McKittrick, *Andrew Johnson*, 277-323; Fitzgerald, *Splendid Failure*, 37.

in all likelihood, they would have been spared had Johnson's course been different.¹⁹³

In South Carolina, the white governments which followed the end of the war showed no interest in conceding any rights to the freed people that would give substance to their freedom. They ignored the political aspirations of Francis Cardozo and his peers. They saw the Freedmen's Bureau as northern interference favouring the black population and blocking the re-establishment of working life. The *Charleston Courier* described the Bureau's agents as "emissaries of abolitionism," whose "nefarious influence" among the freedmen was filling them with false hopes about free land.¹⁹⁴

Self-Reconstruction in South Carolina

South Carolina had been the state where the war started. It was to suffer as much as any other as the war ended, as contemporary accounts revealed. Northern journalist Sidney Andrews, travelling through the South in 1865, described Charleston as "a city of ruins, of desolation, of vacant homes, of widowed women ... of pitiful and voiceful bareness." Carl Schurz, sent by President Johnson to review the South in the aftermath of the war, wrote of

the track of (General) Sherman's march, which, in South Carolina at least, looked for many miles like a broad black streak of ruin and desolation. No part of the South I visited had suffered as much from the ravages of war as South Carolina – the state which was looked upon by

¹⁹³ Cox and Cox, *Politics, Principle and Prejudice*, 231-2.

¹⁹⁴ Dan T. Carter, *When the War was Over: The Failure of Self-Reconstruction in the South 1865-1866* (Baton Rouge: Louisiana State University Press, 1985); *Charleston Courier* 25 May and 1 July 1866.

the northern soldier as the principal instigator of the whole mischief and therefore deserving of special punishment.

William Sherman himself said: “anyone who is not satisfied with war should go and see Charleston and he will pray louder and deeper than ever that the country may in future be spared any more war.”¹⁹⁵ Thomas Cardozo, Francis’s brother, wrote to him of the destruction he found in Charleston in April 1865, a letter which Francis sent on to the *Anglo-African*, a newspaper of the black community in New York. Thomas wrote that the effect of “the shelling and the fires is beyond all human imagination ... I do not think that there are a dozen houses in the lower half of the city that have escaped the shells. All the churches have from ten to twenty large holes knocked into them by the shells.”¹⁹⁶

For the white population, the physical effects of the war were compounded by their anxieties about the consequences of emancipation. Fear of abolition and of a black revolution that would follow had been central to the motivation for secession in 1861. It was inevitable that South Carolina and other southern states should be rife with rumours of insurrection after the war. Some expected it on 4 July, many more at Christmas 1865.¹⁹⁷ In fact, the freed people were remarkably disinterested in vengeance. Their priorities were much more practical, for their families and their own prospects in an uncertain world. They were committed to the Union and they believed that their loyalty in the war “ought to secure for them the rights of citizens,” as Erik Mathisen put it in his

¹⁹⁵ Sidney Andrews, *The South Since the War* (General Books, 2009; first published 1866) 3; Carl Schurz, “First Days of the Reconstruction”, *McClure’s Magazine*, May 1908, Vol XXXI, No.1; Walter J. Fraser Jr., *Charleston! Charleston! The History of a Southern City* (Columbia: University of South Carolina Press, 1991) 273.

¹⁹⁶ *Anglo-African* 6 May 1865.

¹⁹⁷ Stephen A. Channing, *Crisis of Fear: Secession in South Carolina* (New York: Simon and Schuster, 1970); Edgar, *South Carolina*, 381; Carter, *When the War was Over*, 193-196.

recent study of Civil War loyalties. The Congressional Joint Committee on Reconstruction quoted earlier made a point of contrasting the loyalty of the freed people with the attitude of white southerners. They had heard much evidence of an “intense hostility to the federal Union ... the bitterness and defiance exhibited toward the United States under such circumstances is without parallel in the history of the world.”¹⁹⁸

White people in the southern states were anxious to see the restoration of civilian government as soon as possible after the collapse of the Confederacy. President Johnson appointed provisional governors whom he expected to have the support of the white population. In South Carolina’s case, he appointed Benjamin Perry on 30 June. The *Columbia Daily Phoenix* welcomed the appointment, “as good a one as could be made.”¹⁹⁹ A pre-war Unionist, Perry had served in the Confederate Army but only after his long resistance to secession had ended in failure. The respected Civil War historian, Allan Nevins described him in remarkably glowing terms: “Of all the Unionists of the Lower South, none is more attractive than Benjamin F. Perry; none had nobler qualities of mind and heart. None did more for her (South Carolina’s) intellectual, social, moral and political advancement.” Perry’s biographer, Lilian Kibler, said that he was “one of the ablest and most liberal of the Provisional Governors.”²⁰⁰

¹⁹⁸ Erik Mathisen, *The Loyal Republic: Traitors, Slaves and the Reworking of Citizenship in Civil War America* (Chapel Hill: University of North Carolina Press, 2018) 5; *Joint Committee Report*, XVII-XVIII

¹⁹⁹ John L. Bell, “Andrew Johnson, National Politics and Presidential Reconstruction in South Carolina,” in the *South Carolina Historical Magazine*, Vol. 82, No. 4 (October 1981) 354-366; *Columbia Daily Phoenix* 10 July 1865.

²⁰⁰ Lilian A. Kibler, *Benjamin F. Perry, South Carolina Unionist*, with introduction by Allan Nevins, (Durham: Duke University Press, 1946) vii-viii, 408-409, 438.

Other historians have been less admiring of Perry's qualities. As early as 1932, Simkins and Woody described Perry as "a bigoted legalist," when what the state needed was "an opportunist possessed of a self-effacing tact." More recent historians have seen Perry as a white supremacist deeply opposed to the assertion of black rights. He shared the determination of his white fellow citizens to concede as little as possible to the desire of Congress to protect the interest of the freed people. His lack of political judgement was revealed, even before he knew of his own appointment, in a speech on 3 July, when he characterised Johnson as "abler" and "firmer" than Lincoln. He said Johnson was a Democrat who would "adhere to his principles and political faith" while Lincoln was "ready to change his measures and principles at the bidding of his Party." Perry had apparently not noticed that Johnson had been elected Vice President alongside Lincoln on a National Union ticket, devised to attract both Republican and Democratic voters.²⁰¹

Perry's first notable act on taking office was to restore "all civil officers in South Carolina who were in office when the Civil Government of the state was suspended in May."²⁰² Even Johnson was hesitant about this action, but Perry persuaded him that there were few alternatives. He was to remain Governor until December 1865, and he would preside over two significant developments in that time. They were a Constitutional Convention in September, to provide a new constitution for the state, and the enactment of South Carolina's Black Code to regulate the activity of the freedmen. Both reflected the unhesitating commitment of Perry and the other white leaders of South Carolina to the principle of white supremacy. The Constitutional Convention reorganised the

²⁰¹ Simkins and Woody, *South Carolina During Reconstruction*, 35-36; Bell, "Andrew Johnson," 360.

²⁰² Proclamation published in the *Columbia Daily Phoenix* 27 July 1865 and elsewhere.

electoral system of the state to provide for direct election of the Governor and Presidential electors (which South Carolina had resisted until then) and to re-balance power between the low country and the up country, Perry's home region.

The official Convention paid no attention to the requests of an unofficial Colored People's Convention in Charleston in November, in which Francis Cardozo participated, to be treated fairly by the state legislature. There were such conventions of freedmen in most former Confederate states at this time, led by men who had been free before the war. They did their best to model themselves on the conventions held at the beginning of the American Revolution and they asked, "only for even-handed justice to be recognised as men that the same laws that govern white men shall govern colored men," in the words of the South Carolina convention.²⁰³ They sought to be moderate and reasonable, and the white political leaders of South Carolina and other states ignored them. Similar gatherings were not repeated until the Reconstruction Acts of 1867 ensured that black voices could no longer be ignored in the South.

The official conventions ruled out any possibility of black suffrage on principle. The *Charleston Courier* approved: "It cannot but be the earnest desire of all members that the matter be ignored *in toto* during the session." Benjamin Perry agreed. His opening message to South Carolina's Constitutional Convention echoed President Johnson: "this is a white man's government and intended for white men only." He initially refused to recommend the Thirteenth Amendment abolishing slavery until persuaded by Secretary of

²⁰³ Thomas Holt, *Black Over White: Negro Political Leadership in South Carolina During Reconstruction* (Urbana: University of Illinois Press, 1977) 10-19 and other references quoted in Chapter 4.

State William Seward that there would be no question of readmission to the Union unless it was accepted. The overall effect of the new Constitution was to leave power largely where it had rested before, in the traditional white leadership of the state. Another pre-war politician, James Orr, was subsequently elected governor.²⁰⁴

The most striking product of the Convention, and the most controversial, was South Carolina's Black Code, proposed in September with Governor Perry's full support. In line with similar codes adopted across the South, South Carolina's sought to impose strict legal controls on the movement and actions of the freed people. It allowed "colored people" (defined as those with one eighth negro blood, or more) to own property, to marry and to sue and be sued, all improvements on slavery. But vagrancy laws would restrict their movement; a licensing system would make it difficult for colored people to trade; provision was made for contracting colored "servants" to white "masters;" and colored people were to be subject both to forced apprenticeship for their children and to whipping on the orders of "judicial officers". The Code outlawed marriage between the races, for the first time in South Carolina. William Dunning said that the Codes were a "conscientious attempt to bring some sort of order out of the social and economic chaos ... which war and emancipation had created." A later influential historian of the Civil War, James Randall, was still more positive in 1937: "the passing of new Negro codes was a social and economic necessity with which the Southern States had to deal in setting their houses in order ... to a large extent, the laws were a protection to the Negro."²⁰⁵

²⁰⁴ Bell, "Andrew Johnson," 363-366; Kibler, *Benjamin F. Perry*, 406-430; *Charleston Courier* 26 September 1865.

²⁰⁵ William A. Dunning, *Reconstruction, Political and Economic 1865-1877* (New York: Harper and Brothers, 1906) 57-58; James G. Randall, *The Civil War and Reconstruction* (Boston: D.C. Heath and Co., 1937) 726-7.

The Codes reflected both the anxiety of the white population about the possibility of black insurrection and the widely held belief that the freedmen would not work without the threat of the whip that had characterised slavery. John De Forest, an officer of the Freedmen's Bureau in Greenville County, noted that "many of the planters seemed to be unable to understand that work (for the freedmen) could be other than a form of slavery." Northern journalist Sydney Andrews wrote that "the whites seem wholly unable to comprehend that freedom for the Negro means the same thing as freedom for them." Since the white population had gone to war to defend slavery in the belief that it represented the natural order, it is no surprise that the reality of black freedom should be so difficult for the white population to accept. The pre-war exponent of scientific racism Josiah Nott wrote in the *New Orleans Times* in November 1865 that "the Negro could perform only the simplest and most basic physical tasks ... and the intellectual capacity of the race was fixed and immutable."²⁰⁶

The Black Codes in South Carolina and other southern states reflected pervasive and persistent racism among the white population. They also looked very much like a serious attempt to reinstate slavery, in the face of emancipation. Sympathetic as he was to their purpose, William Dunning recognised that the Codes "embodied many rules which strongly suggested those formerly in place as to master and slave." From a very different perspective, W.E.B. Du Bois condemned the Codes as "a plain and indisputable

²⁰⁶ John W. De Forest, *A Union Officer in the Reconstruction* (New Haven: Yale University Press, 1948) 28; Andrews, *The South Since the War*, 255-257; Josiah Nott, "The Problem of the Black Races," *New Orleans Times* 7 November 1865; Carter, *When the War was Over*, 148-149.

attempt to make Negroes slaves in everything but name.”²⁰⁷ The South Carolina Code was to apply to all persons of color, whether or not they had been enslaved before emancipation. It therefore entailed new legal restrictions for those who had previously been free. Francis Cardozo was himself a potential object of the Code, as a free person of color, the son of an African American woman born in slavery. He does not seem to have taken the threat as personal, but he clearly had its terms in view when he wrote to George Whipple at the American Missionary Association on 21 October: “they (the white political leaders) are throwing every obstacle in the way of the colored people and then pointing at their difficulties as an argument for re-enslaving them.”²⁰⁸

In practice, the Codes were more important as a symbol of white intransigence and a stimulus to Congressional action to enforce change than in any lasting legal impact. On 1 January 1866, General Dan Sickles, military commander for the occupying Union Army, declared the South Carolina Code null and void and decreed that “all laws shall be applicable alike to all inhabitants.” Colored people were to have the same judicial rights as whites, with no discrimination in vagrancy laws and no corporal punishment. General Sickles faced no opposition from the new elected governor, James Orr, who understood that the Code had gone too far. Orr told the legislature that colored persons should be accorded the same civil rights and liabilities as the whites. The *Charleston Courier* would subsequently comment that the Code was “universally regarded

²⁰⁷ Dunning, *Reconstruction*, 57-58; W.E.B Du Bois, *Black Reconstruction in America 1860-1880* (New York: Harcourt, Brace and Co., 1935) 167.

²⁰⁸ Francis Cardozo letter to George Whipple, 21 October 1865, *AMA Archives*, Amistead Research Center, Tulane University, New Orleans.

as utterly impractical” and that “few of its benefits are more than illiberal concessions.”²⁰⁹

By the end of 1866, the South Carolina legislature had largely accepted that there should be formal legal equality between black and white, though the laws against intermarriage remained in place. White-run courts would continue to treat the different races very differently when disputes came before them. But this was a significant move by the white legislators. So too was the growing acceptance in 1866 of black education. Governor Orr responded to a request for his endorsement from Francis Cardozo in October 1866 by expressing his hearty approval of Cardozo’s school.²¹⁰ At the same time, there was no sign that the white politicians of the state were willing to grant political rights to African Americans.

Cardozo and other African American leaders found it impossible to make any political progress in South Carolina in 1866. Their efforts were closely examined by African American historian, William Hine, in his 1979 dissertation on black political leadership in Reconstruction Charleston. He identified Francis Cardozo as one of a small group of black Ministers who became “the most active political leaders in the city” in 1866. The others were Benjamin F. Randolph, Richard H. Cain, Ennals J. Adams and Jonathan C. Gibbs, all incomers to South Carolina, and Robert De Large, a local tailor. Cain and Adams took on the editorship first of the *South Carolina Leader*, then of the *Charleston Journal*, both newspapers targeted at the black community but with limited circulation. Francis Cardozo spoke at churches and wrote letters to promote his school and to lament white prejudice. But none of them could take substantive

²⁰⁹ Simkins and Woody, *South Carolina During Reconstruction*, 56-59; *Charleston Courier* 7 September 1866.

²¹⁰ Letter from James Orr quoted in the *AMA Annual Report 1867*, *AMA Archives*; Chapter 4.

political action in the face of white intransigence. Joel Williamson said that the Union League, which was to play a central part in promoting voter registration among the freedmen in 1867, “possibly existed in South Carolina in 1865 and 1866.” But black priorities in these years were perforce focussed on their churches and schools and on re-establishing their lives in the aftermath of war and emancipation.²¹¹

Governor James Orr was a more serious politician than Benjamin Perry. He had been first elected to the U.S. Congress at the age of twenty-seven and was Speaker of the House of Representatives from 1857 to 1859. Like Perry, he had opposed secession, but then accepted it and served in the Confederate Senate. As Governor, he formed a good relationship with General Sickles. But his political judgement was not always sensible. He joined the southern resistance to the Fourteenth Amendment in the belief that President Johnson would win his battle with Congress over the amendment. In a letter to Governor Charles Jenkins of Georgia, he predicted that “if the President stands firm, the radicals will not dare to make the effort to impeach him and if they do, they will fail and produce a revolution in the north.”²¹² In the event, impeachment failed by just one vote in the Senate. Orr lapsed into wild exaggeration in his declaration to the state legislature concerning the Amendment that: “history furnishes few examples of a people who have been required to concede more to the will of their conquerors than the people of the South.”²¹³

²¹¹ William C. Hine, “Frustration, Factionalism and Failure: Black Political Leadership and the Republican Party in Reconstruction Charleston, 1865-1877” (PhD Dissertation: Kent State University College, 1979) 32-48; Williamson, *After Slavery*, 372.

²¹² Letter from James Orr to Governor Jenkins of Georgia, 22 October 1866, *the papers of James L. Orr*, South Caroliniana Library, University of South Carolina, Columbia, SC.

²¹³ Journal of the House of Representatives of the State of South Carolina, Regular Session 1866, quoted by Simkins and Woody, *South Carolina During Reconstruction*, 62.

The evidence of white hostility to the freed people of South Carolina in the years after the war was compellingly consistent, in the contemporary accounts of visitors to the state, in the letters which Francis Cardozo sent to the American Missionary Association from his school in Charleston and in the words of the witnesses before the Congressional Joint Committee on Reconstruction in 1866. Sidney Andrews observed: "I believe the most charitable traveller must come to the conclusion that the professed love of the whites for the blacks [before the war] was mostly a monstrous sham or a downright false pretence." Willard Saxton, Rufus's brother and his assistant on the Sea Islands, wrote that all the members of the state legislature he met would do was talk about "the damned nigger and the damned Yankee." Francis Cardozo wrote to the AMA that "the feeling of hate toward the colored people seems to me fiendish." Rufus Saxton told the Joint Committee that, without the presence of the Freedmen's Bureau, "the purpose of the former masters would be to reduce them (the freedmen) as near to a condition of slave as it will be possible to do." Another witness, Captain Alexander Ketchum, assistant adjutant general to Bureau Commissioner, General Oliver Howard, reported on the hostility directed towards freed people of mixed race. He described "an intense and peculiar feeling of hate existing on the part of the whites towards colored persons of this class ... an inner feeling that will perhaps never be allayed."²¹⁴

²¹⁴ Andrews, *The South Since the War*, 255; Willard Saxton's Journal for 22 November 1865 (Saxton Papers, held in Yale University's Manuscript Collection, MS431, Series II, Box 6); Francis Cardozo letter to AMA, 21 October 1865; *Joint Committee Report* 218-219, 236-237.

The Freedmen's Bureau in South Carolina

Saxton and Ketchum were both arguing the case for the Freedmen's Bureau to continue its role in support of the freed people. They knew that the Bureau was the focus of almost as much white hostility as the freed people themselves. It was controversial from its establishment in March 1865, in Congress as well as in the South. Its range of responsibilities was potentially enormous, and it never received adequate funding. A minority report by Democrats on another Joint Committee of Congress sitting in 1872 described the Bureau's agents as "a class of fanatics without character or responsibility ... instruments to execute the partisan and unconstitutional behests of a most unscrupulous head (General Howard)." By contrast, W.E.B. Du Bois said that "the Freedmen's Bureau was the most far-reaching institution of social uplift that America has ever attempted."²¹⁵

The reality of the Freedmen's Bureau was nowhere near either extreme. It might have approached Du Bois's vision if it had been seriously resourced, but such an ambition was not conceivable in 1865. Martin Abbott, historian of the Bureau in South Carolina, said that "In a real sense, it did not belong to the America of its day."²¹⁶ The performance of the Bureau varied from state to state, in part in relation to the effectiveness and the attitude of its lead officer. Rufus Saxton, the Assistant Commissioner for South Carolina in the Bureau's first year, was both effective and sympathetic to the needs of the freed people. Many Bureau officers did their best to respond to the freed people's most urgent priority after emancipation, to trace members of their families sold

²¹⁵ *Report of the Joint Select Committee to Enquire into the Condition of Affairs in the Late Insurrectionary States*, House Report 22, Second Session of the Forty-second Congress (Washington: Government Printing Office, 1872) 441; Du Bois, *Black Reconstruction*, 223.

²¹⁶ Martin Abbott, *The Freedmen's Bureau in South Carolina 1865-1872* (Chapel Hill: University of North Carolina Press, 1967) 133.

away during slavery. The Bureau distributed twenty-one million sets of rations to freed people and poor whites across the South, three million in South Carolina alone. John De Forest said of his experiences as an agent of the Bureau in Greenville, South Carolina, that “I had far more applications for food and money from this class [poor white families] than from my proper constituents, the freedmen.”²¹⁷

Most recent historians have shared Martin Abbott’s assessment of the Bureau as a qualified failure, undermined by lack of federal support and funding. William McFeely, biographer of Oliver Howard, was harsher, in concluding that the Bureau was undermined by Howard’s “naiveté, lack of understanding of national politics and timidity.”²¹⁸ On balance, McFeely was unduly severe. In South Carolina, the Bureau’s economic role was of significant benefit. Its officers supervised the making of 375,000 labour contracts between landowners and freedmen. These contracts variously involved wage labour, tenancy and sharecropping. In the three years after the war, the Freedmen’s Bureau “performed creditably in providing food, clothing and medical care,” in William Hine’s modest assessment.²¹⁹

In education, the Bureau’s success is less a matter for equivocal judgement. Oliver Howard saw education as the foundation of the Bureau’s efforts to help the freed people. He was personally very close to the leadership of the American Missionary Association. By Martin Abbott’s estimate, the Bureau helped maintain eighty-five schools in South Carolina, working with the AMA and other northern charities. Joel Williamson quoted Howard’s estimate that

²¹⁷ De Forest, *A Union Officer*, 140; Abbott, *The Freedmen’s Bureau*, 131.

²¹⁸ Abbott, *ibid*, 135; William S. McFeely, *Yankee Stepfather: General O.O. Howard and the Freedmen* (New York: W.W. Norton and Co., 1994; first published 1968) 8

²¹⁹ Hine, “Frustration, Factionalism and Failure,” 29; Chapter 6.

20,000 pupils were enrolled in Bureau and private schools in South Carolina in mid-October 1867.²²⁰ The Bureau gave essential practical support to Francis Cardozo and others in developing their own schools. Cardozo sought the Bureau's help in finding a building for his first school in 1865. Rufus Saxton found the building and Cardozo named it the Saxton School. The Bureau would help again when the school had to move to new premises in 1866. Howard and Saxton provided moral support too, as the first white visitors to the school in October 1865. Reuben Tomlinson, the Superintendent of Schools for the Bureau in South Carolina, was a frequent presence, appearing regularly in Francis Cardozo's letters to the AMA as a source of moral and practical support.²²¹

By mid-1866, the white newspapers of the South had begun to accept black education as one of the few positive outcomes of the early years of Reconstruction. The *Charleston Daily News* reported at length on progress at Francis Cardozo's school, "Mr Cardozo is clearly a good disciplinarian and ... has accomplished much in a short period of time." By October, Cardozo had persuaded James Orr and several other white political leaders to write positively about his school.²²² Given the hostility in the white population to education for black children before and after the war and the pre-war state ban on the teaching of enslaved children, this was an enormous advance for which the Bureau deserves its share of credit. Education was to be one of the few lasting successes of Reconstruction and the Freedmen's Bureau played a critical part in its achievement.

²²⁰ Egerton, *The Wars of Reconstruction*, 155-165; Abbott, *ibid*, 131; Williamson, *After Slavery*, 213.

²²¹ Francis Cardozo letters to George Whipple, 18 August and 21 October 1865 and 27 January 1866 and others quoted in Chapter 4, *AMA Archives*.

²²² *Charleston Daily News* 31 May 1866; *AMA Annual Report for 1867*.

The years of 1865 and 1866 provided for a difficult beginning for Reconstruction in South Carolina and the other southern states defeated in the Civil War. Abraham Lincoln's Proclamations, of Emancipation and of Amnesty and Reconstruction in January and December 1863, had opened the door to the freed people and to those who wished to help secure their rights as citizens. Andrew Johnson, all the while claiming to follow Lincoln's lead, did his best to push the door shut again. He gave encouragement to the white leaders of the South who wished to keep the door firmly shut but his political strategy was so incompetent that Radicals in Congress were able to push him to one side. South Carolina's leaders treated black requests for fair treatment with contempt and resisted any suggestion of a political role for African Americans. A Committee of Congress compared the continuing disloyalty of the white populations with the commitment of the freed people to the union.

Yet the walls put up by racism and of white supremacy had begun to weaken by 1867. South Carolina and its neighbours were forced to abandon their Black Codes. The state legislature recognised legal equality for the freed people. White newspapers and white politicians, Governor Orr included, began to accept the value of education for black children. The Freedmen's Bureau, bitterly resented as it was by many white people, nonetheless prevented starvation for thousands of poor families, black and white. It played a major role in the development of schools where almost none had existed before. Francis Cardozo and other black leaders who worked with the Bureau had almost no opportunities to provide political leadership in South Carolina, but their names had become increasingly well-known by the end of 1866.

Francis Cardozo would be well placed to move into open political activity when the world changed with the Reconstruction Acts of 1867. The legislation would

force the state's white leadership to stand aside and accept black suffrage. Cardozo would be the first African American leader to be elected in the Republican government delivered by black voters in 1868, though he would soon be followed by others. The racism and white supremacy that had characterised South Carolina's white leaders in the first years after the war would be subject to a measure of control during Reconstruction. But they would remain in place, suffusing white resistance to the efforts of Francis Cardozo and his colleagues to transform the state and eventually securing their defeat. The brief moment in the sun was on its way, the move back toward slavery waiting to follow.

Chapter 4

The Early Years of Reconstruction

“In the history of education, there has perhaps never been a people more willing to receive its benefits than the South Carolina Negro,” wrote Francis Simkins and Robert Woody, historians of South Carolina who were far from sure that educating black children during Reconstruction was a good thing.²²³

Francis Cardozo had no doubts about the value of a Christian education both for children born in slavery and for those who had been born free. He wrote to George Whipple, joint secretary of the American Missionary Association, soon after he had opened their school in Charleston, in October 1865: “If I can influence and shape the future life of this great number (of children), if I can cause them to love and revere Christ, I could not aspire to a nobler work.”²²⁴

Education was Cardozo’s first priority during the early years of Reconstruction but he was politically ambitious too. When the Reconstruction Acts of 1867 opened the door to him and other African American political activists, he quickly walked through, first in active support of the Republican Party, next as a delegate to the Constitutional Convention in January 1868, then to be elected Secretary of State in April that year.

This chapter will look at Cardozo’s experience as an educator and aspiring politician and at the racism and hostility which he and other black politicians

²²³ Francis B. Simkins and Robert H. Woody, *South Carolina During Reconstruction* (Chapel Hill: University of North Carolina Press, 1932) 426.

²²⁴ Francis Cardozo letter to George Whipple, 21 October 1865, *Archives of the American Missionary Association*, Amistead Research Center, Tulane University, New Orleans.

encountered during these early years of Reconstruction. They faced white politicians who believed that “God created the African inferior to the white man in form, color and intellect and no legislature or culture can make him equal.”²²⁵ They sought to deal with such hostility with reason and courtesy and have been accused by historians in recent years of too cautious an approach, of relying too much on winning the support of white political leaders. There were also tensions within the black community, between those who had been free before the war, often of mixed race and educated, as Cardozo was, and those who had been enslaved, usually darker-skinned and with little pre-war education.

Cardozo was in the mix of these tensions. He faced most of the same barriers as other black leaders of his time. He was as cautious as any and well aware of the risks of conflict within the black community. At the same time, he was confident that he could succeed and that he could demonstrate his success to those he wished to impress, black and white. His school was to be the best in Charleston and to be recognised as the best by the white authorities. He believed that he and other black political leaders were just as capable as their white peers, as is clear from his letters and from the speeches he later made. Given the chance, they would succeed and show the whites who would listen that they could do so. The letters that he wrote to the AMA while he ran their school, now preserved in the Association’s archives, give a precious insight into his thoughts and ambitions. Together with the newspapers of the time, almost all white-owned, sometimes positive, often patronising and sometimes hostile, they provide a running commentary on the transition from the Confederacy to Republican government in South Carolina.

²²⁵ Benjamin F. Perry, letter to the *New York Times*, 7 October 1866.

Cardozo's return to the United States 1864-65

Cardozo returned to the United States from Britain in May 1864, when the first steps towards Reconstruction were under way in Washington and in the Border States. For the moment, excepting the Sea Islands, South Carolina was still committed to the war and the Confederate cause. Cardozo could not return to his home state while the war raged, though it was his plan to do so and to become an educator there.²²⁶ In the meantime, it seems that his first priorities were to find a job and a wife and to begin his political career. In July, the Committee of the Temple Street Congregational Church in New Haven, Connecticut (now the United Church of Christ, Dixwell Avenue, New Haven) invited him to become Pastor of the church at a salary of \$650 a year. Temple Street was “the foremost negro church in New Haven,” a centre of abolitionism since its foundation in 1829. He accepted the invitation in August.²²⁷

In December the same year, after what appears to have been a whirlwind courtship, he married Catherine Howell, a New Haven resident. A photograph of Catherine is reprinted below taken from a collection of portraits and photographs of South Carolina published recently by E. Louise. Catherine was the daughter of an English woman and a West Indian man, and a member of the choir in Cardozo's church, according to the unpublished novel by their son, Francis Cardozo Jr, “Folk's Ways”.²²⁸

²²⁶ Letter to Michael Stieby, 13 August 1866. *AMA Archives*.

²²⁷ Robert A. Warner, *New Haven Negroes: A Social History* (New Haven: Yale University Press, 1940) 80-83, 91-93; exchange of letters between W. Bouchett, Clerk to the Temple Street Church, 10 July 1864, and Francis Cardozo, 5 August 1864, from the records of the Dixwell Avenue Congregational United Church of Christ, New Haven CT.

²²⁸ E. Louise, *Reflections: A Pictorial History of Certain People of South Carolina 1840s–1940s* (Columbia SC: Phoenix Publishers, 2009) 24; Edmund L. Drago, *Initiative, Paternalism and*



Cardozo moved equally quickly to make his mark in black politics, as a representative of Connecticut at the National Convention of Colored Men in Syracuse, New York, in October 1864. The Convention was one of a series of state and national conventions which began in the 1830s, concerned initially with the abolition of slavery. The Syracuse convention was the most ambitious, inspired by the Civil War and the prospect of President Lincoln's re-election. It had one hundred and fifty delegates, from eighteen states, including seven from the South (though not South Carolina), the first convention with such broad representation. The Convention elected Frederick Douglass as its president.

Cardozo can hardly have been known at the start of the Convention, but he served on its Business Committee and won election as one of the vice presidents of the National Equal-Rights League which the Convention resolved to create. The Convention issued a *Declaration of Wrongs and Rights*, calling

Race Relations: Charleston's Avery Normal Institute (Athens: University of Georgia Press, 1990) 46; Francis L. Cardozo Jr., "Folk's Ways" (unpublished and undated) 20.

for the abolition of slavery in the name of the opening words of the Declaration of Independence, “we declare that all men are born free and equal.” It also published an *Address to the People of the United States*, quoting President Lincoln, that 200,000 colored men “are now in the service in the army and navy of the United States,” and calling for equal rights and the right to vote.²²⁹

The delegates clearly saw that they had to appeal to the white government and to white voters, with slavery still in existence and the Civil War not yet won. The historian Vincent Harding has said that the black leaders of the Convention, Frederick Douglass included, were too much in thrall to white power and too willing to appeal to the “generosity” and “Christian spirit” of white leaders who had shown neither in their treatment of African Americans hitherto.²³⁰ Harding was writing with the benefit of hindsight and the knowledge that Reconstruction would be defeated and followed by Jim Crow. At the time, it would have been hard for Francis Cardozo and the other delegates to see an alternative approach, with all political power in white hands and no prospect of black suffrage. The new National Equal-Rights League went on to campaign against discrimination in non-Confederate states in the years after the war. Cardozo was himself active in the league while he remained in Connecticut. It had limited initial success, but it was not an effective national body. It lost its membership to the National Association for

²²⁹ *Proceedings of the National Convention of Colored Men*, Syracuse, New York, 4-7 October 1864, reprinted with a bibliographical note by Maxwell Whiteman (Philadelphia: Historic Publications, 1969).

²³⁰ Vincent Harding, *There is a River: The Black Struggle for Freedom in America* (New York: Vintage Books, 1983) 246-9.

the Advancement of Colored People in the early years of the twentieth century.²³¹

Cardozo took other opportunities to pursue the cause of racial equality and to make his name known. In April 1865, he was nominated a vice president of the National Lincoln Monument Association, established in Washington D.C. “for the sole purpose of erecting a Colored People’s National Monument to the memory of Abraham Lincoln.”²³² On 6 June, he spoke at a convention in the African Methodist Episcopal Bethel Church in New Haven which had been called “for the purpose of organising a State Equal-Rights League (for Connecticut), auxiliary to the National Equal-Rights League.” He was Secretary of the Business Committee; he “read the reports adopted by the Convention and made a few eloquent remarks on the importance of the League.” The *Christian Recorder*, a newspaper of African American politics, was following and reporting on his activity.²³³ He was making a name for himself in black politics in Connecticut, but his ambition was to return to South Carolina, to play his part in Reconstruction. The American Missionary Association would provide him with the means to do so.

The AMA had been founded in 1846 to lead campaigns against slavery and to “purge the churches of the stain of slavery.” The Association began sending missionaries and teachers to the South to provide support and education for “the contrabands” freed by Union occupation, in 1861, including to the Sea Islands of South Carolina. Its work grew rapidly after the war in response to the intense demand of the freed people for education. By mid-1865, it had 252

²³¹ Eric Foner, *Reconstruction: America’s Unfinished Revolution 1863-1877* (New York: Harper and Row, 1988) 27-28.

²³² *Christian Recorder* 15 July 1865, in Accessible Archives’ *African American Newspapers Collection*.

²³³ *Christian Recorder* 8 July 1865.

teachers across the South, by 1868, 532.²³⁴ Many of the teachers employed by the AMA and other northern societies were white women from the north east, following the example of their husbands and brothers who had fought for the Union.²³⁵ There were relatively few educated black teachers available to meet the demand. Francis and his brother, Thomas, who had been a teacher in New York and went to Charleston in April 1865 as the first AMA school Principal there, were unusually well qualified non-white teachers.²³⁶

In June, Francis applied to the AMA to work for them in South Carolina. They accepted him on the recommendation of Henry Ward Beecher, the populist clergyman and abolitionist.²³⁷ On 5 July, he wrote to George Whipple to confirm that he had resigned as Pastor of his church and that he would be ready to go to Charleston on 1 August.²³⁸ Also on 5 July, he wrote to the Committee of the Temple Street Church to resign with effect from 1 August, telling them that “the sole reason that has induced me to take this step is my conviction that it is my duty to enter the larger and more destitute fields of labor in the South, and assist in the moral and religious elevation of the thousands of Freedmen who, in the Providence of God, have obtained their liberty.”²³⁹ He was not one to take himself lightly either then or later in his career. He went first as a Christian teacher, but he saw political action as part

²³⁴ Joe M. Richardson, *Christian Reconstruction: The American Missionary Association and Southern Blacks, 1861-1890* (Athens: University of Georgia Press, 1986) vii, 19, 37.

²³⁵ Foner, *Reconstruction*, 144-5.

²³⁶ Drago, *Initiative*, 45-46.

²³⁷ Joe M. Richardson, “Francis L Cardozo, Black Educator During Reconstruction,” *Journal of Negro Education*, Vol. 48, No. 1 (winter 1979) 73-83.

²³⁸ Francis Cardozo letter to George Whipple 5 July 1865, *AMA Archives*.

²³⁹ Francis Cardozo letter to the Committee of the Temple Street Church (Dixwell Church records).

of his mission. The *Christian Recorder* welcomed him to Charleston on 26 August.²⁴⁰

Cardozo in South Carolina in 1865

Francis probably expected to work alongside his brother, Thomas, when he applied to work for the AMA in Charleston. Thomas was developing the AMA's school there, first known as the Tappan School, after Lewis Tappan, a New York abolitionist who had been one of the founders of the Association. Thomas did a good job according to Lee Drago, historian of the Avery Institute, the modern-day version of the Avery School, successor to the Tappan School, which Francis was to found in Charleston.²⁴¹ Thomas's biographer, Euline Brock, was more equivocal, quoting his "sense of superiority and distaste for the lower classes (among the freedmen)" and his "penchant for irritating and disagreeing with his colleagues."²⁴² In any case, Thomas was in trouble with his employers by the time Francis arrived in Charleston. The AMA had learned of an affair between Thomas, who was married, and one of his female students in his previous job as a teacher in Flushing, New York. Francis's first task for the Association in Charleston was to discuss his brother's affair with him.

He reported to George Whipple and Michael Strieby, the two joint secretaries, on 18 August that Thomas had shown "a weakness of moral and religious principle and thoughtlessness" but he had "not been deliberately wicked"; the young woman had been "wilful and immodest". Thomas was guilty of only this one sin and had not "misappropriated one cent of the funds of the

²⁴⁰ *Christian Recorder* 26 August 1865.

²⁴¹ Drago, *Initiative*, 42, 48.

²⁴² Euline M. Brock, "Thomas W. Cardozo, Fallible Black Reconstruction Leader," *Journal of Southern History*, Vol. 47 (May 1981) 187-189.

Association.”²⁴³ The AMA leaders were not impressed. They dismissed Thomas and appointed Francis as Principal of the Tappan School in his place, at a salary of \$900 a year. In view of Thomas’s subsequent career and his reputation for corruption in office as Superintendent of Education in Mississippi, this decision probably showed good judgement on the part of the AMA. In the short term, Thomas went into business as a grocer in Charleston, advertising regularly in one of the few local newspapers sympathetic to African Americans, the *South Carolina Leader*, in late 1865 and 1866.²⁴⁴

Francis was now in the job that was to provide the starting point for his career in Charleston and his reputation as one of the leading figures in the black community. His first priority was to re-open the AMA’s school and he was able to do so with the help of General Rufus Saxton, Assistant Commissioner for the Freedmen’s Bureau for South Carolina. He re-named it the Saxton School, “after our kind friend, Gen Saxton, who gave us the building.” On 10 October 1865, Cardozo wrote to Samuel Hunt, Superintendent of Schools for the Association, that he had opened the school on 4 October. In the absence of northern teachers who had not yet arrived, he had recruited local teachers, including Mary Weston, a teacher of black children in the city before the war, and Frances Rollin, a member of a leading black family in Charleston.²⁴⁵ Mary Weston was the daughter of Jacob Weston, a wealthy black tailor in the city. Weston was a prominent name among free African Americans in Charleston, and it is not clear whether Mary was related to Francis’ mother, Lydia Weston,

²⁴³ Letter to George Whipple and Michael Strieby, 18 August 1865, *AMA Archives*.

²⁴⁴ *South Carolina Leader*, 25 December 1865 to 12 May 1866.

²⁴⁵ Letters to Samuel Hunt, 10 October and 30 December 1865, *AMA Archives*.

who had been (illegally) freed by the will of her master, Plowden Weston in 1826.²⁴⁶

Cardozo's school had 500 pupils within a week of opening. In his letter to Samuel Hunt on 10 October, he was confident that "my school bids fair to be one of the finest in the city, white or colored." His letters to the AMA were particularly revealing during his first eighteen months in Charleston. He was excited, sometimes depressed and ill-tempered but often inspired by his first experiences in the post-war South. He sounds remarkably mature though he was just 28 when he returned to Charleston. He was fiercely ambitious for his school and determined to impress white observers who came to visit. By 21 October, the school had 700 scholars and Cardozo reported to George Whipple on a successful visit by General Oliver O. Howard, Commissioner of the Freedmen's Bureau, Rufus Saxton, and Reuben Tomlinson, the Bureau's State Superintendent of Schools. At the same time, Cardozo was deeply conscious of the racism and white supremacy he faced. His letter spoke of local white politicians who were "still disloyal at heart" and showing "fiendish hatred" but "the colored people are formed into leagues and are determined not to submit so tamely as they did before the war."²⁴⁷

In November, a Colored People's Convention was held at Zion Church in Charleston with forty-five delegates from across the state, to make representations to the state legislature as it considered the new constitution proposed by the official white Convention which had met in September. Cardozo was an honorary delegate to the Colored People's Convention

²⁴⁶ Drago, *Initiative*, 39-40; Amrita Chakrabati Myers, *Forging Freedom: Black Women and the Pursuit of Liberty in Antebellum Charleston* (Chapel Hill: University of North Carolina Press, 2011) 67-69; Chapter 2.

²⁴⁷ Letter to George Whipple, 21 October 1865, *AMA Archives*; Chapter 3.

together with Martin Delany, a well-known pre-war political activist, the first African American officer commissioned in the Union Army, now working for the Freedmen's Bureau, and the Reverend Richard Cain of the African Methodist Episcopal Church, editor of the *South Carolina Leader*. The Convention did not seek confrontation with the white legislature. Its address to the people of South Carolina spoke to: "friends and fellow-countrymen, who desire to live among you in peace ... we ask only for even-handed justice". Its tone was strikingly moderate and conciliatory, as the national convention in Syracuse had been a year before. The Convention also published an Address to the state legislature calling for equal suffrage and a Memorial to the national Congress which protested "against any code of black laws the legislators of this state may enact". The South Carolina legislature paid no attention to the Colored People's Convention and passed South Carolina's Black Code into state law at the end of November.²⁴⁸

For Francis Cardozo, return to Charleston had brought an exciting new job, evidence of massive enthusiasm for education among the freed people and equally strong evidence of continuing hostility in the white population. He joined other aspiring black leaders in calling for recognition and a civilised response from the white leadership of South Carolina. They were ignored. Cardozo and his peers would have little opportunity to shift the political ground in the immediate future. But he could make progress with his school and show what he and the children he taught, both those born free and those born in slavery, could achieve. He could also support the new black churches in

²⁴⁸ Thomas Holt, *Black over White: Negro Political Leadership in South Carolina During Reconstruction* (Urbana: University of Illinois Press, 1977) 10-19; Bernard E. Powers Jr., *Black Charlestonians: A Social History 1822-1885* (Fayetteville: University of Arkansas Press, 1994) 82-84; *Proceedings of the Black State Conventions 1840-1865*, edited by Philip S. Foner and George E. Walker, Vol. 2 (Philadelphia: Temple University Press, 1980) 298-302; Chapter 3.

Charleston. These would be his priorities until the political landscape changed.²⁴⁹

Progress at Saxton School

The first issues which Cardozo faced in his school in the winter of 1865/66 were practical. On 6 November, he pressed the AMA to agree salaries for his teachers, at \$25 a month for those he termed “ordinary teachers”, the going rate for teachers in comparable schools. He asked for \$30 for Mary Weston and Frances Rollin, who were “much above the average”, and \$40 for William Weston, Mary’s cousin, “being a male.” He was worried that other schools would poach his best teachers unless they were better paid. The AMA approved the extra payment for William Weston, but not for Mary Weston or Frances Rollin who had to make do with \$25.²⁵⁰ The fact that all three were African American was not mentioned. The school continued to attract more children. At the beginning of December, there were 950 and Cardozo asked the AMA for more teachers. He proposed to employ his brother-in-law and his sister, Eslanda, Mr and Mrs C.C. McKinney.²⁵¹ On 30 December, Cardozo’s monthly report recorded a total of 1,050 scholars with an average attendance of 775 in December. He reported progress at the school as very good.²⁵²

He continued his campaign to win white admirers. On 2 December, he wrote to Samuel Hunt about several important visitors who had been impressed with the school. They included Rufus Saxton and John Richard Dennett, correspondent of a national magazine, *The Nation*, successor to *The Liberator*.

²⁴⁹ Letters to officers of the AMA, October to December 1865, *AMA Archives*, passim.

²⁵⁰ Letters to William Whiting, 6 November and 22 November 1865, *AMA Archives*.

²⁵¹ Letter to Samuel Hunt, 2 December 1865, *AMA Archives*.

²⁵² Monthly Report on Saxton School, 30 December 1865, *AMA Archives*.

Dennett was a young Harvard graduate who had participated in the Sea Islands experiment as a superintendent of plantations. *The Nation* employed him to travel through the South in 1865 and 1866, to report on what he found there. Dennett wrote positively of both Francis Cardozo and Mary Weston and of the school, though not by name, referring to the head-master as “a colored man and a graduate of the University of Glasgow” and to “a free colored girl who had run classes for “forty or fifty free colored girls in her own house” before the war, despite harassment by the city authorities.²⁵³

Cardozo’s letter of 2 December included a serious complaint to Hunt, with whom he had a difficult relationship. His complaint was that Hunt had told two new teachers, Mrs Wall and Miss Alexander, that Cardozo had requested that he not send him any “colored” teachers. The women were northern and colored and “they naturally felt much hurt.” Cardozo insisted that his request had been for northern teachers: “it was and still is perfectly indifferent to me whether they are white or colored, all I ask is that they be competent for their work, and when I made the request I did so because northern teachers are more competent than southern ones.” He asked Hunt for “a written correction of this mistake that I may show these ladies; for if such a report were to be circulated in the city, it would hurt my influence very much.” In case Hunt had any doubt of how seriously he took the accusation, he ended his letter: “I am sure you would not willingly do me the injustice of supposing me guilty of such unchristian conduct as requesting competent persons to be denied positions on account of their color. And indeed, such conduct would be specially foolish and suicidal on my part.”

²⁵³ Letter to Samuel Hunt, 2 December 1865, *AMA Archives*; John Richard Dennett, *The South As It Is 1865-66* (New York: Viking Press, 1965; published as a series of articles by *The Nation* in 1865-66) vii-viii and 217.

There is no evidence that the accusation became public. Joe Richardson, writing of Cardozo's success as an educator, said that "there were very little racial problems among the faculty" and that Cardozo was able "to preside over both the school and home with dignity, intelligence and fairness," whereas Hunt "showed a lack of respect for the blacks." Lee Drago thought that Hunt wrongly believed that Cardozo preferred northern teachers because they were likely to be white. More generally, Cardozo considered that Hunt was slow in sending him the teachers that he needed and that some of them were not good enough. Hunt's view was that Cardozo was spending too much of the AMA's money. In this case, Cardozo won his point, since he ended another letter to Hunt, on 9 December, with the words: "I thank you for the gentlemanly manner in which you have corrected the error concerning Mrs Wall and Miss Alexander."²⁵⁴ He also secured a pay increase for Mary Weston later in December, though not for Frances Rollin who left in January, "to take up a position in another school at a much larger salary."²⁵⁵ Cardozo was not the only one who disliked Hunt's approach to the work of the AMA. Edward Parmelee Smith, known as E.P., who was to have a major influence on the Association's work and to be President Grant's Commissioner for Indian Affairs, became exasperated with Hunt's delays in appointing teachers. He took oversight of his responsibilities in June 1866 and Hunt resigned from the AMA at the end of the year.²⁵⁶

1866 began with the bad news that Rufus Saxton had been dismissed as Assistant Commissioner of the Freedmen's Bureau. Cardozo blamed local white

²⁵⁴ Letters to Samuel Hunt, 28 October and 9 December 1865, *AMA Archives*; Richardson, "Francis L. Cardozo," 76; Drago, *Initiative*, 65.

²⁵⁵ Letters to William Whiting, 30 December 1865 and 31 January 1866, *AMA Archives*.

²⁵⁶ William H. Armstrong, *A Friend to God's Poor: Edward Parmelee Smith* (Athens: University of Georgia Press, 1993) 140-142.

politicians for his removal, though it is equally likely that it reflected President Johnson's belief that the Bureau's officers were too sympathetic to the interests of the freed people.²⁵⁷ Cardozo told George Whipple that "the colored people all feel very sad, because they had unbounded confidence in Gen. Saxton." Meetings were held at Zion Church to express those feelings. "5 to 10,000 people contributed pennies and five cent pieces," to make farewell presentations to Saxton. In this letter, Cardozo responded to a request for stories about the freedmen, which would be "interesting to their friends" and presumably useful for the AMA's fund-raising. Cardozo wrote that there was "so much destitution and suffering down here and we are kept so busy in endeavouring to alleviate such cases in addition to our other work that we have not had time to stop to describe them." He described how hard his staff were working: an "excellent corps of teachers," who "deserve the highest praise." Though upset about Saxton, he was encouraged by the reports he had heard about the new Assistant Commissioner, General Robert Scott, who "is very much pleased with the schools."²⁵⁸

In the same letter, Cardozo reported that northern visitors to the school always went away "very pleasantly surprised." But he had:

never had a single visit from a Southerner, they pass by the door and can scarcely conceal their rage when they hear the children singing. One woman, very finely dressed and apparently quite lady like, stopped at the door the other day, while the children were singing, and said, "Oh, I wish I could put a torch to that building! The niggers!"

²⁵⁷ Joel Williamson, *After Slavery: The Negro in South Carolina During Reconstruction 1861-1877* (New York: W.W. Norton and Co., 1965) 84.

²⁵⁸ Letter to George Whipple 27 January 1866, *AMA Archives*.

While the children were rehearsing a song for the presentation to Rufus Saxton,

a white man came to the door in a quick and excited manner; I soon recognised the person to be a prominent Rebel of the chivalrous aristocracy of South Carolina. He said, “this school is a damned nuisance, why are you making all this noise disturbing the neighbours?”

Fortunately, Cardozo’s school was not physically attacked though many others were, as two historians of the period recorded. Leon Litwack said that: “in nearly every part of the South, but especially in the rural districts, the destruction of schoolhouses, usually by fire, only begins to suggest the wave of terror and harassment directed at the efforts to educate blacks.” He quoted examples of arson and violent attacks on teachers in Arkansas, Mississippi, Louisiana, North Carolina and Georgia. Douglas Egerton said that “in rural areas, where few soldiers were stationed (to protect them) schools turned to ashes at a frightening rate,” in Alabama, Texas, Florida and South Carolina.²⁵⁹

Urban areas such as Charleston were relatively less at risk of such violence. Francis Cardozo was not one to give up on the cause of winning white support for his school and he began to see more encouraging signs early in 1866. On 10 March, he was able to tell Samuel Hunt that he had at last received two visits from white southerners, including three Episcopalian ministers and George Trenholm, previously Treasury Secretary for the Confederacy. The Episcopal Convention of South Carolina had appointed them to a Committee to establish schools for colored children. The visitors “expressed themselves very much

²⁵⁹ Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Vintage Books, 1979) 487-501; Douglas R. Egerton, *The Wars of Reconstruction: The Brief Violent History of America’s Most Progressive Era* (New York: Bloomsbury Press, 2014) 155-165.

pleased both with our methods of teaching and the efficiency and behaviour of the scholars. They certainly seemed much surprised.” Cardozo also met a white lawyer in Charleston, a friend of Governor Orr, who was “in favour of a Common School System for the state for both white and black”. Cardozo was immensely encouraged: “I think that such things are the first movings of the waters in the formation of a public opinion in favour of educating the colored people and giving them their rights.”²⁶⁰

Cardozo wrote to the *New York Times* about the visits and the positive comments of George Trenholm and his companions. The *Times* saw the letter as “a pleasing indication of the progress of loyal sentiments and friendship for the colored people on the part of the citizens of that state.” The *Times* comment was premature, though the visits reflected a significant shift in white attitudes to black education. Cardozo would have been pleased about the reference to him: “Rev Mr Cardozo is himself colored and a gentleman of scholarly attainments. He studied at the University of Glasgow in Scotland. He is managing the schools in Charleston with great success.”²⁶¹ The AMA’s annual report for 1866 reprinted the letters and described “the schools at Charleston” as “among the best under our care”.²⁶² In its annual report the following year, the AMA was pleased to be able to quote a lengthy report in the *Charleston Daily News* of another visit on 31 May 1866, organised by Reuben Tomlinson.

²⁶⁰ Letter to Samuel Hunt, 10 March 1866, *AMA Archives*; Heather Andrea Williams, *Self-taught: African American Education in Slavery and Freedom* (Chapel Hill: University of North Carolina Press, 2005) 180.

²⁶¹ *New York Times* 21 March 1866.

²⁶² AMA Twentieth Annual Report 1866, *AMA Archives* 27-28.

The report listed among those present General Scott and George Trenholm and several local dignitaries, white and colored. The tone of the report would now read as highly patronising:

The upper-tendom of colored Charleston was out in full force. Their handsome, intelligent faces and really elegant dress presented a very fine appearance. The scene was novel; colored exhibitions in Charleston are still in their infancy the greatest attraction to our best colored society is the fact that the Normal School is the *recherché* seminary to which all the aristocracy send their children. About three fourths of the scholars are Freedmen, the remaining fourth is composed mainly of those who were born free, and who now constitute an aristocracy of color. They were all very neat and clean, well-dressed and bore themselves throughout the exercises with great credit to themselves and their teachers. Mr Cardozo is evidently a good disciplinarian, fully appreciative of the value of system and, by having everything reduced to method, has accomplished much in a brief period of time.²⁶³

The AMA clearly saw nothing offensive in the tone of the newspaper's report which it reproduced in full. The phrase "aristocracy of color" would provide the title for a book by Willard Gatewood about the African American elite at the end of the nineteenth century. Gatewood quoted the M Street High School which Francis Cardozo would run in Washington D.C. in the 1880s and 90s as an example of the aristocracy in action.²⁶⁴ Cardozo sought always to achieve the highest standards in education. The reference to a Normal School, that is a school for training teachers, was misleading. It was Cardozo's ambition to

²⁶³ AMA Twenty-first Annual Report, 1867, *AMA Archives*.

²⁶⁴ Willard B. Gatewood, *Aristocrats of Color: The Black Elite 1880-1920* (Fayetteville: University of Arkansas Press, 2000) 267-272; Chapter 7.

create one, but Saxton School was an elementary school, known as a Common School.

In August, Cardozo thought that he had secured funding for a new Normal School in a benefaction from AMA supporters in New Haven and he was jubilant. He told Michael Strieby that the idea of a Normal School had inspired him since his return to the country in 1864. The pupils he found in Charleston in October 1865 were not ready to be trained as teachers but, by the end of the school year, two hundred of them were. "It is the object for which I left all the superior advantages and privileges of the North and came South, it is the object for which I have labored during the past year and for which I am willing to make this place my home".²⁶⁵ Unfortunately, Cardozo's jubilation was premature; the New Haven supporters decided that they wanted a school for older children, not for teachers. It would be another year before he secured funding for his Normal School. In the meantime, another more suitable building, the Military Hall, was found for the school's second year, thanks to Reuben Tomlinson and the Freedmen's Bureau.²⁶⁶

In October 1866, Cardozo was able to secure endorsement of his school from a wide range of figures in the white establishment of Charleston and South Carolina. He asked for their support both for the school and in finding a permanent home for it. A copy of his letter to Governor Orr asking for his personal support is held in the State Archives.²⁶⁷ The AMA's annual report for 1867 quoted Orr's response and similar letters from other local worthies: Thomas Smythe, Pastor of the Second Presbyterian Church, who had

²⁶⁵ Letter to Michael Strieby, 13 August 1866, *AMA Archives*.

²⁶⁶ Drago, *Initiative*, 49.

²⁶⁷ Letter to Governor James Orr, 18 October 1866 (South Carolina Department of Archives and History).

supported Cardozo's application to Glasgow University in 1858; Charles Pinkney, Rector of Grace Church and a member of the Episcopalian Committee who had visited the school in March; George Trenholm; Theodore Wagner, another prominent white businessman; Thomas Simons, editor of the *Charleston Courier*; George Bryan, U.S. District Court Judge; Peter Gaillard, Mayor of Charleston; Lieutenant Governor William Porter, and Reuben Tomlinson. Several of them were former Confederate leaders who now gave lavish support to Cardozo and his plans for his school. Governor Orr wrote:

I heartily approve of the scheme of Mr Cardozo, to educate thoroughly the colored children of Charleston and commend him and his plans to the favourable consideration of the liberal abroad. I am satisfied he will devote himself to the work earnestly and faithfully, and merits and should receive the confidence of the public in his laudable undertaking.²⁶⁸

Cardozo's letters to the AMA after March 1866 no longer referred to white hostility to the school and the children. Bernard Powers said that there was less white hostility to black education by this time. The *Charleston Daily News* was happy enough to endorse Cardozo and his school but could still criticise northern white teachers for encouraging freedmen to assert their civil rights and for instilling "principles and ideas totally at variance with the opinions of the community in which they are obliged to live." This and other newspapers apparently now accepted education for black children, as they had not before the war, a striking change in itself. But they remained deeply hostile to the alien influence of incomers from the North, including teachers and missionaries. Before the war, northerners frequently faced attacks in South

²⁶⁸ AMA Annual Report 1867, *AMA Archives*.

Carolina as advocates of abolition. Now white critics saw them to be dangerously encouraging the freedmen to claim equal rights.²⁶⁹

For all the praise Cardozo received and its enthusiastic reporting by the AMA, there were problems within the school, hardly surprisingly given its new and precarious state and the mix of northern and southern teachers. Cardozo complained to Samuel Hunt on 30 October that the group of northern teachers sent to him for the new school year was inferior to those of the previous year, including a woman teacher who was nearly fifty and “unlikely to be strong enough to cope with the climate and the workload.”²⁷⁰ This was another instance of his long-running battle with Hunt and his continuing quest for the best teachers for his school.

It was, however, another new teacher, whom Cardozo initially welcomed, who was to pose a more serious problem within weeks of her arrival. Sarah Stansbury was an experienced teacher whom Cardozo put in charge of locally recruited teachers teaching younger children. Unfortunately, she was abrasive in her handling of the local teachers, and she challenged Cardozo’s approach to children born in slavery and those who had been free-born. The school had always had a relatively high proportion of free-born children, one fourth of the total in June 1866 rising to one half in 1867, as wealthy black families free before the war responded to the school’s success by sending their children there. By comparison, there was a very much higher proportion of children born in slavery, 90 percent of the total, at the nearby Shaw Memorial School also funded by northern missionary societies.²⁷¹

²⁶⁹ Powers, *Black Charlestonians*, 140-1, quoting *Charleston Daily News*, 30 August 1866.

²⁷⁰ Letter to Samuel Hunt, 30 October 1866, *AMA Archives*.

²⁷¹ Letter to Michael Strieby, 13 June 1866, *AMA Archives*; Drago, *Initiative*, 24, 67.

Cardozo must have been conscious that accepting free-born children, some of whom had attended schools before the war, would promote the academic success of his school. On the other hand, his reasons for moving to Charleston and his self-image, as it emerges from his letters, emphasised his commitment to help the freed people to progress. Joe Richardson said that there was “no indication that he believed his light skin made him superior to his darker brethren”.²⁷² Leon Litwack, by contrast, believed that Cardozo sought to maintain the academic reputation of the school by discriminating in favour of free-born children. Both Litwack and Lee Drago told the story of Cardozo sending home children who could not afford to pay monthly tuition fees, which he called “the fuel money” in a letter to Samuel Hunt in December 1866. Litwack accepted Sarah Stansbury’s view that this reflected Cardozo’s desire to make the school more exclusive. He was apparently unaware of the rest of the story told by Drago. Cardozo changed his mind about the children he had sent home, sent his teachers to the children’s homes to get them to return and provided books at reduced cost for children who could not afford them, free for children without fathers.²⁷³

The divisions between the free-born coloured population and those born in slavery would continue to attract attention during the later years of Reconstruction. Litwack was arguably reading rather more into Cardozo’s management of his school in 1866 than was justified at the time. It is more certainly the case that Cardozo disliked Sarah Stansbury’s challenge to his authority, as he was to reflect in a letter to E.P. Smith, after she had left the

²⁷² Richardson, “Francis L. Cardozo,” 80

²⁷³ Litwack, *Been in the Storm So Long*, 496-7; Drago, *Initiative*, 68; Letter to Samuel Hunt, 24 December 1866, *AMA Archives*; Robert C. Morris, *Reading, ‘Riting and Reconstruction* (Chicago: University of Chicago Press, 1976) 87-9.

school.²⁷⁴ The letters show a man determined to make his school a success in tense and very difficult circumstances, in the midst of a generally hostile white population and a black population many of them in desperate poverty. His life was very much in the school. He lived in the Mission Home with the non-local teachers. His wife acted as matron, giving up the role for a few months in April 1866 for the birth of their first child, George Howell on 29 July.²⁷⁵

It would be possible to see Cardozo as an early advocate of the philosophy for which Booker T. Washington would subsequently become famous (and infamous) in his efforts to win white approval for the success of his school. But he had no wish to have his school pursue industrial education in agriculture or mechanics such as Washington would promote. He did not believe that black children or adults should serve an apprenticeship before achieving equal treatment. By contrast, he wanted his school to demonstrate how capable black children were of learning as quickly and effectively as white children when given the opportunity. He and his teachers taught in classic academic subjects. Moreover, his aim, in his school as later in political life, was to play down differences within the black community, to show that they all were as good as their white neighbours.²⁷⁶

Cardozo had a much easier relationship with E.P. Smith who took over Samuel Hunt's role as Superintendent of AMA schools. It was with Smith's help that Cardozo secured the funding for the Normal School which he so wanted. Smith persuaded the trustees of the estate of Charles Avery, a Wesleyan clergyman of Pittsburgh who had died before the war leaving a large bequest to the AMA, to provide \$10,000 for the new school. In April 1867, Cardozo and his teachers

²⁷⁴ Litwack, *Been in the Storm So Long*, 495; letter to E.P. Smith, 28 May 1867, *AMA Archives*.

²⁷⁵ Letters to Samuel Hunt, 2 May and 13 September 1866, *AMA Archives*.

²⁷⁶ Chapter 7 for further discussion of Booker T. Washington

moved into a house on Bull Street, Charleston (still the site of the Avery Institute today), though it was to be another twelve months before the new building was ready.²⁷⁷ Cardozo's letters were less revealing in the early months of 1867. He had more experience by then of running his school and less need to share his anxieties. He was also less pre-occupied with the school as the political world around him was beginning to change dramatically.

There had been few opportunities in 1866 open to Cardozo and the other aspiring African American political leaders in South Carolina who had attended the Colored People's Convention in November 1865. William Hine, whose dissertation on black politics in Charleston between 1865 and 1867 offered a detailed account of the period, described their difficulties as: "massive well-unified white intransigence and obstinance (sic), conditioned by extreme racism and paternalistic attitudes, which prevented blacks from gaining entry to the political arena". A group of black clergymen took the lead in such opportunities as they could, including Francis Cardozo.²⁷⁸ The passage of the first Reconstruction Act in March 1867 transformed their prospects with the promise of black suffrage and a new constitutional convention. 1867 would be, in Eric Foner's words, an "annus mirabilis" for black politicians in the South, inspiring them with "a millennial sense of living at the dawn of a new era."²⁷⁹ Francis Cardozo now saw the opportunity for which he had prepared himself since his return to the United States and he moved quickly to put himself in the front line of the new politics.

²⁷⁷ Drago, *Initiative*, 50-51; Letter from Thurston Chase to E.P. Smith confirming the purchase, 29 March 1867, *AMA Archives*.

²⁷⁸ William C. Hine, "Frustration, Factionalism and Failure: Black Political Leadership and the Republican Party in Reconstruction Charleston 1865-1867" (PhD dissertation: Kent State University, 1979) 47-48; Chapter 3.

²⁷⁹ Foner, *Reconstruction*, 281-282.

Radical Reconstruction in South Carolina

On 7 March 1867, just five days after the first Reconstruction Act became law, the first Republican Party meeting took place at the Military Hall in Charleston (strikingly, the former home of the Saxton School). The meeting elected a Committee of Thirteen to draft a Party platform. Twelve members of the Committee were black, among them Benjamin Randolph, Robert De Large and Francis Cardozo. The Committee in fact had fourteen members since there were also two white members, one of them ex-officio as the chairman of the party meeting, H. Judge Moore, editor of the *Charleston Advocate*. The Committee proposed a platform with fifteen resolutions, including: the establishment of common schools without distinction of race; improvements to railroads and canals; the sale of unoccupied land to “the poorer classes” and aid for the aged, the infirm and the poor.²⁸⁰ Francis Cardozo spoke at the presentation of the platform at a Mass Meeting of the Colored Citizens of Charleston on 21 March, as reported in the *Charleston Daily News*.

This was Cardozo’s first serious political speech and the newspaper quoted him at length:

The present era should cause the hearts of colored men to swell with gratitude to Congress for the great boon of freedom. But there is great danger that the advantage of suffrage will bring temptation unless we steer our course wisely and well. The danger is that Southern whites may cheat us out of those advantages. Woe be to the man who would sacrifice his race by selling himself to the Southern whites. Some say the southern whites will now act with us; they will be our friends. If so, let them come on our platform. We will gladly welcome them all; and let

²⁸⁰ Hine, “Factionalism,” 57-58.

them join in a party that is true and has been tried. I would warn you of another danger in the unhappy state of feeling, prevalent among some of the colored people, divided by different degrees of social position, intelligence and education. All that is wrong. All should come and vote together. By every principle of gratitude, it behoves you to act with the Republican Party.²⁸¹

Cardozo's speech reflected both short and long-term arguments. In the short term, he was concerned that the freedmen would be persuaded, by whatever means, to vote for local white politicians. This was one of the reasons why the national leadership of the Republican Party was ambivalent about encouraging the freedmen to vote, as Richard Abbott described in his study of the Republican Party during Reconstruction.²⁸² In the longer term, Cardozo was to remain both hostile to those white leaders who were reluctant to accept the end of slavery and ready to work with those who supported equal rights for black people. He would be unequivocally loyal to the Republican Party throughout Reconstruction. He sought to play down the tensions between the different factions within the colored population. William Hine says that this factionalism "failed to exceed modest proportions" at this point, though it was to become more serious later.²⁸³

The platform was adopted at another public meeting on 27 March at which Cardozo again spoke, along with other African American speakers who were to play a prominent role in Reconstruction: Alonzo Ransier, Benjamin Randolph, Richard Cain and a new arrival in Charleston, Robert Brown Elliott. More

²⁸¹ *Charleston Daily News* 22 March 1867.

²⁸² Richard H. Abbott, *The Republican Party and the South 1855-1877: The First Southern Strategy* (Chapel Hill: University of North Carolina Press, 1986) 79.

²⁸³ Hine, "Factionalism," 65.

meetings followed with a similar cast and, for the first time, a national Republican politician, Senator Henry Wilson of Massachusetts, who addressed a large meeting in Charleston on 3 May. Wilson was a prominent abolitionist, subsequently Vice President to Ulysses Grant, and the first senior Republican to venture into the South as Congressional Reconstruction began to take effect. He called upon the white and black members of his audience to repudiate the legacy of slavery, with which pre-war South Carolina had been identified, to register to vote and to vote for the Republican Party. Wilson's presence suggested that the national Republican Party was beginning to overcome its reluctance to intervene in the South. It also served to encourage white political leaders in South Carolina to appear on a Republican Party platform for the first time.²⁸⁴ Albert Mackey and Frederick Sawyer were the most prominent, respectively Collector of the Port and Collector of the Inland Revenue. Mackey was a native of Charleston, a scalawag in southern white parlance, Sawyer a northern teacher before the war, a carpetbagger.²⁸⁵ There had been no white Unionist organisation in South Carolina during the war or in the following two years.

In the absence of Republican Party organisation in South Carolina in the early months of 1867, it was the Union League which took the lead in encouraging freedmen to take up the prospect of the vote. The League first emerged in the North during the war, organising popular support for the Republican Party and the Unionist cause. It moved South after the war, gathering pace in 1867, promoting political education and activity among the freedmen, so that, "by the end of 1867, it seemed that virtually every black voter had enrolled in the

²⁸⁴ *Daily News* 4 May 1867; Hine, "Factionalism," 60; Abbott, *The Republican Party*, 83-85, 88-89.

²⁸⁵ Hine, *ibid*, 58-61; Abbott, *ibid*, 63.

Union League or some equivalent local political organisation.”²⁸⁶ Historical treatment of the League has, not surprisingly, shifted in line with the historiography of Reconstruction. For William Dunning and his followers, it was a sinister and secretive organisation which provided a means of indoctrinating innocent and ignorant freedmen. Simkins and Woody, in less revisionist mode on this subject, emphasised the nocturnal secrecy of the League’s meetings and its ritual elements in pursuit of its purpose of “binding the Negro hand and foot to the Republican ticket.” A Ph.D. dissertation on the League, by Susie Lee Owens in 1947, described it as “one of the most diabolical organisations in American history.”²⁸⁷

A more balanced picture of the League emerged as revisionist historians took over Reconstruction history. Another dissertation, by Clement Silvestro in 1959, provided a thorough, though not always friendly, history of the League and it was the subject of a major study by Michael Fitzgerald in 1989.²⁸⁸

Thomas Holt thought that the League was given too much credit for the growth of the Republican Party in South Carolina but he was probably trying to play down the sinister reputation inherited from the Dunning School.²⁸⁹ Many of the historians quoted in this dissertation, including Michael Perman, Leon Litwack, Steven Hahn and Eric Foner, have looked positively on the

²⁸⁶ Foner, *Reconstruction*, 283.

²⁸⁷ Dunning, *Reconstruction, Political and Economic*, 116; Simkins and Woody, *South Carolina During Reconstruction*, 75; Susie Lee Owens, “The Union League of America: Political Activities in Tennessee, the Carolinas and Virginia 1865-1870” (PhD Dissertation: New York University, 1947) 6.

²⁸⁸ Clement Silvestro, “None but Patriots: The Union Leagues in Civil War and Reconstruction,” (PhD Dissertation: University of Wisconsin, 1959); Michael W. Fitzgerald, *The Union League Movement in the Deep South: Politics and Agricultural Change During Reconstruction* (Baton Rouge: Louisiana State University Press, 1989).

²⁸⁹ Holt, *Black over White*, 30.

contribution which the League made to the development of black suffrage and to the early success of Reconstruction.²⁹⁰

There were few references to the Union League in the South in 1865 or 1866, though it was presumably the local leagues that Francis Cardozo had in mind when he said the “the colored people are formed into leagues and are determined not to submit so tamely as they did before the war” in his letter to the AMA in October 1865, previously quoted. Richard Abbott said that Cardozo was active in organising the League in South Carolina. The *Charleston Courier* named him in February 1868, as the “recently elected President of the Grand Council of the Union League of South Carolina.”²⁹¹ The League became a serious organisation in spring and early summer 1867, as 300,000 members were enrolled in 3,000 League Councils across the South.²⁹² Meetings took place across South Carolina, frequently in secret because League members on the plantations feared disruption and violence from white vigilante groups. The meetings provided the freed people with their first access to political education, indoctrination in the perception of suspicious whites. Clement Silvestro said that “the most important function of League meetings was to instruct the Negro in his new duties as a citizen and a voter.” Michael Fitzgerald described the desire for information as intense, mirroring black enthusiasm for the education of their children.²⁹³

²⁹⁰ Michael Perman, *Reconstruction and Emancipation* (Wheeling, Ill: Harlan Davidson Inc., 1988); Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2003); Litwack and Foner previously quoted.

²⁹¹ Abbott, *The Republican Party*, 63; *Charleston Courier* 27 February 1868.

²⁹² Fitzgerald, *The Union League*, 14, quoting the League’s newspaper, *The Great Republic*, 26 July 1867.

²⁹³ Holt, *Black over White*, 31; Silvestro, “None but Patriots,” 328; Fitzgerald, *ibid*, 61, 113-116.

Local leagues had an economic role, in encouraging and sometimes helping freedmen to assert their position in negotiations for new labour contracts, sometimes involving strike action, and in their efforts to buy land of their own. Plantation owners and other whites disliked them still more for that reason. Fitzgerald said that there was little evidence that the leagues deliberately promoted violence against white people, though they were frequently accused of doing so, much more that they were the subject of violence, including by the Ku Klux Klan which first became active in 1867. The leagues also supported the building of schools and churches. But their major role was in promoting political activity and in encouraging the freedmen to register to vote for the first time.²⁹⁴ In this respect, Francis Cardozo no doubt welcomed the League's activity as a member of the board of advisers commissioned by General Sickles in spring 1867 to advise on the delivery of voter registration.²⁹⁵

Freedmen's Bureau agents became increasingly involved in the League and in Republican politics in South Carolina in 1867, though the official line of its Assistant Commissioner, Robert Scott, was to avoid partisan activity. In practice, three Bureau employees took senior positions in the South Carolina League: Gilbert Pillsbury as President, Edmund Mackey, son of the Port Controller, Albert Mackey, as Corresponding Secretary, and Reuben Tomlinson, Cardozo's ally, as Treasurer. They and other white politicians played an increasing part in Republican Party meetings in the spring and summer alongside the black political leaders. According to William Hine, there was limited controversy about the relative positions of white and black leaders in this period, but a lot of infighting among black politicians about who was

²⁹⁴ Fitzgerald, *The Union League*, 136-141, 200; Foner, *Reconstruction*, 283-285.

²⁹⁵ *Yorkville Enquirer* 20 June 1867.

supporting whom. At the same time, excepting this handful of politicians, there was very little white support for the Republican Party in South Carolina.²⁹⁶

The leaders of the white community were at first divided in their tactics towards black voters and the prospect of a constitutional convention in 1867. Wade Hampton, former Confederate General and the best known white political figure in South Carolina, spoke at a number of meetings to which black people were invited. He urged black voters to support their former masters who knew them, rather than trust northern incomers who did not. Ex-Governor Perry, by contrast, argued for outright opposition: "General Hampton and his friends had just as well try to control a herd of wild buffaloes as the Negro vote."²⁹⁷ By the end of August, Hampton had accepted that his campaign to win the votes of freedmen had failed. He moved into opposition like Perry: "let every man register and cast his vote against the convention."²⁹⁸ A political meeting held in October agreed a recommendation that registered white voters should boycott the elections for the convention. The Reconstruction Acts required that a majority of the electorate in a state should vote in elections for constitutional conventions. The objective of the white leadership was now to discourage sufficient black voters from voting, in order to invalidate the convention.²⁹⁹

It is clear from contemporary and historical accounts that black voters were never likely to be persuaded to give up their first opportunity to vote, nor to vote as their former masters wanted. There were meetings among potential black voters all over South Carolina to discuss the elections for the convention.

²⁹⁶ Hine, "Factionalism," 63-68, Abbott, *The Republican Party*, 130.

²⁹⁷ Letter from Benjamin Perry, *Daily News* 3 August 1867.

²⁹⁸ Letter from Wade Hampton, *Daily News* 29 August 1867.

²⁹⁹ Simkins and Woody, *South Carolina During Reconstruction*, 83-88; Holt, *Black over White*, 29.

Thomas Holt quoted the teacher Laura Towne's description of "earnest discussions" in Beaufort. John De Forest, a Freedmen's Bureau agent and novelist, said that "a majority of the Greenville freedmen had a sufficiently intelligent sense of the purport of the election".³⁰⁰ In Charleston, there were two Republican conventions, one in May, the second in July, with much wrangling about who the candidates for election to the constitutional convention should be. The national Republican Party remained cautious, trying to avoid the emergence of a wholly black party in South Carolina, though it was hardly within the capacity of the black community to secure white support. Joel Williamson said that "negro women were very active in ensuring the Republicanism of their men" and in making sure that they voted when the chance came.³⁰¹

In this heightened political atmosphere, it is not surprising that Cardozo's letters to the AMA were less concerned about the detail of school life in 1867. But he was clearly far from sure about his own political prospects. In August, he saw the opportunity to do something different. On 2 August, he asked E.P. Smith to use his influence with General Howard to secure his appointment as the Freedmen's Bureau's Superintendent of Schools for Georgia: "I should like the position as it is one in which I could do a great deal of good." Smith must have responded positively but the opportunity quickly disappeared. On 12 August, Cardozo thanked Smith for his willingness to help but reported that he had heard that someone else had been appointed. He did his best to be positive: "I feel perfectly satisfied over the result. On further reflection, I felt an unwillingness to leave my scholars in Charleston to whom I am deeply

³⁰⁰ Holt, *Black over White*, 33; John W. De Forest, *A Union Officer in the Reconstruction* (New Haven: Yale University Press, 1948) 127.

³⁰¹ Williamson, *After Slavery*, 343-344; Hine, "Factionalism," 65-71.; Abbott, *The Republican Party*, 130-131.

attached.”³⁰² He was to overcome that unwillingness before many months had elapsed.

A front-page article in the *Daily News* had little doubt of Cardozo’s prospects, though its tone was hardly admiring. On 11 November, a week before the elections for the Constitutional Convention, it described “The Radicals in South Carolina”:

The ball has opened. The Negroes have carried Louisiana, Alabama, Georgia and Virginia, and they will certainly carry South Carolina ...There is scarcely a single respectable white man belonging to the League in this State, or to the Republican Party. As to the colored leaders, foremost is F.L Cardozo, a brown mulatto, a Presbyterian preacher, since the close of the war a teacher of freedmen in this city. He is a native of Charleston. He went North about the age of seventeen, and subsequently to Europe, where he finished his education at Glasgow. So goes the story. I cannot say whether it is true or not. He is certainly a man of some cleverness; but, as the king among the poets, his facilities and attainments receive felicitous appreciation by reason of his being a colored man. A white man of the same talent and education would receive no attention whatever. But by virtue of his color, he will certainly go to Congress, if Reconstruction goes through.³⁰³

Cardozo was a Republican candidate for election from Charleston to the Constitutional Convention and, on 19 and 20 November, he was one of those overwhelmingly elected. The figures for the election vary between different sources but the overall picture is clear: 128,000 voters registered to vote,

³⁰² Letters to E.P. Smith, 2, 12 August 1867, *AMA Archives*.

³⁰³ *Daily News* 11 November 1867.

81,000 black and 47,000 white. 67,000 black voters voted to ratify the convention and to elect Republican delegates; less than 5,000 white voters voted, equally split for and against the convention. The other 42,000 white voters boycotted the election or failed to vote. These are the figures quoted by Simkins and Woody. The *Charleston Courier* in January 1868 said that only 130 white voters had voted for the Convention. In any event, the white boycott did not achieve its purpose. 56 percent of eligible voters voted for it; the convention was legal. Simkins and Woody were scornful: “their (the freedmen’s) enthusiasm over the opportunity to register their names was perhaps increased by their ignorance of the true significance of the act.” David Blight’s assessment was more generous: “political mobilization in Southern black communities was a stunning achievement ... blacks enjoyed a freedom of expression that they had only dreamed of.” Thomas Holt said: “the Republican campaign succeeded far beyond the worst fears of Democrats and possibly beyond the boldest dreams of the Negro leadership.” Of the 124 delegates elected to write a new constitution for South Carolina, 76 were black (Holt says 70, Williamson 74, but 76 is the figure most often quoted).³⁰⁴

The Union League was the organisation which could claim most of the credit for the success of black voter registration, but the newly independent black churches were significant too. After years of discrimination at the hands of white church leaders before the Civil War, including segregated seating in church and, in South Carolina, legal restrictions on black churches, the freed men and women quickly left white churches to form their own. The southern white church “epitomised the old slave regime to newly freed slave and

³⁰⁴ Simkins and Woody, *South Carolina During Reconstruction*, 88-89; *Charleston Courier* 14 January 1868; Williamson, *After Slavery*, 340-343, 367; Holt, *Black over White*, 35; David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Belknap Press of Harvard University, 2001) 49.

freeman alike,” as Wilbert Jenkins has said. The Methodist Episcopal Church South (white-led) had 40,000 black members in 1860; in 1867, it had 8,000; in 1876, just 650. The African Methodist Episcopalian Church, forced to close by the state government in 1822, and re-formed in 1865, had 22,000 members in 1866, 44,000 in 1876. Richard Cain became pastor of Charleston’s Emmanuel Church funded and built by its black members. Other black churches also surged in membership, including Baptist and Presbyterian Churches.³⁰⁵

The black churches were community centres in cities and in the countryside where there were often religious assemblies but no buildings. There was “no clear distinction between the political and religious roles” of the churches; the church “became the central and unifying influence in the black community” in the words of Steven Hahn and Leon Litwack.³⁰⁶ Zion and Emmanuel Churches both hosted major political events during the early years of Reconstruction. Simkins and Woody did not celebrate the political role of the churches but, in their view, “the winning of religious independence by the Negro was perhaps the most momentous social change of Reconstruction.”³⁰⁷ Cardozo knew how important the churches were in raising his personal profile. In April 1866, he told Michael Strieby that he had preached on average once a week across Charleston, in Methodist, Baptist, Congregationalist and Presbyterian churches. His willingness to support these churches may have had a religious purpose; it was politically beneficial too.³⁰⁸

³⁰⁵ Wilbert L. Jenkins, *Seizing the New Day: African Americans in Post-War Charleston* (Bloomington: University of Indiana Press, 1998) 111-120; Powers, *Black Charlestonians*, 191-210.

³⁰⁶ Hahn, *A Nation Under Our Feet*, 231-234; Litwack, *Been in the Storm So Long*, 471.

³⁰⁷ Simkins and Woody, *South Carolina During Reconstruction*, 395.

³⁰⁸ Letter to Michael Strieby, 12 April 1866, *AMA Archives*.

South Carolina's Constitutional Convention

The opening of the Constitutional Convention was set for 14 January 1868. In South Carolina, as in other southern states, “blacks for the first time sat alongside whites as lawmakers.” The Scottish traveller, David Macrae, described “the mighty revolution that had taken place in America,” at the behest of Congress.³⁰⁹ Francis Cardozo agreed with E.P. Smith that he would continue to superintend his school while attending the convention, since it was held in Charleston. He was not yet ready to cut his ties with the school and the AMA, but he took his preparations for the Convention seriously, asking Smith to send him “half a dozen copies of the New York Convention Manual it contains all the Constitutions of the States up to 1867.” He was careful to promise that he would pay for the copies.³¹⁰ Just as his position as Principal of the Saxton School had formed the basis of his reputation in the post-war black community in Charleston, so the Convention would establish him as the most influential black politician in the future governance of Reconstruction in South Carolina.

Cardozo was thirty when the Convention opened, remarkably young by modern political standards, though not so remarkable at the time. Henry Warmoth was elected Governor of Louisiana at 26 in 1868. Adelbert Ames, elected Governor of Mississippi in the same year, was scarcely older at 32 and had already been a General in the Union Army. In South Carolina, Cardozo's contemporaries included Robert Elliott, just 25 in January 1868, and two future governors during Reconstruction, Franklin Moses and Daniel Chamberlain,

³⁰⁹David Macrae, *The Americans at Home: Pen and Ink Sketches of American Men, Manners and Institutions* (New York: E.P. Dutton and Co.,1952; first published 1870) 138

³¹⁰ Letter to E.P. Smith, 2 January 1868, *AMA Archives*.

respectively 29 and 32 at the time. This was the post-war generation and the opportunity was open for Cardozo and others to make their mark early.

The existing white leadership in South Carolina did not anticipate the Convention with Cardozo's enthusiasm. Benjamin Perry was almost hysterical in a "Patriotic Letter" published in the *Charleston Courier* on the opening day of the Convention:

Never before in the history of a Christian and civilized people have such infamy and ruin, widespread and universal, been inflicted on a whole section of the country without distinction between the guilty and the innocent they are doomed to negro supremacy and the barbaric rule of their former slaves, steeped in ignorance and vice.

The newspaper itself was less catastrophic in its view of the Convention but saw it as illegitimate, quoting its own figures for the number of votes cast:

The Convention is the representative of one hundred and thirty white voters of this state, and of about sixty-eight thousands of the colored population The authority of the Convention is limited to the framing of the Constitution. It can neither enforce nor give it effect. It cannot execute its provisions.³¹¹

The Charleston newspapers provided commentary on the progress of the Convention over the following two months, with varying levels of objectivity. Fortunately, the *Proceedings* of the Convention were fully recorded and make fascinating reading for those interested in its history. Alrutheus Taylor acclaimed it as "the first experiment in this country of working out a

³¹¹ *Charleston Courier* 14 January 1868.

government based on the cooperation of the two races.”³¹² Several historians have shared Taylor’s view of the importance of the Convention, including Holt, Williamson and William Hine.³¹³ It was described exhaustively, not to say exhaustingly, in two unpublished dissertations about Cardozo’s public life, by Edward Sweat and John Farley.³¹⁴ This dissertation will look primarily to the *Proceedings* themselves and to the commentary offered by contemporary newspapers.

The local newspapers of the day, and subsequent white historians, paid much attention to the alleged low levels of literacy among the black delegates to the Convention. Simkins and Woody said that “of the seventy-six, two thirds had only a few years before been slaves and it is scarcely necessary to add that illiteracy was one of their more distinguishing characteristics.” Thomas Holt, by contrast, claimed that almost half the black delegates had been free before the war and 82 percent were literate.³¹⁵ It would not be surprising if many of the freedmen were illiterate, since it had been illegal to educate them during slavery.

Whatever the truth of these numbers, the *Proceedings* show that most of the contributions came from a small proportion of the delegates, twenty or so in the first half of the Convention, rising a little in the second half, presumably as confidence grew. The delegates elected Albert Mackey President of the Convention and most of the major contributors were white, despite their low

³¹² *Proceedings of the Constitutional Convention of South Carolina* (Charleston: Denny and Perry, 1868); Taylor 127.

³¹³ Holt, *Black over White*, 125-134; Williamson, *After Slavery*, 213-221 and 367-378; Hine, “Factionalism,” 105-116.

³¹⁴ Edward F. Sweat, “The Public Career of Francis Lewis Cardozo” (MA Dissertation: Indiana University, 1948); John E. Farley, “Francis L. Cardozo” (BA Dissertation: Princeton University, 1949).

³¹⁵ Simkins and Woody, *South Carolina During Reconstruction*, 91; Holt, *ibid*, 36.

proportion of the delegate total. It may be that many of the illiterate freedmen listened rather than spoke. Several African American political leaders were, however, a significant force in the discussions, Francis Cardozo prominent among them.

Cardozo recognised the importance of the Convention for him personally and for the black community of South Carolina, both to secure an effective constitution and to show that he and they could lead in its framing. From the beginning, he was a voice of prudence and reason. On the third day, he spoke against the appointment of a number of Pages for the Convention, "It was desirable to avoid all unnecessary expense". He opposed the exclusion of the *Charleston Mercury* which had "burlesqued" the membership of the Convention, as "the ringed, striped and streaked convention," since to exclude the newspaper "would only be to exhibit a smallness, a pettiness of spite, unworthy of our character". He succeeded in keeping the number of Pages to one and in preventing the exclusion of the *Mercury*. He was unsuccessful in a later attempt to reduce the level of expenses which members of the Convention could claim.³¹⁶

The *Daily News* had Cardozo's and similar contributions in mind when, after two weeks, it reported that:

beyond all question, the best men in the Convention are the colored members. Considering the influences under which they were called together, and their imperfect acquaintance with Parliamentary law, they have displayed, for the most part, remarkable moderation and dignity.

³¹⁶ *Proceedings* 27-30, 201.

This was an extraordinary comment from a newspaper which had less than three months earlier carried an article, quoted above, pillorying the Republican leadership of the state and mocking Francis Cardozo as the “king of poets.” The newspaper was jointly owned by three men, one of them Francis Dawson who would play a significant role in the last years of Reconstruction in South Carolina, first supporting, then opposing the Republican Administration led by Daniel Chamberlain and Francis Cardozo.³¹⁷

The *New York Times* was as impressed with reactions such as that of the *Daily News* as it was by the Convention: “the get-up of the whole convention, white and colored, was so respectable that the Charleston journals could not help remarking it.”³¹⁸ There were white voices less hostile and hysterical than Benjamin Perry’s. Governor James Orr deliberately distanced himself from Perry and from the *Courier* and the *Mercury* in his speech to the Convention on its fourth day,

I am not one of those that sneer at the Convention its deliberations are of importance to the people of this state ... as of much importance to my race as to the black race. I believe that, with proper discretion and wisdom, you may form such a constitution as will promote harmony, peace and good will and enlarge the prosperity of our state.³¹⁹

There were three big issues for the Convention in framing the new constitution: land ownership, including the treatment of outstanding debts; voting rights and whether they should be restricted; and education, integrated or not, compulsory or not. Between them, these issues took most of the time

³¹⁷ John Hammond Moore, *South Carolina Newspapers* (Columbia: University of South Carolina Press, 1988) 38; *Daily News* 31 January 1868; Chapter 6.

³¹⁸ *New York Times* 27 January 1868.

³¹⁹ *Proceedings* 55.

of the Convention and gave rise to its most powerful debates. Thomas Holt and William Hine both described the overall approach of the delegates as moderate and cautious, conservative even.³²⁰ Lerone Bennett, offering an avowedly partisan approach in an African American perspective on Reconstruction in 1967, said that the delegates to South Carolina's and other states' constitutional conventions were "too anxious to prove that they were gentlemen." Francis Cardozo "repeatedly lectured his colleagues on legalisms," said Bennett. Such criticisms echoed those of black conventions in 1864 and 1865. The delegates to the South Carolina convention clearly wanted to be seen as moderate, but many of them nonetheless advanced radical arguments and propositions, not least Francis Cardozo.³²¹

The convention recognised Cardozo as a major authority on education and he chaired the education committee. He also took a central role in the debates on the other two principal subjects. On land, there was no discussion of the possibility of outright confiscation. Thaddeus Stevens and Charles Sumner had tried and failed to persuade the U.S. Congress to consider confiscation and, "by 1868, summary confiscation was an idea whose time had passed," according to Holt.³²² The possibility of land reform was tied up with the questions of debt relief and of staying the forced sale of land in payment of debt, affecting both large scale landowners and a much bigger number of small property owners. Robert De Large, a black delegate, supported a motion for debt relief introduced by Franklin Moses. They argued that debt relief was necessary to avoid economic collapse and disaster for small landowners, to prevent land

³²⁰ Holt, *Black over White*, 125-134; Hine, "Factionalism," 103-117.

³²¹ Lerone Bennett Jr., *Black Power USA: The Human Side of Reconstruction 1867-1877* (Baltimore: Pelican Books, 1969) 103.

³²² Holt, *ibid*, 128.

falling into the hands of speculators, and to give the constitution a chance of winning political acceptability.

Richard Cain opposed the motion because debt relief would leave land in the hands of the large landowners; forcing them to sell it, by contrast, would give the poor the chance to buy land.³²³ Cardozo supported Cain, arguing first that debts should be paid, “let every man who contracts a debt pay it”, then on a wider political theme:

One of the greatest bulwarks of slavery was the infernal plantation system, one man owning his thousand, another his twenty, another his fifty thousand acres of land. 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. I would not say for one moment that they should be confiscated, but if sold to maintain the war, now that slavery is destroyed, let the plantation system go with it. We will never have true freedom until we abolish the system of agriculture which existed in the Southern States. It is useless to have any schools while we maintain this stronghold of slavery as the agricultural system of the country.

Cardozo often took a prudent and cautious line in the Convention. But it is misleading to characterise his approach as conservative. On this critical issue of land ownership, his was not a conservative argument.³²⁴

The issue took six days of the Convention. In the end, a small majority approved Moses’ motion and Cain and Cardozo were defeated, by 57 votes to 52. On the face of it, this was a victory for the conservatives, though some

³²³ *Proceedings* 107-110, 112-115.

³²⁴ *Proceedings* 116-7.

normally radical delegates, including Robert Elliott and William Whipper, voted with Moses. Daniel Chamberlain, often a conservative voice, voted on the side of Cain and Cardozo. There was no racial divide in the voting. As in Congress, most delegates could not bear to undermine the holy principle of property ownership. They did not give up on land reform altogether, however. Richard Cain proposed a petition to Congress for a loan of \$1 million to buy land for resale at low prices to the freedmen. After another lengthy debate, including a contribution from Francis Cardozo quoting General Sherman's Field Order and its repudiation by President Johnson, the Convention voted by 101 to 5 in favour of Cain's petition.³²⁵ Congress did nothing but the South Carolina Land Commission, subsequently funded by bond issues, was the one serious attempt in any southern state to deliver land reform during Reconstruction.

The Convention's debates on voting rights and education merged into one another. Benjamin Randolph first raised the rights issue. He proposed that the Bill of Rights which would form part of the new constitution should spell out that "distinction on account of race or color in any case whatever shall be prohibited; and all classes of citizens, irrespective of race and color, shall enjoy all common, equal and political privileges." Several white delegates argued that such prescription was unnecessary. Cardozo was forceful in support of Randolph:

It is a patent fact that, as colored men, we have been cheated out of our rights for two centuries and, now that we have the opportunity, I want to fix them in the Constitution in such a way that no lawyer, however

³²⁵ *Proceedings* 376-439, 404-406.

cunning or astute, can possibly misinterpret the meaning. If we do not do so, we deserve to be, and will be, cheated again.³²⁶

Randolph and Cardozo secured their amendment, though Cardozo's words proved all too prophetic.

On education, there were two main issues, prompted by the report of the committee which Cardozo chaired, the first on whether education should be compulsory for all children between six and sixteen, for a period of at least two years, the second on racial integration in schools. Cardozo's recommendation for compulsory education, to apply equally to white and colored children, met support and opposition across racial lines. Cardozo quoted Massachusetts and, more bizarrely, Prussia as examples of successful compulsory education. His opponents took the line that it was unnecessary and unsuitable for South Carolina. Cardozo argued that education was essential for progress and that his own experience in dealing with irresponsible parents in his school demonstrated the need for compulsion. His proposition passed without a vote.³²⁷

Cardozo's committee did not ask for racial integration in schools, though Cardozo himself would have preferred to do so: "the most natural method to effect this object (to remove racial prejudice) would be to allow children when five or six years of age to mingle in schools and associate generally. Under such training, prejudice must eventually die out." Thomas Holt described this as "a somewhat advanced social-psychological concept". Cardozo did not press the issue:

³²⁶ *Proceedings* 353-356.

³²⁷ *Proceedings* 685-704.

We have carefully provided in our report that everyone shall be allowed to attend a free school. We have not said that there shall be no separate schools. On the contrary, there may be separate schools and I have no doubt that there will be such in most of the districts. In Charleston, I am sure such will be the case. The colored pupils in my school would not like to go to a white school.

In sparsely populated districts, it might make sense to have schools open to white and black children. The Convention endorsed Cardozo's report by 98 votes to 4.³²⁸

The debates on education prompted two arguments about voting rights, both concerning possible restrictions on universal suffrage. The first arose on the funding of education and the proposition that the new schools should be financed by a poll tax, which Cardozo believed all citizens would be willing to pay. Others were not so sure; Benjamin Randolph argued that non-payment of the poll tax should be penalised by disfranchisement. Both Robert Elliott and Cardozo saw that as a serious threat to fundamental voting rights. Elliott tabled an amendment to the Constitution prohibiting disfranchisement for non-payment of the tax. He argued: "The question is simply whether or not men shall be deprived of that highest gift that can be given to an American citizen. Deprive a man of his vote because he could not pay a dollar tax, and it would do no good". Cardozo was equally fierce in support of Elliott: "I believe if we want to secure the ballot, we should never allow the Legislature to deprive anyone of the privilege of exercising the right of suffrage. If it is once lost, it

³²⁸ *Proceedings* 900-901; Holt, *Black over White*, 132.

may never be given again.” The Convention approved Elliott’s amendment by 81 to 21 votes.³²⁹

Cardozo and Elliott also joined in calling for the removal of a section in the report of the Committee on Franchise and Elections which required literacy by the year 1875 as a qualification for voting. Twenty per cent of white men could not write in 1870, the measure of literacy used in that year’s census; 82 percent of African American men could not write.³³⁰ Cardozo was not unduly pessimistic when he argued that it would take until at least 1875, more likely longer, “I would not be surprised if it takes twenty years to establish a thorough system of common schools”. The effect of the literacy requirement would be to deprive all those for whom schools were not available of the right to vote. Elliott argued that the requirement would send a message to Congress that it had been wrong to pass the Reconstruction Act giving all male citizens the right to vote. They won this argument too; even the Chairman of the Committee which had proposed the requirement, Robert De Large, spoke against it. Elliott’s motion to strike out the literacy test passed by 107 votes to 2.³³¹

Cardozo and Elliott would not always be allies. They were on different sides in a rift that would seriously undermine the Republican Party in government in 1875. Throughout Reconstruction, Cardozo sought to persuade those who could be persuaded that his was the right side of the argument. Elliott preferred to act decisively even if his opponents were not persuaded. Elliott’s biographer, Peggy Lamson, thought that “everything about Cardozo’s cautious,

³²⁹ *Proceedings* 705-737; Hine, “Factionalism,” 113-114.

³³⁰ U.S. Census Bureau, 1870 Census, Volume 1, *The Statistics of the Population of the United States*, Tables IX and XXIII (Washington: Government Printing Office, 1872).

³³¹ *Proceedings* 824-834; Hine, *ibid*, 114.

calculating actions probably infuriated Elliott.”³³² Lerone Bennett said that Cardozo was cautious and conciliatory. But caution was not the same as conservatism and it is too simple to characterise Cardozo’s position as conservative, as historians including Thomas Holt, who said he was “conservative and dignified,” have frequently done.³³³ They have confused objectives and tactics. It is clear from this record that, on land reform, education and voting rights and on the importance of resisting any prospect of a return to white supremacy, Cardozo was regularly on the radical side of major arguments. He did, however, believe that those arguments could be won.

In the course of the Convention debate on education, Cardozo spelled out his approach to winning over the opposition:

Those whom we desire to conciliate consist of three different classes. In the first place, there is an element which is opposed to us and, no matter what we do, will never be conciliated Their objection is of such a fundamental and radical nature that any attempt to frame a Constitution to please them would be utterly abortive. In the next place, there are those who are doubtful and, if we frame a Constitution to suit these parties, they will come over with us ... they only want to see whether it is going to be successful and, if it is, they will come anyway. Then there is a third class who honestly question our capacity to frame a constitution. I respect that class, and believe that if we do justice to them, laying our corner-stone on the sure foundation of republican

³³² Peggy Lamson, *The Splendid Failure: Black Congressman Robert Brown Elliott and the Reconstruction in South Carolina* (New York: W.W. Norton and Co., 1973) 68; Chapter 5.

³³³ Holt, *Black over White*, 30; Bennett, *Black Power USA*, 158.

government and liberal principles, the intelligence of that class will be conciliated, and they will be worthy of conciliation.³³⁴

The constitution which the Convention approved was a moderate one, less radical on land reform than Cardozo had sought. Thomas Holt said it was “a modern, generally progressive and comparably democratic constitution ... commended by most scholars.” In addition to provisions on land, on civil rights and voting rights and on education, it provided for divorce (for the first time in South Carolina) and separate property rights for married women. It also established a modern system of legal and local government administration. Du Bois said it was excellent. Foner quoted the editor of the *New Orleans Tribune* describing South Carolina’s and other southern constitutions as “magnificent in their liberal principles”. More surprisingly, Simkins and Woody said that

It was as good as any other constitution the state has ever had or as most American states had at the time Conservative whites were content to live under it for eighteen years after they recovered control of the state government, and when in 1895, they met to make a new constitution, the document they produced had many of the features of the constitution of 1868.

But they could not bring themselves to endorse it:

It had the earmarks of theoretical perfection, but the leaders of the convention lacked a practical acquaintance with the peculiar problems of the state as a consequence, they succumbed to the temptation of trying to legislate into the political complex of the state innovations

³³⁴ *Proceedings* 705-706.

which were repellent to its traditions. They created a situation which made revolution against their decrees inevitable.³³⁵

As Cardozo had made clear, anticipating Simkins and Woody's assessment, his purpose in the convention was to create a programme of change which could not be reversed without a revolution.

South Carolina's Election April 1868

That revolution was in the future. The seismic change that Radical Reconstruction was to generate was nearer at hand. The Convention was followed swiftly by a vote to ratify the Constitution and elections to the new state administration. The *Daily News* reported that Cardozo had been invited to stand for Lieutenant Governor but had refused, because "he would be brought into contact with many (white) persons, in his capacity as President of the Senate, who would object to his peculiar official relationship and make his position disagreeable." Cardozo's natural caution was probably reinforced by a visit to Washington in February and discussions with the national Republican leadership. Similar considerations persuaded other black candidates in South Carolina not to stand for Congress or for Lieutenant Governor so early. There was less restraint in Louisiana which elected the African American Oscar J. Dunn Lieutenant Governor a few weeks later. Cardozo did, however, agree to stand for Secretary of State, a role which combined formal elements with practical responsibilities, as will be clear in Chapter 5. In the judgement of the *Daily News*, sustaining its positive view of him, he "would make as good a

³³⁵ Holt, *Black over White*, 153; W.E.B. Du Bois, *Black Reconstruction in America 1860-1880* (New York: Harcourt, Brace and Co., 1935) 420; Foner, *Reconstruction*, 320; Simkins and Woody, *South Carolina During Reconstruction*, 94.

Secretary of State as any man in the party ... he has the necessary ability ... he has the respect from all the delegates which is universally accorded to superior intelligence.”³³⁶

Cardozo wrote to E.P. Smith on the same day as the article in the *Daily News* appeared and told him: “my friends ask me to become a candidate for Secretary of State.” Given his activity in the Constitutional Convention, it seems unlikely that his friends had a difficult job to persuade him. He anticipated the Republican Party nominating convention at which he would be a candidate and “I hope and expect Gen Scott (Assistant Commissioner of the Freedmen’s Bureau) to be selected as our candidate for Governor.”³³⁷

The nominating convention took place on 10 and 11 March, to select candidates for state offices and for Congress for the elections to follow in April. The convention duly nominated Robert Scott as candidate for Governor. The rest of the list was mixed. Lemuel Boozer was nominated for Lieutenant Governor, Niles Parker for State Treasurer. Both of them had been active delegates at the Constitutional Convention, neither much distinguished. Parker and Cardozo had frequently been on different sides of arguments at the Convention and would be again in the next four years in office. The Convention also nominated two future governors: Daniel Chamberlain for Attorney General and Franklin Moses for Adjutant and Inspector General. Cardozo himself faced opposition for nomination as candidate for Secretary of State from William McKinlay, a wealthy black tailor from Charleston. Cardozo won the first ballot by 70 votes to 40 and McKinlay withdrew his name. Cardozo was the only non-white candidate on the list for state offices and the

³³⁶ *Daily News*, 22 February and 9 March 1868; Foner, *Reconstruction*, 351; Hine, “Factionalism,” 123.

³³⁷ Letter to E.P. Smith, 9 March 1868, *AMA Archives*.

chosen candidates for Congress were also all white, though a significant number of black candidates were nominated for the state legislature.³³⁸

The elections followed between 14 and 16 April, at the same time as the vote on the ratification of the constitution. 69,000 black voters cast their ballots to ratify the constitution, 85 percent of a possible 81,000, none against, according to Joel Williamson, quoting the *Report of the Secretary of War* on the elections. If these numbers and those of Simkins and Woody are right, 1,700 white voters voted for the constitution, 27,000 against, 54 percent of the white electorate.³³⁹ Other white voters may have boycotted the election, though the *Charleston Courier* reported that the weather conspired to limit the white vote:

the continuous rain throughout the whole three days in which the election was held and the consequent overflowing of the creeks and rivers made them impassable, preventing hundreds of true white men from reaching the polls. On the other hand, the negroes almost to a man made their appearance at the polls and voted they know every log or fallen tree across all the watercourses for many miles around where they live almost every man of them went to the polls.

The newspaper asserted that the black vote reflected fear of threats from the Union League.³⁴⁰

The Republican candidates for state offices and for Congress all won election. Just six of 31 State Senate seats went to the Democrats, fourteen of 124 representatives to the State House. The Republicans had control of the state government and legislature. Congress accepted the constitution and declared

³³⁸ *Daily News*, 12 and 14 March; Hine, "Factionalism," 123-124.

³³⁹ Williamson, *After Slavery*, 343; *Report of the Secretary of War 1867*, 40th US Congress; Simkins and Woody, *South Carolina During Reconstruction*, 109.

³⁴⁰ *Charleston Courier* 25 April 1868.

that South Carolina was entitled to representation as soon as its legislature approved the Fourteenth Amendment. The State Senate did so on 7 July, the House the next day. Congress accepted the South Carolina delegation and, on 24 July, the military commander, General Edward Canby, announced that his powers under the Reconstruction Acts were remitted to the civil authorities. Simkins and Woody said that: “in the eyes of Congress, the process of Reconstruction was completed.”³⁴¹ For Francis Cardozo and South Carolina’s new Republican government, it was now properly beginning.

Francis Cardozo was the first African American to win election to state-wide office in the United States. Others would quickly follow in Louisiana and elsewhere, but he remained the only one in South Carolina until 1870. He showed no sign that he was intimidated by his position. His first priorities after his election were to see through the completion of the new school building for which he had long campaigned and to buy a house for his family in Columbia. On 1 May, he wrote to E.P. Smith to confirm that the dedication of the new school would take place on 7 May; he planned to leave for Columbia on 11 May. In the same letter, he referred to a promise by Smith to arrange a loan of \$2,000 if he could not get one from General Scott. Evidently, he could not, since he now asked Smith to let him know as soon as possible if he could arrange it.³⁴² On 10 July, Cardozo was sworn into office by Governor Scott. On 30 July, he told E.P. Smith that “I have charge of my office now and am performing its duties, which I find comparatively easy.”³⁴³ He would not always find them so easy.

³⁴¹ Simkins and Woody, *South Carolina During Reconstruction*, 109-110.

³⁴² Letter to E.P. Smith, 1 May 1868, *AMA Archives*.

³⁴³ Commission of Office of Secretary of State for South Carolina to F. L. Cardozo, signed by Robert K. Scott, 10 July 1868, held in the Library of Congress; Letter to E.P. Smith, 30 July 1868, *AMA Archives*.

The early years of Reconstruction had seen dramatic change, from the re-assertion of white supremacy in 1865, continuing into 1866, to the increasingly radical movements of 1867 and early 1868. Francis Cardozo had faced up to and faced down the racism of the white population in his school. He had played his part in the assertion of black religious independence and in the development of the Union League and the Republican Party as soon as he was able to do so. He had taken a leading role in the Constitutional Convention and the development of a constitution that would provide a radical programme for the Republican Party in government. He had won election to be the Secretary of State in the new government. He was now in a position to help deliver the programme of change for which the freed people had voted. He was ready to play his part in the Republican governments that would lead South Carolina through Reconstruction.

Chapter 5

Reconstruction in government: Cardozo, Scott and Moses 1868 – 1874

Francis Cardozo took office as Secretary of State of South Carolina on 10 July 1868, the first African American to hold a state-wide office.³⁴⁴ In this and in other respects, the administration led by Governor Robert K. Scott, of which Cardozo was a member, was like no other in the state's history to that date. It was Republican, representing the party of Abraham Lincoln whose election in 1860 had provoked South Carolina's secession from the Union. It had been elected by universal male suffrage, white and black. 67,000 African Americans voted for the Republicans out of a total of 84,000, eighty percent of the potential vote, most of them formerly enslaved. By contrast, "less than sixty per cent of 50,000 registered white voters bothered to vote at all," in the expectation that the Republicans would win. Scott won by a majority of 69,693 to 23,057 for his Democratic rival, William D. Porter (previously James Orr's lieutenant governor).³⁴⁵

It was the government of Reconstruction, committed to a programme of reform derived from the Constitutional Convention earlier in the year. That convention had itself been elected by universal male suffrage, as required by the Reconstruction Acts of 1867. The programme of the new government

³⁴⁴ W. Lewis Burke, "Reconstruction, Corruption and the Redeemers' Prosecution of Francis Lewis Cardozo," *American Nineteenth Century History*, Vol. 2, No. 3, (Autumn 2001) 70.

³⁴⁵ Joel Williamson, *After Slavery: The Negro in South Carolina During Reconstruction, 1861-1877* (New York: W.W. Norton and Co., 1965) 343.

provided for land reform, education for all children, a new taxation system and social reforms. Francis Cardozo had taken a leading role in the convention and would remain at the heart of the Republican government until the white supporters of the Democratic Party led by Wade Hampton drove it from office in April 1877.

This chapter and the next will look at the history of South Carolina's Republican government primarily through the experiences of Francis Cardozo. He would serve as Secretary of State for the first four years, then as State Treasurer from 1872 until 1877.³⁴⁶ He was closely involved with its highs and its lows, from the euphoria of the first election in 1868, through continuing success in elections and economic progress, amidst a chorus of corruption allegations, until racial violence in 1876 fatally undermined Republican prospects. He was all the while an independent figure, determined to uphold his own integrity and often critical of the corruption which permeated the government.

In looking at Cardozo and his experience, this chapter will draw on the references to him in the secondary sources, more fully on his treatment by the newspapers of the time, on a small number of family papers and on his own words in speeches, letters and official publications. Most of South Carolina's newspapers were white-owned, Democrat-supporting and hostile to the Republican administrations, which they believed Congress to have imposed on them. The most important was the *Charleston Daily News* which merged with the *Charleston Courier* to become the *News and Courier* in 1873 and achieved a substantial circulation of 3,250 for its daily edition, 420 for the tri-weekly format and 1,200 for the weekly. The *Columbia Daily Phoenix* had a circulation

³⁴⁶ John Hope Franklin, *Race and History: Selected Essays 1938-1988* (Baton Rouge: Louisiana State University Press, 1989) 19.

of 600 daily, 500 tri-weekly and 960 weekly. Other smaller towns in the state had their own papers, several of which will be quoted here, with correspondingly smaller circulations. They usually took a similar line to the Charleston and Columbia papers, sometimes with refreshingly quotable language.

There were also a small number of Republican papers, notably the *Daily Union*, subsequently the *Daily Union-Herald* in Columbia, the *Daily Bulletin* and the *Missionary Record* in Charleston and the *Southern Standard* in Beaufort.³⁴⁷

Many of the Republican papers were subsidised through state printing contracts and had good circulations in their own areas, 1,400 daily for the *Daily Union* in Columbia, but they were far out-numbered across the state by the white Democratic papers, and less influential with the white population.

Walter Allen, documentary historian of the Chamberlain administration from 1874 to 1877, described the *News and Courier* as “one of the leading newspapers of the South,” its influence in South Carolina as “almost autocratic.”³⁴⁸

The white papers were from time to time positive about individual Republican leaders, though never for very long, except in their treatment of Francis Cardozo. He was sometimes the subject of abuse and criticism, along with his colleagues, but most of the newspapers compared him favourably to others and marked him out for praise. The *Daily News* said in May 1869 that “Cardoza (sic), though colored, is the most intelligent, best qualified and most popular of all the State officers. He is well thought of by everyone, regardless of party.” In

³⁴⁷ John Hammond Moore, *South Carolina Newspapers* (Columbia: University of South Carolina Press, 1988); Robert H. Woody, *Republican Newspapers of South Carolina* (Charlottesville: The Historical Publishing Co. Inc., 1936) 57-60.

³⁴⁸ Walter Allen, *Governor Chamberlain's Administration in South Carolina* (New York: G.P. Putnam and Sons, 1888) 77.

August 1872, the *Daily Phoenix* said that Cardozo “has enjoyed perhaps the highest reputation of any public official in the present State government for integrity and honesty of purpose.” In March 1875, the *News and Courier* described him as “one of the strongest pillars of the present reform administration.” In singling out Cardozo, the newspapers sought to paint other members of the Republican governments in a still worse light.³⁴⁹

There was good reason for their assessment. Cardozo was different from those around him, more competent than many, more honest than most. He was committed both to the long-term future of the Republican government and to minimizing corruption where he could. He told the Grand Council of the Union Leagues of South Carolina in his Presidential address to them in July 1870, “it would be simply suicide to support any other than the Republican Party, generous supporter of the freedmen against their greatest dangers.”³⁵⁰ At the same time, he was not afraid to recognise malfeasance when the evidence was compelling, and to act against it. He recognised the force of the opposition which the state governments faced, often the consequence of prejudice, sometimes the result of their own failings. He was determined to secure the reforms which he saw as necessary to address those failings.

This chapter will look at Francis Cardozo’s experience in the governments of Robert Scott and Franklin Moses between 1868 and 1874. Chapter 6 will consider the third Republican administration, led by Daniel Chamberlain. For the white newspapers of the time, corruption was the central issue and their main preoccupation. They paid less attention to the violence of which

³⁴⁹ *Charleston Daily News* 8 May 1869; *Columbia Daily Phoenix* 14 August 1872; *News and Courier* 10 March 1875 (Library of Congress, *Chronicling America: Historic American Newspapers*).

³⁵⁰ *Presidential Address to the Grand Council of the Union Leagues of South Carolina at their Annual Meeting*, 27 July 1870 (Columbia: John W. Denny, 1870).

Republicans were, for the most part, the victims rather than the perpetrators and which continued throughout the period. Cardozo's personal experience of violence was limited, though he came close on one, possibly two occasions. But it was an ever-present threat to freedmen and their families and to their white supporters. It would have a corrosive effect on the lives of those affected and on the long-term prospects of the Republican governments.

Cardozo and Robert Scott, 1868-1872

Francis Cardozo had welcomed Robert Scott's nomination as Republican candidate for Governor in March 1868.³⁵¹ He would remain loyal for the first two and a half years of Scott's government, until his concerns about the lack of financial control and competence became too strong to resist. The white press of South Carolina would be tolerant for a much shorter time. Yet, in its early days, Scott's administration enjoyed a brief period of grace in the eyes of the principal newspaper in the state, the *Charleston Daily News*. Scott was a carpetbagger from Ohio, but he had won respect in his role as Assistant Commissioner of the Freedmen's Bureau for South Carolina, unpopular with many white people though the Bureau had been. The newspaper's underlying perspective was reflected in references to "Yankees" and the "negro majority" in the state legislature whom it saw to be prejudiced against "the white people of the state." But it was positive about Governor Scott's first message to the legislature in December 1868:

We are satisfied that the State is in a sound and solvent condition. With economy and such wise reforms ... as Governor Scott may suggest ... the

³⁵¹ Chapter 4.

credit of South Carolina may be as high as that of Pennsylvania or New York. Governor Scott will receive the hearty and cheerful cooperation of the people and press of the State.

In January 1869, the newspaper reported that Governor Scott had “identified himself with the State” and had given confidence to potential international investors. Francis Cardozo was already a reassuring presence. The *Columbia Daily Phoenix* reported that a visit by Generals Orville Babcock and Horace Porter, from the staff of President-elect Ulysses Grant, had included a meeting with Governor Scott and Secretary of State Cardozo. The Generals “expressed themselves highly pleased with the condition of things” in South Carolina.³⁵²

For a few months, these newspapers appeared willing to give the new administration a chance and to recognise signs of progress. But political animosity soon began to take over. In February 1869, the *Daily News* criticised the plan to establish a Land Commission recommended by the Constitutional Convention of the previous year. In the view of the newspaper, “it is not the business of the State [to trade in land]; it creates the opportunity and temptation for corruption.” In March, the paper began to emphasise its political affiliation:

this paper has given Governor Scott full credit for his assumed good intentions ... but he is now falsely accusing the Democratic Party [in a court case about a Congressional Election result the previous year] of organised violence his statement is devoid of all substantial foundation ... the great calumniator.

³⁵² *Daily News* 13 August; 12 September; 1 December 1868; 14 January 1869; *Daily Phoenix* 28 January 1869.

On 15 March, the paper warned of “skulduggery by Scott in the handling of State bonds and the Bills of the Bank of the Sate, for personal gain.”³⁵³

The controversy regarding state bonds was not the first financial problem which faced the new Republican government when it took office in July 1868. The state was in effect bankrupt, with a bonded debt of \$5.4 million and just \$45 in the Treasury. The new administration needed both a new taxation system, to deliver its planned increases in expenditure on education and other services, and loans to meet its immediate spending needs and to fund longer term capital spending. The administration employed a financial agent to raise funds on the New York capital markets, Hiram Kimpton, a former Yale classmate of the Attorney General, Daniel Chamberlain. Kimpton brought with him positive references from Representative Thaddeus Stevens of Pennsylvania, the leading advocate of Radical Reconstruction in the House, and others. For a time, the valuation of South Carolina’s bonds reflected optimism about the new government, raising 85 cents to the dollar in November 1868 and still at 65-70 cents in August 1869.

Unfortunately, these good returns did not last. By 1871, \$8 million worth of state bonds had raised \$3.4 million since 1868, an average valuation of 43 per cent. Stories of corruption and of financial mismanagement undermined South Carolina’s reputation. They were given full range by critical local newspapers and repeated in New York by newspapers both hostile and potentially sympathetic to Reconstruction, including the *New York World*, the *Tribune* and the *Times*. The effect was both to weaken the immediate financial position of

³⁵³ *Daily News* 10 February, 15 March 1869.

the state and to sow longer-term doubt about Republican government in the South.³⁵⁴

Bond issues were the responsibility of the State Finance Board. Two of its three members, Governor Scott and State Treasurer Niles Parker, together with the financial agent, Kimpton, were the object of most allegations of corruption. Parker was a carpetbagger who had been a Captain in a regiment of African American volunteers in the Union Army, then a hotel owner in Charleston. Francis Simkins and Robert Woody, pre-revisionist historians of Reconstruction in South Carolina, described him as “frank and genial, but pliable.”³⁵⁵ These three were accused of keeping some of the proceeds of bond issues for themselves. By July 1869, the *Daily News* was regularly using terms such as “the Radical Ring” and “the Scott Ring,” drawn from similar terminology in reports of corruption in Washington and New York, most famously the “Tweed Ring” of New York.³⁵⁶ Attorney General Daniel Chamberlain, another carpetbagger and the third member of the Finance Board, sometimes appeared as part of the Scott Ring; sometimes he escaped mention. Francis Cardozo was not a member of the Finance Board and rarely included in the allegations, though he was, as Secretary of State, responsible for authorizing bonds with the State Seal. He would subsequently claim that he had become

³⁵⁴ Richard N. Current, *Those Terrible Carpetbaggers: A Reinterpretation* (New York: Oxford University Press, 1988) 218-221; Francis B. Simkins and Robert H. Woody, *South Carolina During Reconstruction* (Chapel Hill: University of North Carolina Press, 1932) 152-153; *Daily Republican* 23 August 1869; Michael W. Fitzgerald, *Splendid Failure: Post-war Reconstruction in the American South* (Chicago: Ivan R Dee, 2007) 111-112; Current and Fitzgerald quote the *New York World, Tribune and Times*.

³⁵⁵ Simkins and Woody, *ibid*, 114.

³⁵⁶ *Daily News* 6, 8, 16 July 1868 and thereafter.

suspicious of the misuse of bonds in November 1870 and that Chamberlain had told him that it was not for him to question the actions of the Finance Board.³⁵⁷

Following the bond controversy, the *Daily News* only occasionally offered positive comments about Scott, mainly in relation to his ambitions for new railroads, which the newspaper shared: “the Blue Ridge Railroad is to be the crowning glory of the Scott Administration the completion of the road must be of vast benefit to the State.”³⁵⁸ The *Daily Republican* of Charleston would continue to do its best to counter the dominant voice of most white newspapers. But the *Daily News* began to question Scott’s effectiveness and that of State Treasurer Parker. It portrayed Parker as both incompetent and corrupt. The report in May 1869 which described Francis Cardozo as the best qualified of all State officers said that others were treated with contempt: “Treasurer Parker’s clerks fortunately understand his duties Governor Scott ... is a cat’s paw of his staff, no Governor at all.”³⁵⁹ Daniel Chamberlain and Franklin Moses Jr., the Speaker of the State House of Representatives, were the other two political leaders whose names appeared most often in reports of corruption. From these early months, the reporting of Cardozo was consistently different from that of the other officeholders.

The second major target of corruption allegations in Robert Scott’s administration was the Land Commission, established in March 1869. Its task was to buy plantations for the State, to survey and subdivide the land, and then to sell it in lots of 25 to 100 acres to settlers, to be funded initially by bond issues of \$200,000 in 1869 and \$500,000 in 1870. An Advisory Board was

³⁵⁷ *Daily News* 10 August 1872.

³⁵⁸ *Daily News* 22 June 1869.

³⁵⁹ *Daily News* 8 May, 8, 16 July 1869; *Daily Republican* 19, 24 August, 6 September, 21 October 1869.

to govern its activity. The Board comprised the Governor, the Secretary of State, the State Treasurer, the Attorney General and the Comptroller General, John Neagle, three of whom were required to approve any purchase. The Board was to appoint the Land Commissioner to run the Commission. No racial qualification was built into the identification of potential settlers but, in practice, poor whites refused to participate alongside freed black families, so it was the latter with whom the Commission dealt. The Commission's history has been the subject of a thorough analysis by the historian, Carol Bleser. Only South Carolina made such an attempt to distribute land to the freed people desperate for the chance to acquire it, reflecting the legacy of General Sherman's Field Order No. 15, in the Sea Islands and coastal lands.³⁶⁰

The Land Commission provided Francis Cardozo with his most important work during his four years as Secretary of State. It was as a member of the Advisory Board that he took his first public stand against the corruption around him. The Commission would later provide the opportunity for his first major contribution on behalf of the freed people of South Carolina. It did not begin well, its first year a near-disaster. The first Commissioner, Charles P. Leslie, was, like Niles Parker, incompetent and corrupt. He was a New Yorker who had come to South Carolina in 1865 and briefly held office as a State Senator. As Commissioner, Leslie bought land without inspecting it, at excessive prices from which he and his agents and the landowners, including Franklin Moses, benefitted. By October 1869, Robert Scott and Francis Cardozo had tried to secure Leslie's dismissal and were over-ruled by the rest of the Advisory Board,

³⁶⁰ Carol K. Bleser, *The Promised Land: The History of the South Carolina Land Commission 1869-1890* (Columbia: University of South Carolina Press, 1969) 28-31; Fitzgerald, *Splendid Failure*, 156-157; Chapter 3.

Parker, Chamberlain and Neagle. Scott and Cardozo now resigned from the Board.³⁶¹

The newspapers revelled in reports of the resignations: Cardozo resigned “because of his disgust at the corruption in its operations ... the Secretary of State has done well. Whatever honesty there is in the Radical Party is found among the colored people,” pronounced the *Daily News*. Scott’s reputation was already damaged enough that he gained no credit for his resignation. In this case, Scott and Cardozo acted together. The *Daily Phoenix* nonetheless took the opportunity to tell Scott he should follow Cardozo’s example, in encouraging self-improvement for “his race,” rather than relying on abuse of employers to please a majority of voters.³⁶²

In March 1870, Leslie finally agreed to resign as Land Commissioner, in return for a payoff of \$45,000 (an enormous sum, equivalent to \$860,000 in 2018 prices). The new commissioner was Robert De Large, like Cardozo the son of a white Jewish man and an African American woman, born in Aiken, South Carolina.³⁶³ Cardozo re-joined the Advisory Board after Leslie’s departure and formed a two-man commission with Daniel Chamberlain, to investigate several fraudulent purchases of land. Chamberlain’s aim in this investigation may have been to cast Niles Parker in the role of scapegoat for Leslie’s excesses and the Board’s failures of supervision. That was the expectation of the *Daily News*. But Parker’s lawyer warned Chamberlain that, if the findings were revealed, “Mr Cardozo is the only State official who would not be carried down and made odious to every honest man.” In the event, the investigation did not lead to

³⁶¹ Bleser, *Promised Land*, 40-46.

³⁶² *Daily News* and *Daily Phoenix* both 30 Novembers 1869.

³⁶³ Bleser, *ibid*, 58-62; Thomas Holt, *Black Over White: Negro Political Leadership in South Carolina During Reconstruction* (Urbana: University of Illinois Press, 1979) 51.

any further action against members of the Board, perhaps because of Chamberlain's involvement. Cardozo had succeeded both in raising the profile of corruption in the Land Commission and in bolstering his own reputation. He had acted together with Robert Scott in addressing corruption here, though the newspapers distinguished clearly between them.³⁶⁴

Robert De Large was marginally more competent than Leslie but also willing to take personal profit from the Commission's business. The state newspapers continued to run regular stories about corrupt purchases by the Commission, while praising Cardozo as "a plain-dealing straightforward man." Cardozo's reputation came under fire during the 1870 state elections when newspaper articles asked how he had become rich in office (which he did not, in the assessment of legal historian Lewis Burke). But he returned to favour as the arbiter of corruption allegations at the Commission after the elections. It suited the newspapers at the time to salute Cardozo's honesty by comparison with other Republican officeholders and they were almost certainly right to do so.³⁶⁵

In March 1871, Henry Hayne, another man of mixed race, replaced Robert De Large as Land Commissioner. De Large had been elected to the U.S. House of Representatives in November 1870. Hayne was honest but unable to achieve much in his first few months while De Large refused him access to the records of the Commission. The state legislature appointed a Special Investigating Committee in February 1871 to probe the activity of the Commission. In November the Committee denounced the Commission's work as an

³⁶⁴ Bleser, *Promised Land*, 63-64, quoting a letter from D. Porter to Daniel Chamberlain, 6 June 1870; *Daily News* 27 May 1870.

³⁶⁵ *Daily News* 27 May; 3, 6 June; 18, 27 July; 3, 9, 31 August, 8, 21 September 1870; 1 March 1871; Burke, "Reconstruction," 95, 97-99: Chapter 7.

“outrageous and enormous swindle” and “a gigantic folly.” In February 1872, the legislature repealed the Act creating the office of Land Commissioner and transferred its duties to the Secretary of State. Neither the hostile voices in the legislature nor the local press paid attention to the positive achievements of the Land Commission, such as they were. In fact, it had not been a total failure, despite the corruption and criticism. Henry Hayne reported to the state legislature in November 1871 that 2,000 families had been settled on 97 plantations which the Commission had bought and subdivided. Under Francis Cardozo’s administration from March 1872 onwards, it was to become significantly more successful.³⁶⁶

The history of South Carolina’s railroads, their funding and the lack of progress in building them during Reconstruction was not one of significant achievement. South Carolina had a limited network of railroads before the Civil War, less than one thousand miles in 1860, and this had been badly damaged during the war. Newspapers and politicians alike welcomed the prospects of the Blue Ridge Railroad, which would include tunnels under the Blue Ridge Mountains, and the Greenville and Columbia Railroad. Highly regarded Democratic politicians, including George Trenholm, Treasury Secretary in the Confederacy, as well as members of the Republican administration, including Francis Cardozo, were elected directors of one or both major railroad companies, without suggestions of corruption at first.

Unfortunately, the subsequent history of the railroads in the state during Reconstruction was one of muddle and confusion, of the difficulties of raising capital and of mergers and state takeovers. Simkins and Woody gave thirty pages to allegations that most of the Republican leaders in the state dealt in

³⁶⁶ Bleser, *Promised Land*, 67-84; Chapter 6.

shares for personal gain. Michael Fitzgerald, a post-revisionist historian of Reconstruction, quoted a story about black politician Beverley Nash who said that he accepted bribes on railroad legislation “because I thought I might as well have it to invest here as for them to carry it off out of the state.”³⁶⁷

Historians have long believed that the main objective of the Republicans involved in financing the railroads, and possibly the Democrats too, was to enrich themselves. Mark Summers, a modern historian of southern railroads during Reconstruction, wrote of “ill-advised schemes of railroad subsidy passed by Republican legislators” and of conservative governments which had initiated railroad subsidies before Reconstruction. But Summers also recognised that the politicians concerned were “generally sincere advocates of public aid,” for positive improvements as well as for their own pockets. Other recent historians have emphasised the ambitions of those concerned to make the railroads a success, which they shared with the white newspapers of the time, alongside their opportunism in making personal financial gains. In the event, the Blue Ridge and Greenville and Columbia Railroads failed, and South Carolina added just 33 miles to its network between 1873 and 1877, despite heavy state subsidies. The South’s share of national track mileage fell by 20 per cent in the 1870s. The reasons for South Carolina’s poor performance included mismanagement and corruption; they were also the victim of the nationwide recession which followed the Panic of 1873 and led to the failure of more than half of the nation’s railroads.³⁶⁸

³⁶⁷ Simkins and Woody, *South Carolina During Reconstruction*, 189-222; Fitzgerald, *Splendid Failure*, 115.

³⁶⁸ Mark W. Summers, *Railroads, Reconstruction and the Gospel of Prosperity: Aid under the Radical Republicans 1865-1877* (Princeton: Princeton University Press, 1984) 69-71, 105-07, 121-123, 134-136, 243-245, 277; Fitzgerald, *ibid*, 111-117; Eric Foner, *Reconstruction: America’s Unfinished Revolution 1863-1877* (New York: Harper and Row, 1988) 512, 535.

By 1872, when his second term of office came to an end, Robert Scott had long since lost any support that he had enjoyed in the white press. For most observers, recent as well as hostile earlier critics, the best that could be said of him was that he was, in the words of Simkins and Woody, “not corrupt at heart ... but notoriously weak and pliant and incapable of withstanding the cool and deliberate strategy of his associates.” The *New York Times* described him in April 1871 as the “best-abused man in the country.” In fact, Scott was a wealthy man when he was elected Governor, known to be generous to friends and allies. He was not an alcoholic, as Simkins and Woody and others have alleged, but he was dependent on opium to mitigate the pain of a wartime injury to his spine. He set out with good intentions and in one area at least, his government achieved more than most historians have acknowledged.³⁶⁹

On civil rights, African Americans made real progress during Scott’s administrations. They gained rights to equal access to street cars, steamboats and railroads, to restaurants and theatres, even to hotels. The state legislature passed a Civil Rights Act in 1870, following a campaign led by Robert Smalls, at the time a member of the legislature, later a U.S. Congressman, to promote equal access. The Act remained in place for many years after Reconstruction. As Bernard Powers, historian of black lives in nineteenth-century Charleston has described, some of the new rights were relatively little used, not least because some hotels and restaurants which white people used, and first class rail travel, were expensive.³⁷⁰ But the legislation went further in South Carolina than in other southern states and offered real change for those able to take advantage, Francis Cardozo included. Cardozo was not personally involved in

³⁶⁹ Simkins and Woody, *South Carolina During Reconstruction*, 141; *New York Times* 25 April 1871, Current, *Those Terrible Carpetbaggers*, 214-217.

³⁷⁰ Bernard E. Powers Jr., *Black Charlestonians: A Social History 1822-1885* (Fayetteville: University of Arkansas Press, 1994) 231-240.

the legislative campaign but his granddaughter, Catherine Cardozo Lewis, celebrated his commitment to it more than one hundred years later when she quoted her grandfather's habit of saying, whenever he encountered freedmen in South Carolina, "hold up your head. Now you can hold up your head."³⁷¹

Unfortunately, Scott's reputation reflected his failures against more immediate political tests. He was unable to cope with the financial problems of the state at the same time as trying to deal with campaigns of violence by the Ku Klux Klan and others. It is likely that he took advantage of the financial gains available to him, as most other politicians in South Carolina and elsewhere in the country were doing at the time. Richard Current, revisionist historian of *Those Terrible Carpetbaggers*, was almost certainly too generous in saying that "Scott was at least as much a hero as anyone else among the many villains in South Carolina politics." His conclusion that, by 1872, "little was left of the great expectations that had been aroused by the governorship of Robert Scott" is less debatable.³⁷²

This conclusion was one which Francis Cardozo would by then have endorsed. Having welcomed the choice of Scott as candidate for Governor in 1868, he maintained his loyalty at least in public for two years after that. In a speech in Boston in September 1869, he referred to Scott as "a Governor admirable for his courage no less than his prudence." In July 1870, he told the Grand Council of the Union Leagues of South Carolina, that Scott possessed the true qualities of a statesman: "in his discretion, political sagacity, honesty, real devotion to the prosperity of the state and to the welfare of all classes, we have

³⁷¹ Foner, *Reconstruction*, 370-371; Interview with Catherine Cardozo Lewis 12 September 1980, *Black Women Oral History Project* (Radcliffe Institute, Harvard University).

³⁷² Current, *Those Terrible Carpetbaggers*, 214-235.

unbounded confidence.”³⁷³ Over the following year, however, Cardozo became increasingly suspicious of the management of state bonds. By October 1871, his suspicions had hardened to the point that he refused to sign any more bonds, as was required of him as Secretary of State. The *Daily News* carried a report of his refusal in December. In January 1872, the *Daily Phoenix* reported a letter from Cardozo to his brother Thomas in Vicksburg, Mississippi, in which he wrote, “I refused to supply the seal of the State to any more bonds and defied the Treasurer to take me to the Supreme Court ... the colored men of the State are proud of the stand I have taken.”³⁷⁴

1871 was a difficult year for Cardozo and his relationship with the Scott administration. In September, he decided to break away altogether, to resign as Secretary of State and take up appointment as Professor of Latin at Howard University, the university for African American students in Washington D.C. The university had first offered him the position in September 1869, and he had refused it.³⁷⁵ Two years later, his disillusion with the government of South Carolina was such that he accepted the appointment. The *New National Era*, a Washington newspaper sympathetic to the Republican Party and to African American interests, edited at the time by Frederick Douglass, welcomed him on 21 September “as a gentleman of large classical knowledge”. Cardozo subsequently told the General Assembly that he had resigned on 31 October “under a profound conviction that I can be of more service in the great work of Reconstruction in the South by occupying such a position where I can prepare

³⁷³ *Boston Daily Journal* 7 September 1869 (Readex database, *American Historical Newspapers*); *Presidential Address to the Grand Council of Union Leagues of South Carolina at their Annual Meeting, 27 July 1870* (Columbia: John W. Denny, 1870).

³⁷⁴ *Daily News* 1 December 1871; *Daily Phoenix* 10 January 1872, quoting Francis Cardozo’s letter to his brother, Thomas, published in the *Vicksburg Republican*, Vicksburg, Miss.

³⁷⁵ *Daily Republican* 5 October 1869.

the rising generation of my own race especially.”³⁷⁶ The *Daily News* reported his resignation on 3 November.

Governor Scott did not accept Cardozo’s resignation. On 22 November, the *Daily News* reported that he had withdrawn it. They had advance knowledge of the withdrawal since a letter to the Governor in Cardozo’s handwriting withdrawing his resignation was dated 29 November. He said: “Your telegram requesting me to withdraw my resignation temporarily as you had not the power to appoint a successor is received. I hope the legislature will give you that power at an early day that I might be relieved from the duties.”³⁷⁷ At this point, Cardozo was still determined to leave. He accepted that he had to withdraw his resignation as Secretary of State, but he carried on at Howard University, with Henry Hayne appointed as Deputy Secretary of State.

Cardozo served as Professor of Latin at Howard University until June 1872. William Simmons, a student of Cardozo’s at Howard, later described him as “an educator of very fine talent and a courtly gentleman who treated his classes with the greatest of kindness.” He made loans to several students to help them pay their way through university, according to student historian John Farley.³⁷⁸ The move to academic life must have been a shock but Cardozo had always seen himself as a classical scholar. That is clear from one of the very few pieces

³⁷⁶ *New National Era*, Washington D.C. 21 September 1871; Report of the Secretary of State, November 1871, *Reports and Resolutions* of the General Assembly of the State of South Carolina in the Archives of the South Carolina Department of Archives and History, Columbia SC, 193.

³⁷⁷ Francis Cardozo letter to Robert Scott, quoting advice from the Attorney General that the Governor had no power to accept the resignation, 29 November 1871, Governor Scott’s Papers, Box 18, SCDAH.

³⁷⁸ *Catalogue of the Officers and Students* of Howard University, District of Columbia, 1871-72, from the records of Howard University; William J. Simmons, *Men of Mark: Eminent, Progressive and Rising* (New York: Geo. M. Rewell and Co., 1887) 430-31; John E. Farley, “Francis L. Cardozo” (BA Dissertation: Princeton University, 1949) 75-76.

of evidence that have survived of his personal life. He appeared in a series of sketches on American life by David Macrae, a Scottish traveller in the United States after the Civil War, who visited Cardozo at his home in 1868. Macrae was most impressed with Cardozo's home, describing it as "furnished with elegance and taste," full of learned texts, on philosophy, algebra and history, with works by Horace, Macaulay and Ruskin. The image is one of the school principal that Cardozo had been, the university professor that he was briefly to become, in the tradition of scholar-politicians of the early Republic, rather than that of the pragmatic fixers around him. The historical novelist Howard Fast replayed the same cultured and generous image of Cardozo in his novel of Reconstruction, *Freedom Road*, published in 1944. Cardozo appears in the novel as one of the real historical figures whom the hero, Gideon Jackson, meets.³⁷⁹

Cardozo was successful at Howard University and later sought to return there in a different role after Reconstruction.³⁸⁰ He nonetheless spent sufficient time back in Columbia from March 1872 onwards to take on responsibility for the Land Commission. The *Daily Phoenix* welcomed his decision to withdraw his resignation in February: "We are glad to hear this. Cardozo has sustained a character prominent for its integrity amid the wholesale corruption that has pervaded his brother state officials ... the faithful one among the faithless many."³⁸¹ It may be that the opportunity to reorganise the Land Commission and to make a success of its work revitalised Cardozo's interest in South

³⁷⁹ David Macrae, *The Americans at Home: Pen-and-ink Sketches of American Men, Manners and Institutions* (New York: E.P. Dutton and Co., 1952; first published 1870) 266-268; Howard Fast, *Freedom Road* (New York: Armed Services Edition, 1944) 57-65, subsequently a T.V. film in 1979 with Muhammad Ali as Gideon Jackson.

³⁸⁰ Chapter 7.

³⁸¹ *Daily Phoenix* 15 February 1872.

Carolina's murky politics and persuaded him to stand for election as State Treasurer later that year. It did not make him more forgiving of his colleagues.

Cardozo's disenchantment with Robert Scott and Niles Parker exploded into the press in the run up to the elections of 1872. On 10 August 1872, the *Daily News* published the first of a series of letters between Cardozo, Parker and Scott. In a letter dated 6 August, Cardozo accused Parker of misusing bonds to build up a state debt of \$15-16m, with the agreement of Scott. He said that, by October 1871, he had become convinced that the Treasurer's hypothecation of conversion bonds was "positively illegal" and had refused to sign any more. Scott's reply of 9 August claimed that he had tried to prevent the misuse of bonds, that Cardozo had been complicit in their misuse and that Cardozo had begged him for retrospective approval of the use of the State Seal on a trip they had both made to raise funds in New York. Parker joined the fray on 12 August describing Cardozo's as a "weak and absurd statement I trust never in my public career to descend so low as to attempt to elevate myself by blackmailing the reputation of others."

Cardozo's reply to both his protagonists on 17 August was more aggressive still:

The Governor and Treasurer have studiously, meanly and with a malicious cowardice, characteristic of them, endeavoured to implicate me in the responsibility which attaches to them His Excellency has one of those peculiarly forgetful memories that are very convenient to their possessors when they want to extricate themselves from a difficult position Mr Parker's letter its reasoning is too ridiculous to require serious consideration and its assertions are palpable falsehoods.³⁸²

³⁸² *Daily News* 10, 15, 16, 17 August 1872.

Not surprisingly, the *Daily News* was unimpressed with any of the participants in this exchange, suggesting that Cardozo must have been complicit in the misuse of bonds, since “without his aid, the bonds could not have been issued and squandered.” But within a few days, he was back in favour and the newspaper recognised the strength of the points in his letters.³⁸³ It remained sympathetic, most of the time, to his campaign and election as State Treasurer later that year. There is no evidence that Cardozo’s relationship with Scott or Parker recovered. There may be doubt about Scott’s immersion in the corruption of his administration, as Richard Current has argued, but Cardozo no longer shared that doubt. Parker’s case offered no such doubt. A scapegoat he may have been, but he was unqualified and out of his depth as State Treasurer. He took frequent advantage of the opportunities which the issue and reissue of State bonds and the Land Commission’s purchases allowed him. He would be duly prosecuted in 1875 by a Republican Attorney General.³⁸⁴

The other figure who played a major part in both the State Finance Board and the Advisory Board of the Land Commission was Scott’s Attorney General, Daniel Chamberlain. It is striking that Cardozo was keen to exonerate him in his broadside against Scott and Parker, saying: “I have always found the Attorney General a gentleman of the strictest veracity.”³⁸⁵ Nor did he criticise him on other occasions in relation to bond issues or the mishandling of the Land Commission, even though Chamberlain had resisted Cardozo’s attempts to get Charles Leslie sacked and the Commission reformed. It is difficult looking at the history of the period to see that Chamberlain was not at least complicit in the decisions of the State Finance Board and the Land Commission Advisory Board,

³⁸³ *Daily News* 17, 21 August 1872.

³⁸⁴ Chapter 6.

³⁸⁵ *Daily News* 17 August 1872.

for all that he was later to lead the campaign of reform. It is possible, on a harsh reading, to suggest that Cardozo did not want to make another enemy in the Republican leadership, of a man who he expected to remain powerful. More charitably, Cardozo wanted to believe that at least one of those around him was innocent of corruption.

Cardozo was initially reluctant to believe the worst of his colleagues in government. The white newspapers were quick to identify corruption, sometimes too ready to do so but often with justification. They were much less interested in the economic and social progress of the freed people. In the area with which Cardozo was most closely involved, the work of the Land Commission, he did not hesitate to recognise and complain about the corrupt behaviour of the first Land Commissioner, Charles Leslie. He was more willing to believe that Niles Parker was corrupt in his handling of state bonds and in the activities of the Commission than he was of Robert Scott or Daniel Chamberlain. And it may be that, for both Scott and Chamberlain, personal gain was an incidental rather than a primary objective, alongside their commitment to secure improvements in public services and infrastructure, as it was for many political leaders across the United States in the Gilded Age. Francis Cardozo's objective in his letters of August 1872 was ostensibly to criticise Parker and Scott. His personal objectives, as they had been since 1869, were to proclaim his own integrity, to mark out his independence from the misbehaviour around him and to reinforce his continuing commitment to good government.

Cardozo and Franklin Moses, 1872-1874

Cardozo had lost patience and confidence in Robert Scott by the end of his second administration, but he remained loyal to the Republican Party and willing to support the Party's next candidate for Governor, Franklin J. Moses Jr. This time, there can be no doubt that his confidence was misplaced. Moses was a scalawag, a native of South Carolina who had supported the Confederate cause during the Civil War and turned to the Republican Party when the Reconstruction Acts of 1867 transformed its chances of power. Scalawags were traitors, more wicked even than carpetbaggers, in the eyes of most white people in South Carolina and other southern states. Robert Woody described Moses as "the most perfect scalawag, perhaps, in all the South." Recent historians have been no kinder. Eric Foner said that he was "entirely devoid of moral sense," his biographer Benjamin Ginsberg that "without question, Moses was corrupt," though Ginsberg went on to suggest other reasons why Moses has attracted quite so much opprobrium, as we shall see shortly.³⁸⁶

Moses was Speaker of the State House of Representatives from November 1868 to November 1872. He allegedly took frequent bribes and sold pay certificates which enabled the recipient to receive pay from the State Treasury. The *Daily Phoenix* noted that his defence was that he had issued the certificates to support "refugees and victims of the Ku Klux Klan."³⁸⁷ He appeared to be a better candidate than Robert Scott for Governor in 1872. He was nominated at a stormy Republican Convention in August that year, just days after Cardozo's public row with Scott and Parker. At the time of his

³⁸⁶ Robert H. Woody, "Franklin J. Moses Jr., Scalawag Governor of South Carolina, 1872-1874," *North Carolina Historical Review*, Vol. 10, No. 2 (April 1933) 111; Foner, *Reconstruction*, 542; Benjamin Ginsberg, *Moses of South Carolina: A Jewish Scalawag During Radical Reconstruction* (Baltimore: Johns Hopkins University Press, 2010) 2.

³⁸⁷ *Daily Phoenix* 23 August 1872.

nomination, Cardozo and other reputable colleagues were prepared to give him the benefit of the doubt. His fellow Republican candidates were Cardozo for State Treasurer, Henry Hayne for Secretary of State and Samuel Melton, a respected white lawyer, for Attorney General.

The Democratic Party did not put forward candidates for the state elections, but there was a split within the Republican Party involving a third of the delegates to the Convention. A ticket was formed of "Radical Bolters," opposed to Franklin Moses. The Bolters' candidate for Governor was Francis Cardozo's old friend Reuben Tomlinson, who had been the Freedmen's Bureau Superintendent for Education when Cardozo was running his school in Charleston, subsequently State Auditor during the Scott administration. Their friendship did not survive the campaign. It swiftly became personal and Cardozo responded to Tomlinson's attacks on Moses by alleging that Tomlinson had told him that he had taken part in an exercise to bribe the Senate in favour of a Bill to license phosphate extraction in which he had an interest. Tomlinson denied the allegation. It is clear from newspaper reports of the campaign that Cardozo was once again fully committed to the Republican cause. He spoke out frequently and strongly on the Party's behalf.³⁸⁸

Moses, Cardozo and the rest of their ticket won the election by large margins, 70,000 for Moses to 36,500 for Tomlinson. Cardozo defeated his opponent, Edwin Gary, by 69,923 votes to 33,103. African Americans won four of the eight executive offices and four out of five seats in the U.S. House of Representatives. Across the South, African American loyalty to the Republican Party remained strong and ensured their support both for President Grant's re-

³⁸⁸ Simkins and Woody, *South Carolina During Reconstruction*, 466-68; *Daily News* 9, 11, 13, 30 September, 7, 9, 14 October 1872; *Daily Phoenix* 10, 17, 20 September, 6, 8 October 1872.

election and for Republican candidates for Congress. Grant was also successful in the North despite the growing disaffection among liberal Republicans for him and for the cause of Reconstruction in the South. Grant's opponent, Horace Greeley, formerly editor of the *New York Tribune* campaigned largely on the "evils of Reconstruction and the need to restore local self-government." But neither was a sufficiently powerful message in 1872. Grant won with 55 per cent of the vote, "the largest majority in any Presidential election between 1836 and 1892."³⁸⁹

In South Carolina, local newspapers initially shared Cardozo's willingness to give the new Governor a chance. The *Daily News* quoted the *Anderson Intelligencer*, "he can do much towards giving the Republican Party a new lease of political power, by purifying the State government ... his friends claim he has the ability and willingness to enter upon this work of reformation," and the *Marion Star*, "Governor Moses has pledged his honor ... to save the State if he sustain his promises and conduct his administration honestly, he will receive the thanks of every honest man in South Carolina." The Republican-supporting *Daily Union* of Columbia was optimistic: "We believe Governor Moses and Treasurer Cardozo fully realise the condition of affairs and will do everything in their power to bring about a change for the better."³⁹⁰

Francis Cardozo moved quickly to encourage these hopes and to establish his own reputation as a very different Treasurer from his predecessor. Before taking office, he applied for an injunction to stop Niles Parker "misappropriating revenue from a new levy of taxes." Judge Melton, soon to

³⁸⁹ Foner, *Reconstruction*, 501-511.

³⁹⁰ Report of the Secretary of State, *Reports and Resolutions for the 1872-73 Session* (SCDAH) 60; *Daily News* 4, 8 November, 25 December 1872; *Daily Union* 11 January 1873; Woody, "Franklin Moses," 121.

be Attorney General, granted the injunction. Both Cardozo and Melton received fulsome praise for their “firmness and discretion” and their “intrepid action.”³⁹¹ Joel Williamson said that Cardozo frustrated an attempt by Franklin Moses soon after his election to steal \$25,000 from the Treasury and that “he became the bane of every corruptionist’s existence by his miserly management of the Treasury.” On 30 December, the *Daily News* reported that: “there is a general disposition among the people to place more reliance upon Cardozo than upon his predecessor and to believe that, so far as his individual power goes, the public funds will be honestly managed.”³⁹²

Cardozo continued to receive favourable notices from the newspapers over the next few months. In April he secured the arrest of James Allen, Treasurer of Greenville County, for defrauding the state of the larger share of the tax he had collected on its behalf. Allen was convicted and imprisoned in May, subsequently released when he repaid the deficit. Cardozo refused to make payments on bonds issued and reissued by his predecessor, despite court action by holders of the bonds.³⁹³ He publicised his achievements in bringing down the state debt and in securing expenditure for schools and other essential public purposes in a series of pamphlets in August 1873, *The Finances of the State of South Carolina*.³⁹⁴

Cardozo’s success in securing his own reputation for probity amid widespread corruption was well demonstrated in James Pike’s famous denunciation of South Carolina’s government, *The Prostrate State*, published in 1874. Pike visited South Carolina in 1873 on behalf of the *New York Tribune* (by then

³⁹¹ *Daily News* 16, 18 and 21 November 1872; *Daily Phoenix* 16 November 1872.

³⁹² Williamson, *After Slavery*, 391, 399; *Daily News* 30 December 1872.

³⁹³ *Daily Union* 16, 29 April, 16 May, 11 June 1873; *Daily Phoenix* 11 July, 26 August 1873, 9 January 1874.

³⁹⁴ Chapter 6.

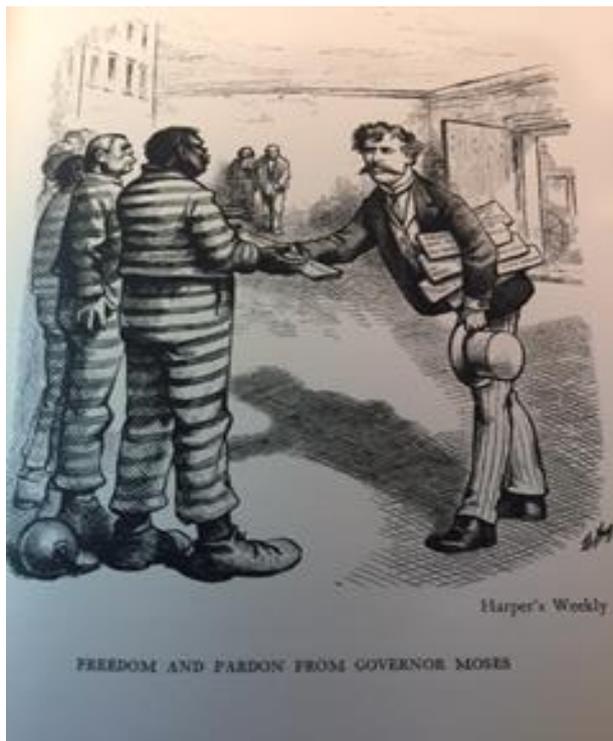
edited by Whitelaw Reid and firmly opposed to President Grant). Amidst his general condemnation of the state's politicians, Pike wrote that "in place of the old aristocratic society, stands the rude form of the most ignorant democracy that mankind ever saw invested with the functions of a government." He noted that some African American office holders were better than their white colleagues, "notably the State Treasurer, a colored man educated abroad;" by the time he (Cardozo) took office, "there was nothing left to steal."³⁹⁵ Pike had been an anti-slavery journalist but he was vehemently racist. John Hope Franklin has rightly characterised his commentary as not so much a history as a selective account designed to attack both President Grant and the freedmen, "whom he despised with equal passion." Unfortunately, Pike's book "helped make South Carolina a byword for corrupt misrule," in Eric Foner's judgement.³⁹⁶

While Cardozo's personal reputation prospered, local and national newspapers vilified Franklin Moses. His alleged practice of selling pardons to prisoners

³⁹⁵ James S. Pike, *The Prostrate State: South Carolina Under Negro Government* (New York: Appleton and Company, 1874) 12 and 35.

³⁹⁶ Foner, *Reconstruction*, 526; John Hope Franklin, "Mirror for Americans: A Century of Reconstruction History," *American Historical Review*, Vol. 85, No. 1 (February 1980) 3.

earned him a cartoon by Thomas Nast in *Harper's Weekly*.³⁹⁷



An article published in the *New York Times* in December 1878 looked back at “The Romantic Career of Franklin J. Moses of South Carolina” and dwelt on his corruptibility and extravagance in office: “from the time of his election and during his whole term of office, every official act was for sale.” He bought as his official residence the Preston Mansion, “the most palatial dwelling in the South” and spent between \$100,000 and \$150,000 on the purchase and improvements, laying out the “gardens in the style of Louis XIV” at Versailles; “he kept an army of servants, a stable-full of horses and the finest equipages in the South.”³⁹⁸ Robert Woody said that his administration “was in every respect a calamity. Moses stole, plundered, associated with the lowest society, committed criminal acts and in a hundred different ways abused his power as

³⁹⁷ Reprinted from Simkins and Woody, *South Carolina During Reconstruction*, 126.

³⁹⁸ *New York Times* 25 December, reprinted in the *Cincinnati Daily Gazette* 28 December 1878, Readex Database.

governor... He was the Robber Governor.”³⁹⁹ There is no reason to doubt that he funded a lavish lifestyle as Governor by some if not all of the abuses of which he was accused. But one other reason why he attracted so much hostility at the time and among historians for the next eighty years is hinted at by Woody’s assertion that he “associated with the lowest society.”

Moses was unusual among white Republican leaders of the time in that he socialised with members of the black community, behaviour at least as unacceptable to his critics as his financial misdeeds. His biographer, Benjamin Ginsberg, said that he was a small-time crook but that white southerners hated him because he invited black men and women into his home: “his blatant disdain for the southern apartheid system caused Moses to be shunned and hated by South Carolina whites.” It did not help that he was Jewish at a time when alleged Jewish profiteering in the Civil War remained fresh in the minds of the white population. Hyman Rubin described Moses as spectacularly corrupt and quoted several of the same abuses listed by Robert Woody, but he also said that “while personally immoral, Moses was the champion of a more moral South Carolina, one that would treat all citizens alike before the law.”⁴⁰⁰ He was a strong supporter of the reforms to civil rights begun during Robert Scott’s administration.

Moses socialised with black members of the legislature and with black women including the Rollin sisters, well-known members of Charleston’s black aristocracy.⁴⁰¹ The *New York Times* article quoted above alleged that “he kept no less than three colored mistresses and supported them in luxurious

³⁹⁹ Woody “Franklin Moses,” 122-127.

⁴⁰⁰ Ginsberg, *Moses of South Carolina*, 3, 9; Hyman Rubin III, *South Carolina Scalawags* (Columbia: University of South Carolina Press, 2006) xv; Rubin stressed the significance of Moses’ racial views in discussion with the author in Columbia, April 2015.

⁴⁰¹ Ginsberg, *ibid*, 107-09.

idleness.” His liking for African American women featured in a surprising piece of writing in the papers of Francis Cardozo’s granddaughter, Eslanda Robeson, in the Howard University Library, supposedly written by her mother, Francis’ daughter, also Eslanda, entitled “Moses Comes to the Ball”:

Governor Moses said at his dinner table that he had heard that the Treasurer Cardozo was giving a ball tonight and that he intended going. It is said that some of the colored ladies are very pretty The Treasurer Cardozo came when Elijah (his servant) sent word that Moses had arrived and said in answer to the jovial greeting of Governor Moses: “thought I’d come to your ball and see some of the beautiful colored ladies” “Elijah, help the Governor on with his cloak, give him his hat, my home is my castle, and no one comes who is not invited. Good evening.” Moses did not tell his guests about the beautiful colored ladies whom he had met last night at the Treasurer’s ball but it was all over town.⁴⁰²

The message of the piece seems to be that Francis Cardozo had no more wish to indulge Moses’ social reputation than he did his financial malpractices. The story emphasised Cardozo’s desire to preserve his personal reputation and not to see it undermined by Moses’ very different reputation, and behaviour.

It is striking that Cardozo managed to retain his reputation for financial integrity when the administration of which he was the Treasurer was so corrupt. During the two years that Moses was Governor, the newspapers treated Cardozo as an honest man as they had done in Robert Scott’s administration. While Scott was Governor, Cardozo was frequently described

⁴⁰² Eslanda Robeson, “Moses Comes to the Ball,” in Robeson Family Papers, Box 1, Moorland-Spingarm Collection, Howard University Archives, Washington D.C.

as the only honest member of the administration. He was the one leading member of the administration who had taken a public stand against corruption and his reputation had prospered. With Moses as Governor, it is notable that other members of his executive team, Henry Hayne, Secretary of State, and Samuel Melton, Attorney General, also retained honest reputations in office.

The most likely explanation for this apparent paradox is that, while Governor Moses “carried graft and corruption to new levels,” his personal dishonesty did not permeate his administration. Moreover, the reform programme, for which the next Governor, Daniel Chamberlain, would take credit, in fact began during Moses’ administration, as Francis Cardozo claimed in an interview with the *New York Times* on 22 June 1874. Cardozo said that “no-one was more determined in his condemnation of the mistakes of the previous administration than the colored man” and that “the chief difficulties had been of a financial nature,” which his own reforms were now putting right. The appetite for reform had grown by the elections of 1874 to the point that the Republican Party did not nominate Moses again. President Grant had apparently become so concerned by the damage that Moses’ behaviour was doing to the Republican cause in the South that he warned one leading South Carolina Republican, Thomas Mackey, “you must stop the robbery.” The national party preferred Daniel Chamberlain as its candidate for Governor. Francis Cardozo proposed his nomination at the Party Convention in September 1874.⁴⁰³

⁴⁰³ Walter Edgar, *South Carolina: A History* (Columbia: University of South Carolina Press, 1998) 394; *New York Times* 22 June 1874; Fitzgerald, *Splendid Failure*, 183-84; Brooks D. Simpson, *The Reconstruction Presidents* (Lawrence: University Press of Kansas, 1998) 170-171.

The Republican government would, in the end, be defeated less by its own corruption than by the violence which accompanied the 1876 election campaign and deterred many black voters.⁴⁰⁴ Violence had been a part of political life in South Carolina since 1868, mainly though not exclusively aimed at the Republican Party and its supporters. The cities of Charleston and Columbia were relatively more peaceful than some of the rural areas of the state and Francis Cardozo was himself at serious risk only once, according to the newspapers of the time, on a train journey through Georgia, though family legend told of another potential attack. Violence provided, however, a deeply disturbing undercurrent for most of the period of Republican government and will be the theme of the remainder of this chapter.

Violence during Reconstruction

The threat of violence had been a permanent feature of the lives of the enslaved people of the southern states throughout two centuries of slavery. As Bernard Powers put it, “the slave-master’s authority ultimately resided in his superior ability to punish and physically coerce recalcitrant slaves.”⁴⁰⁵

Emancipation removed the almost complete impunity which slave-owners had enjoyed in the use of violence. But it did not remove the inclination of the same white men to continue to use corporal punishment to coerce the freed people. Dan Carter, writing of the South in the aftermath of the Civil War, suggested that white violence was worse after emancipation because the freed people no longer represented valuable property as they had when enslaved.⁴⁰⁶

⁴⁰⁴ Chapter 6.

⁴⁰⁵ Powers, *Black Charlestonians*, 74.

⁴⁰⁶ Dan T. Carter, *When the War was Over: The Failure of Self-Reconstruction in the South 1865-67* (Baton Rouge: Louisiana State University Press, 1985) 250.

One objective of the Black Codes enacted in South Carolina and other southern states in 1865 was to give legal authority to the continued use of the whip as a method of control. Since they applied to all African Americans, the codes offered a potentially increased threat to those like Francis Cardozo who had been free before the war. Congress pressed for the Codes to be withdrawn and they were, in South Carolina, in January 1866 by edict of the military commander of the state, General Dan Sickles.⁴⁰⁷ But plantation owners and other white men who were determined to keep freedmen in their place continued to use violence to enforce their will. Rufus Saxton, Assistant Commissioner of the Freedmen's Bureau, giving evidence to the Congressional Joint Committee on Reconstruction in 1866, quoted numerous examples of whippings, beatings and other abuse inflicted on freed people, adults and children, in the rural areas of South Carolina.⁴⁰⁸

Such violence was primarily personal rather than political while the post-war state government remained in white Democratic control. The political world changed, however, with the passage of the Reconstruction Acts in 1867 and the imposition of black male suffrage on the southern states. More deliberate violence began to emerge as a means of intimidating black voters. The Ku Klux Klan appeared first in Tennessee in 1867, then spreading to other southern states. Richard Zuczek, historian of the violent politics of South Carolina during Reconstruction, characterised the period as one of transition from disorganised locally based resistance in 1868, first to more coherent, political and widespread violence, then to war by 1876: "the North stopped fighting –

⁴⁰⁷ Chapter 3.

⁴⁰⁸ *Report of the Joint Committee on Reconstruction, First Session, Thirty-Ninth Congress* (Washington: Government Printing Office, 1866) 221-29.

physically and mentally – in 1865; the South, however, did not.”⁴⁰⁹ Zuczek’s imagery implied a more coherent, generalised process than other historians have recognised since most of the white population was not involved. But his analysis underlines the significance of violence in the ultimate defeat of Reconstruction in government in South Carolina.

The first serious outbreaks of political violence in South Carolina came after the election of the Republican administration in April 1868, in the run up to the Presidential elections in November. Robert Scott’s final monthly report for the Freedmen’s Bureau for June 1868 (before he took office as Governor in July) listed numerous instances of Ku Klux Klan violence against freedmen and their families.⁴¹⁰ The white newspapers reported some of these but they were conflicted between condemnation of the outrages and their treatment of the Klan as “a semi-mythical organisation,” subject to fabrication and exaggeration for the benefit of “our enemies at the North.”⁴¹¹ The threat of violence was, nonetheless, very real for leaders of the Republican Party in the state, Francis Cardozo included, especially on campaign visits to rural areas. Benjamin Randolph, who had been Cardozo’s ally in the Constitutional Convention earlier in the year, now a State Senator and chairman of the state Republican Central Committee, was assassinated in October. He was changing trains on a campaign trip in Hodges, a small town in Greenwood County not far from Columbia.⁴¹²

The Klan posed much less of a threat to those living in the cities of Columbia and Charleston such as Francis Cardozo and his family, but family legend told

⁴⁰⁹ Richard Zuczek, *State of Rebellion: Reconstruction in South Carolina* (Columbia: University of South Carolina Press, 1996) 4-6.

⁴¹⁰ Zuczek, *ibid*, 58.

⁴¹¹ *Daily News* 7 May 1868.

⁴¹² Zuczek, *ibid*, 60; Edgar, *South Carolina*, 398.

of one moment of danger. The story appeared in brief notes left by Cardozo's granddaughter, Eslanda Robeson, again writing in the guise of her mother, Eslanda, in a copy of Howard Fast's *Freedom Road*. They tell of the Ku Klux Klan coming to the Cardozo home in Charleston:

Mother [Francis' wife, Catherine] told them that he was delirious with fever and stood up to the klan and said, "burn down the house ... in the house will be a sick man, our two-year-old son, myself and my unborn child." They cheered for a brave woman and rode away.

The unborn child was Eslanda, which puts the date in 1868 or early 1869, when her brother, George, was two years old. There is no external evidence to support the story and it seems unlikely that Klansmen would cheer Cardozo's wife, herself of mixed race, given their abuse of other mixed race and black families.⁴¹³

Whatever the truth of this family story, the other report of Cardozo's personal encounter with violence is not open to doubt, in this case involving a group of white men apparently prepared to kill him. The *Daily Phoenix* offered a full account in two editions in April 1872, reproducing a letter from Cardozo himself. His story began with a train journey in June 1871 when a conductor had ejected him from a Pullman train car because of his colour. George Pullman gave him a signed letter promising him travel on the same basis as white travellers. Cardozo showed the letter to a train conductor on a journey through Georgia, on his way to the National Colored Convention in New Orleans, and was granted access to the sleeping car. The conductor denied access to Cardozo's non-white travelling companions, including Alonzo Ransier, the Lieutenant Governor of South Carolina. They refused to leave the car; the

⁴¹³ Robeson family papers, Howard University.

conductor did not make up the beds. The conductor took Pullman's letter and did not return it. On his return journey, Cardozo was on his own when he boarded a train in Atlanta. This time, the conductor refused him access both to the sleeping car and to the first-class car. As they were arguing, "ten or twelve white men gathered around the platform ... and one asked me if I was Secretary of State Cardozo. He then took me by the arm and attempted to drag me off the platform. The conductor intervened and pushed the man away."

Cardozo's immediate reaction was that "this person meant mischief and that there were those in the crowd who meant to help him." He went on:

I am perfectly satisfied in my own mind that this was a deliberate conspiracy to assault me and murder me if I resisted. I certainly would have been murdered for I would rather have died on the spot than tamely submit to such uncalled for and unprovoked assault. The timely interference of the conductor saved my life ... It is a specimen of the boasted freedom and protection the Democratic Party of Georgia give the colored man; and yet the Democrats tell us they are our best friends!⁴¹⁴

Cardozo may have exaggerated the danger he was in and his strength of purpose in facing it. The *Daily Phoenix* did not comment but the Republican *Daily Union* had no hesitation: "we candidly believe this to have been a premeditated attempt to murder Mr Cardozo whose life was probably saved by the presence of a conductor on the train ... his only offence that he was a colored man and desired to ride in the first class car."⁴¹⁵ Given the assassination of another African American Republican, Benjamin Randolph, at

⁴¹⁴ *Daily Phoenix* 10 and 23 April 1872.

⁴¹⁵ *Daily State Gazette*, Trenton NJ, quoting the *Daily Union* 30 April 1872 (Readex Database).

a train halt in 1868 and the violence that had continued in the intervening years, it is hard to argue that both Cardozo and the *Daily Union* had good reason to fear that his life had been at risk.

Georgia was a dangerous place for African Americans. Eric Foner said that “violence had made it virtually impossible for Republicans to campaign or vote in large parts of Georgia.” Fifteen African American politicians were elected to the state legislature in Georgia in 1868, then expelled, briefly re-seated following the Congressional Reorganisation Act of 1869. No African Americans won election to State office during Reconstruction in a state with a forty per cent black population. By October 1871, the Democrats had regained power in Georgia and “Congressional Reconstruction, what little there was, came to an abrupt end” in the state.⁴¹⁶

There were similar patterns across the South. In North Carolina, Klan violence “crippled the Republican organisation” for the legislative elections of 1870. The Democrats achieved a two-thirds majority in the legislature and impeached the Republican Governor, William Holden, “the first governor in American history to be removed from office by impeachment.” In Alabama, violence in Greene County enabled the Democrats to win the state government. To quote Foner again, “the violence of 1869-71 etched the Klan permanently in the folk memory of the black community.”⁴¹⁷

In South Carolina, most of the white newspapers took a long time to take the existence of the Klan seriously. The *Daily News* reported Klan violence in other states but challenged the stories of Klan activity in South Carolina. It was predictably unhappy with Governor Scott’s decision to recruit a state militia to

⁴¹⁶ Foner, *Reconstruction*, 442; Edmund L. Drago, *Black Politicians and Reconstruction in Georgia: A Splendid Failure* (Athens: University of Georgia Press, 1992) 35-65.

⁴¹⁷ Foner, *ibid*, 440-444.

deal with the violence, largely a black militia since white men would not join. In January 1870, the newspaper was pleased to report that General Henry Halleck, commander of the Military District of the South, had said: "I am of the opinion that no such organisation as the Ku Klux Klan now exists in the South." In March 1870, the *Daily News* expressed its own view: "we have doubts as to whether any such society (as the Klan) really exists." But by January 1871, it had no alternative but to report that the Klan was responsible for a series of outrages in York County in the north of the state.⁴¹⁸

In 15 February 1871, the tone of reports in the *Daily News* changed completely: "in common with the great mass of the law-abiding people of South Carolina, we deeply deplore the murderous outrages committed in Union County by the so-called Ku Klux Klan." Later the same month, the newspaper offered a surprisingly frank analysis:

We know that a garrison of U.S. troops will prevent a recurrence of these lawless acts in Union County. But we would go deeper. We would explore the past and endeavour to lay bare the old habits which tempt a community to take up arms. In the Southern States there is in a certain sense too much individuality. Hence it comes that Judge Lynch, the old Ku Klux, performs the duties which in a more settled society belong to the courts alone.⁴¹⁹

David Blight was harsher in a more recent assessment: "white southerners found their world had been turned upside down and they simply could not abide the presence of assertive blacks ... carrying guns, organising Union

⁴¹⁸ *Daily Republican* 28 August, 21 September 1869; *Daily News* 20 January, 15 March, 13 December 1869, 3 January; 19 February, 23 March, 23, 30 August 1870, 31 January 1871; Zuczek, *State of Rebellion*, 55-57.

⁴¹⁹ *Daily News* 15, 20 February 1871.

Leagues or voting and serving in the legislature;” the result was violence and the Ku Klux Klan.⁴²⁰

Governor Scott appealed several times to President Grant to send federal troops to the state to cope more effectively with the Klan than the poorly trained black militia could do, to avoid “a bloody war of extermination.” Many members of the Klan were well-trained former Confederate troops. In York County, it was estimated that as many as 80 per cent of white men rode with the Klan. Walter Edgar, a modern historian of South Carolina, said that the Klan’s “scheduled weekly night rides in York County established a level of brutality seldom seen in the United States, in which eleven black Carolinians were murdered, six hundred whipped and black schools and churches burned,” between November 1870 and September 1871. Allen Trelease, historian of the Ku Klux Klan across the South, said that York County “was reduced to a state of near anarchy which no-one dared to combat.” Lou Faulkner Williams was still more severe: “the South Carolina Klan in its fury committed some of the most heinous crimes in the history of the United States.”⁴²¹

The federal government began to respond in April 1871, first sending more troops so that, by June, the number of federal soldiers in South Carolina had risen from five hundred to nine hundred. In April, Congress passed the Third Enforcement Act, known as the Ku Klux Klan Act, allowing the suspension of *habeas corpus* in a finite area. A Joint Select Committee to *Inquire into Conditions of Affairs in the Late Insurrectionary States* began its investigations

⁴²⁰ David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: The Belknap Press of Harvard University, 2002) 110.

⁴²¹ *Daily News* 4, 7, 10, 13 March 1871; Edgar 399-400; Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (Baton Rouge: Louisiana State University Press, 1971) 362; Lou Faulkner Williams, *The Great South Carolina Ku Klux Klan Trials 1871-72* (Athens: University of Georgia Press, 1995) 16; Zuczek, *State of Rebellion*, 90-93.

with a tour of South Carolina in June. The Attorney General, Amos Akerman, went to the state in August to see the position for himself. On 17 October, President Grant, on Akerman's advice, suspended *habeas corpus* in nine up-country counties. The Select Committee reported in February 1872 with much evidence of the whippings, lynchings and shootings which the Klan had carried out in the up-country. Colonel Lewis Merrill, who led the federal cavalry in the state, described the Klan as "very large, exceedingly well-organised and very dangerous." The evidence of Elias Hill, a disabled Baptist Minister, of the whipping and torture inflicted on him by the Klan was particularly awful.⁴²²

By April 1872, 533 suspected Klan members had been arrested in South Carolina; more had surrendered themselves; as many as two thousand had fled the state. Simkins and Woody said that "so thorough was the work of the federal authorities that no more was heard of the Klan as an active organisation after the summer of 1871." Allen Trelease wrote that the violence "finally ended because of state intervention." Other historians have been more sceptical. Walter Edgar emphasised the poor conviction rate of those arrested: 23 convictions and 67 guilty pleas, from 1,300 indictments. His view was that "instead of suppressing the white insurgency, the feeble show of force encouraged it." Richard Zuczek agreed that federal intervention made "an impressive start, but poor preparation and lack of foresight would eventually bring the enforcement effort to a whimpering close ... many of the most notorious Klansmen may have escaped the federal crackdown completely." Grant's Attorney General Akerman became dispirited by the lack of progress in prosecuting those who had been arrested and by declining interest in the

⁴²² Zuczek, *State of Rebellion*, 93-98; *Report of the Joint Select Committee to Enquire into the Condition of Affairs in the Late Insurrectionary States*, Second Session of the Forty-second Congress, Report No. 22 (Washington: Government Printing Office, 1872) Cols. 40, 42, 44-47; Trelease, *White Terror*, 371-372.

North. He resigned, telling a friend in January 1872 that “the Southern Republicans must cease to look for special support,” and “learn to stand on their own feet.” Cardozo’s experience in Georgia illustrated how difficult that could be. The failure to destroy the capacity of the white vigilantes was to be crucial to the ultimate defeat of Reconstruction in government.⁴²³

Violence diminished in the first half of 1872 with the presence of federal troops, the arrests and the flight of Klansmen. The 1872 campaign was the most peaceful of Reconstruction, except in Georgia, according to Eric Foner.⁴²⁴ But violence spread again in the election campaign of 1874. The election on 4 November was “as bloody an election as South Carolina had seen ... while demonstrating black loyalty, endurance and courage” among supporters of the Republican Party.⁴²⁵ Daniel Chamberlain’s majority was 11,500; Franklin Moses’ had been 33,000, Cardozo’s more than 36,000 in 1872. Republicans in South Carolina were increasingly isolated as the national party lost control of Congress and Democratic Governors won election in nineteen of twenty gubernatorial races. The Panic of 1873 weakened Republican support in South Carolina; it was devastating at national level. A Republican majority of 110 seats in the House of Representatives changed to a Democratic majority of 60 seats in the 1874 elections, a bad omen for Reconstruction in the South.

The next chapter will look at the violent campaign of 1876 in South Carolina and its consequences for Daniel Chamberlain and Francis Cardozo. It has been said that the corruption and violence of the first six years finally caught up with the Republican Party in 1877. Corruption was certainly the continuing focus for

⁴²³ Zuczek, *State of Rebellion*, 98-109; Simkins and Woody, *South Carolina During Reconstruction*, 464; Trelease, *White Terror*, 362.

⁴²⁴ Foner, *Reconstruction*, 508.

⁴²⁵ Zuczek, *ibid*, 146.

most white newspapers of the time and for white historians for the following eighty years. It was manifestly a pervasive problem throughout the administrations of Robert Scott and Franklin Moses. Kenneth Stamp and others have made the point that corruption was no worse in southern states than elsewhere in the country, significantly less serious in absolute financial terms than in the New York of the Tweed Ring.⁴²⁶ But the Republican governments of the South were particularly vulnerable to allegations of corruption both in their own communities and amongst their supporters in the North. James Pike's *The Prostrate State* in 1874 and continuously negative newspaper reports fatally weakened their support.

Francis Cardozo was clearly conscious of the risk to his governments. He had taken a stand against corruption as early as 1869, in resigning from the Advisory Board of the Land Commission. He continued to do so, distancing himself from his colleagues increasingly during 1871. He sought to protect and enhance his own reputation and that of his race, to demonstrate that "the colored people," to use his own terminology, could govern as effectively and at least as honestly as white men. He saw himself, and was seen by the press, as a role model in government, as he had intended his school to be in the early years of Reconstruction, in demonstrating that black children could learn just as well as white. The favourable press reports quoted in this chapter suggest that he had a measure of success in doing so, though never sufficiently to make a difference to the persistent racism of the white population and their underlying hostility.

⁴²⁶ Kenneth M. Stamp, *The Era of Reconstruction* (London: Eyre and Spottiswode, 1965) 177.

Cardozo's experiences illustrate the tensions which characterised political life throughout this period. His direct personal experience of violence was limited but the threat was always there. The family legend of the visit of the Ku Klux Klan may not have been based in fact but it surely reflected a persistent anxiety for Cardozo and his wife. The reports of violence perpetrated on African Americans and their white sympathisers throughout Reconstruction demonstrate the reality of the threat. Corruption was equally real, in the Land Commission, in the Finance Board and in the state legislature. Cardozo resisted it on a personal level and in his relations with his colleagues where he could. His personal campaign of reform had begun to take hold by the time Daniel Chamberlain took over from Moses and made reform central to his administration. By that time, the prospect of continued Republican government in South Carolina was highly precarious.

Chapter 6

Reconstruction in Government: Cardozo and Chamberlain 1874 – 1877

By the time of the state elections in November 1874, corruption and violence had been ever-present themes in the political life of South Carolina for six years of Republican government. They would continue to be significant in the remaining two and a half years, though corruption was a more important issue for the white newspapers of the day than for the lives of most people of the state. Violence was never far away in some parts of the state and would return in earnest in the election campaign of 1876. At the same time, more children, white and black, were going to school, agricultural production was increasing, and real progress had been made in securing the civil rights of the freed people. Throughout 1875 and the first half of 1876, the campaign of government reform, led by Governor Daniel Chamberlain and State Treasurer Francis Cardozo, would dominate state politics. The reformers sought to address corruption and the perceived excesses of the first two Republican administrations, and they provoked serious conflict within the Republican Party. Francis Cardozo would for a time become the personal focus of that internal party conflict. He was hardly an accidental victim since he had long been the leading advocate of reform in the state government.

This chapter will look first at the reform programme led by Chamberlain and Cardozo and the controversy it provoked soon after Chamberlain's election in

November 1874. In February 1875, a faction of the Republican Party in the state legislature launched an attempt to remove Francis Cardozo from office and thereby stall the reform programme. It was unsuccessful, but internal conflict continued to undermine the Republican administration. For that reason, the historian Thomas Holt gave Daniel Chamberlain the primary responsibility for the defeat of Reconstruction in 1877. Most other historians, by contrast, have seen Chamberlain and Cardozo as the last best hopes to rescue Reconstruction from the failings of the administrations of Robert Scott and Franklin Moses between 1868 and 1874. These arguments will be considered here alongside the contemporary accounts offered in the newspapers of the day and in a remarkable documentary record of the Chamberlain administration pulled together by Walter Allen. Allen had been a friend of Chamberlain's at Yale and dedicated his account of the administration jointly to his own wife and Chamberlain's.⁴²⁷ Thomas Holt exaggerated the significance of internal Republican conflict set against other forces in the history of Reconstruction. Many other historians have underestimated its achievements.

Cardozo had been at odds with many of his colleagues during the first six years of Republican government in his stance against corruption, often the outsider among them. He found in Chamberlain a governor now committed to reform and to driving out corruption, however doubtful Chamberlain's own record had been as Robert Scott's Attorney General. The reform campaign which Cardozo had begun during Franklin Moses' administration was now central to Daniel

⁴²⁷ Thomas Holt, *Black over White: Negro Political Leadership in South Carolina During Reconstruction* (Urbana: University of Illinois Press, 1977) 4; Walter Allen, *Governor Chamberlain's Administration in South Carolina: A Chapter of Reconstruction in the Southern States* (New York: G.P. Putnam's Sons, 1888); Richard N. Current, *Those Terrible Carpetbaggers: A Reinterpretation* (New York: Oxford University Press, 1988) 399.

Chamberlain's. They aimed to provide a stable foundation for Republican government in South Carolina based on financial regularity and sustainable expenditure on public services. They believed that a successful appeal to potential white supporters would widen support for Republican government and reduce the threat of violence against it. For Cardozo, his long-standing personal commitment to financial probity was now one shared by the administration.

This chapter will look at the initial impact of the reform campaign, its successes and its setbacks, and at the violence surrounding the State and Federal elections of 1876. After the elections, a series of political dramas culminated in the withdrawal of federal support in 1877 and, in its turn, the ending of Republican government in the state. Francis Cardozo was at the centre of these events, despite his differences with other Republican leaders. He campaigned strongly for his party in the 1876 elections and he did his best alongside his fellow officers after the election to carry on the work of the offices to which they believed they had been elected.

Lastly, the chapter will assess the practical impact of Reconstruction in government across the three administrations of Scott, Moses and Chamberlain, on the economic and social conditions of the people of the state. There were many scandals and failures in government but there were notable advances too in public education and in land reform, economic improvements and social change in which Francis Cardozo and his colleagues played a large part. They are as important to the history of Reconstruction as the negative aspects which have largely dominated popular memory. Francis Cardozo did his best to proclaim those achievements and to sustain the belief that they could be maintained. He believed that the results were positive for him

personally and for his government. But Reconstruction ended in defeat. The white population did not accept multi-racial government; the black majority was unable to resist superior force.

Cardozo, Chamberlain and the Reform Programme

Francis Cardozo nominated Daniel Chamberlain as candidate for Governor at the Republican Party convention in September 1874. Chamberlain was a carpetbagger from Massachusetts, educated at Yale and Harvard, then an officer in the Fifth Massachusetts Cavalry, a black regiment in the Union Army. He had been Robert Scott's Attorney General, frequently accused of complicity in the corruption scandals during Scott's administration. It is likely that he was involved in at least some of the abuses of the State Finance Board and the Land Commission. But his reputation improved as a lawyer in private practice while Franklin Moses was governor from 1872 to 1874. Cardozo had stood by him even as he fell out with Robert Scott and Treasurer Niles Parker. He now proposed him to the convention with the words: "the party is sick and needs a physician, Daniel Chamberlain."⁴²⁸

The local and national press did not respond well to the nomination. In Charleston, the *News and Courier* said that "the supporters of D.H. Chamberlain are the men who devised and carried into execution every fraud of magnitude which has been committed in South Carolina during the past six years." The *Washington Post* commented that "if there is any abiding sense of justice left in the Palmetto State, Mr Chamberlain or any other person connected with the Moses ring will be left out of office." The *New York Tribune*

⁴²⁸ Current, *Those Terrible Carpetbaggers*, 91-94; Chapter 5; *News and Courier* 15 September 1874.

called Chamberlain “a carpetbagger and corruptionist,” who had the support of President Grant (and was therefore doubly unacceptable in the newspaper’s view).⁴²⁹

Chamberlain nonetheless won the election on 3 November 1874, with 80,403 votes to 68,818 for the Independent Republican candidate, Judge John Green. Cardozo and other state officers did not stand for election; theirs were four-year terms. Once again, there was no Democratic candidate for Governor. Chamberlain’s majority of 11,585 was much smaller than the majority of 33,305 which Franklin Moses had achieved in 1872. Thomas Holt said that there was a rumour that President Ulysses Grant might have supported Green, because of the damage which the administrations of Scott and Moses had done to the Republican Party, but was persuaded not to do so by South Carolina Senator John Patterson. The Republican vote was clearly weakening but most African American voters remained loyal to the party despite the hostile onslaught of the press.⁴³⁰

The tone of press coverage was soon to change for the better. Chamberlain promised a series of reforms in his inaugural address on 2 December: a fairer tax system; a reduction in public expenditure, in particular in the expenses of the General Assembly; economies in the large and controversial cost of public printing; early repayment of the State debt; protection for the funding of public education but reform of its administration; and a promise to address “the evils which surround us they are deplorable but they will be

⁴²⁹ Chapter 5 on the make-up of the local press; *News and Courier* as above; *New York Tribune* quoted in the *Columbia Daily Phoenix* 17 September 1874; *Washington Post*, reprinted in the *News and Courier* 14 November 1874.

⁴³⁰ Election Returns in the *Reports and Resolutions* of the General Assembly of the State of South Carolina for the Regular Sessions of 1872-73 and 1874-75 (Columbia: Republican Printing Company, 1873 and 1875, South Carolina Department of Archives and History); Holt, *Black over White*, 176-178.

transitory.”⁴³¹ The speech carried with it a commitment to reform much stronger than Scott and Moses had offered and a clear message that the extravagance and corruption over which they had presided was to end. Chamberlain’s promise to reduce public spending was particularly controversial within the Republican Party.

Robert Brown Elliott, the African American elected Speaker of the House of Representatives with Chamberlain’s support, began “to question his loyalties to the Republican Party and to the Negroes was he a Conservative at heart?”⁴³² Elliott was a black carpetbagger who had come to South Carolina in 1867 and served in the U.S. House of Representatives from 1871 to 1874, now returned to state politics as a leader of the radical faction in the state legislature. Walter Allen said that many members of the Republican Party, used to the less forthright declarations of Scott and Moses, “felt that Chamberlain was committing himself too freely and too far” to the cause of economy.⁴³³ Francis Cardozo, by contrast, embraced the prospect of public expenditure restraint for which State Treasurers and others in similar roles have long been advocates. On a personal level, he had the Governor’s support for his own commitments to reform and to financial probity.

The South Carolina press was equally encouraged. The *News and Courier*, formed by the merger of the *Daily News* and the *Courier* in 1873, was the major newspaper in the state and had been strongly opposed to Daniel Chamberlain. But he and its editor, Francis Dawson, had reached a rapprochement in the month between the election and the inauguration.

⁴³¹ Inaugural Address to the Senate and House of Representatives, reprinted in Allen, *Governor Chamberlain*, 10-29.

⁴³² Peggy Lamson, *The Glorious Failure: Black Congressman Robert Brown Elliott and the Reconstruction in South Carolina* (New York: W.W. Norton and Co., 1973) 208.

⁴³³ Allen, *ibid*, 33.

Chamberlain convinced Dawson of his personal commitment to reform and secured his support for his campaign.⁴³⁴ The editorial following the inaugural was almost ecstatic: “Mr Chamberlain has placed his foot upon the rock of a living principle, with the eye of a great nation full upon him and the light of a great future breaking all around him.” Other newspapers were positive, without the high-flown language: The *Aiken Courier-Journal* said, “we like the ring of Governor Chamberlain’s inaugural message and hope he will be able to carry out the program to the letter.” The *Greenville News* agreed: “In many respects, the Governor’s message is full of good advice and we hope that the present legislature will see to it that much that he recommends will be carried into practical execution by appropriate and necessary enactment.”⁴³⁵

Francis Cardozo quickly became involved in political action in support of Chamberlain. The new legislature’s first significant task, just days after Chamberlain’s inauguration, was to appoint a new judge in the court circuit for the city of Charleston. Robert Elliott and many Republican members of the state legislature favoured William Whipper, a black lawyer who had been Elliott’s law partner. Whipper was a controversial figure but not corrupt in the assessment of Lewis Burke, historian of African American lawyers in South Carolina. Chamberlain put his support behind Colonel Jacob Reed, the white candidate preferred by the planters and businessmen of Charleston, and enlisted Francis Cardozo’s help, “the other strong intelligent, well-educated and influential colored politician in the state, making him Chamberlain’s front man.” Their combined efforts brought together white Conservatives,

⁴³⁴ Current, *Those Terrible Carpetbaggers*, 333-336.

⁴³⁵ *News and Courier* 11 December 1874; *Aiken Courier-Journal* and *Greenville News* quoted in Allen, *Governor Chamberlain*, 35.

independent Republicans and “Cardozo’s negro followers” to give Reed a substantial victory over Whipper, by 103 votes to 40.⁴³⁶

The *News and Courier* celebrated: “The first fight which the Chamberlain administration has made is won and there is not an honest man in South Carolina who has not today a far higher opinion of Governor Chamberlain than he had a week ago.” Elliott saw it as evidence that Chamberlain, and Cardozo too, valued white Democratic supporters more than black Republican ones.⁴³⁷ Cardozo had shown himself willing to support Chamberlain’s appeal to the white establishment rather than a member of his own race. It was the first practical step in the campaign to win over potential white supporters. Henceforward, Cardozo increasingly took Chamberlain’s side in the battle for the leadership of the Republican party. It would not be long before the battle would focus on Cardozo himself.

Cardozo’s role in Chamberlain’s programme featured in the latter’s message to the General Assembly in January 1875, a first progress report on his plans to reduce expenditure. He began by quoting the report of the State Treasurer, “a luminous and complete exhibit of the operations of his Department.” He went on to announce restrictions in the expenditure of the State Lunatic Asylum and the State Penitentiary, for which he advocated convict leasing to reduce costs; and in public education where he emphasised his commitment to increasing school numbers but denounced the incompetence of some County

⁴³⁶ Current, *Those Terrible Carpetbaggers*, 334-335; Lamson, *The Glorious Failure*, 210; W. Lewis Burke, *All for Civil Rights: African American Lawyers in South Carolina, 1868-1968* (Athens: University of Georgia Press, 2017) 35-36.

⁴³⁷ Lamson, *ibid*, 210-212; *News and Courier* 14 December 1874

Commissioners and teachers: “even in educational matters, we cannot afford to make expenditure until we have the means to pay.”⁴³⁸

The local white newspapers welcomed the message warmly, seeing in it “reason for hopefulness and for confidence” in the *News and Courier*, and “cordial approval” in the *Lexington Despatch*.⁴³⁹ The *Daily Union-Herald*, one of the few Republican newspapers in the state, was equally positive and quoted the Governor’s support for Cardozo’s commitment to keeping expenditure within the level of state income as “absolutely essential to the restoration of the credit of the State.”⁴⁴⁰ Elliott and his supporters, by contrast, saw the reductions in public spending as “the sacrifice of reforms already achieved.” Their fears had some force: the re-instatement of convict leasing for prisoners would descend into a notorious system of abuse in the years after Reconstruction; on the other hand, Chamberlain promised sustained educational progress.⁴⁴¹

The early weeks of the new administration were encouraging for Cardozo and his campaign for financial credibility. In February, the *Daily Phoenix* quoted an investor in New York who “expressed the view that South Carolina bonds, which had been worthless two years previously, were now worth having again, and went on to express approval of the management of Treasurer Cardozo.” That quote was no doubt welcome across the political spectrum in South Carolina. On the following day, the newspaper highlighted a more divisive message in Cardozo’s report to the state legislature, that the appropriation for the costs of the present session was \$150,000, whereas the tax levied would

⁴³⁸ Chamberlain’s message dated 12 January 1875 in Allen, *Governor Chamberlain*, 46-57.

⁴³⁹ Allen, *ibid*, quoting (undated) comments on the message in the *News and Courier* and the *Lexington Despatch*, 62-63.

⁴⁴⁰ *Daily Union-Herald* 13 January 1875.

⁴⁴¹ Current, *Those Terrible Carpetbaggers*, 336; Chapter 7.

raise only \$120,000. He would have to provide for members' pay first, at a cost of \$103,000, leaving just \$17,000 for the salaries of employees. That represented half the amount due to them. He could not pay more without a "deficiency tax," that is through the levy of a new supplementary tax.⁴⁴²

Cardozo was not willing to deal with overspending and a shortage of revenue by issuing more bonds, as his predecessor had done, and he now had a Governor ready to support his firm line. Members of the legislature quickly responded, not with arguments about the administration's policy but with a personal attack on Cardozo. In February, the General Assembly set up a Special Joint Committee to investigate Cardozo's handling of state bonds. The *Daily Phoenix* and the *News and Courier* reported the Committee's report and subsequent developments with relish and at length. The *Daily Union-Herald* took it more lightly at first, suggesting that Senator Thomas Dunn, a personal rival of Cardozo, had promoted the investigation, "simply to annoy the Treasurer," whose reaction was "to smile good-naturedly at such constant annoyances." Cardozo may not have been initially worried about the investigation, but he was a stalking horse for Chamberlain. By 23 February, *the Daily Union-Herald's* view had changed: "a bitter fight is in progress inside Republican ranks at the State Capitol." The attack on Cardozo represented the first significant battle for the leadership of the party after the 1874 election.⁴⁴³

The Special Joint Committee's report, quickly produced in February, attacked Cardozo on two main grounds: that he had approved the payment of more than \$1m to bond holders whose bonds had been unlawfully issued by his predecessor; and that he had temporarily diverted funds set aside for the

⁴⁴² *Daily Phoenix* 5, 6 February 1875.

⁴⁴³ *Daily Phoenix* and *News and Courier*, February and March 1875, references by date below; *Daily Union-Herald* 4, 23 February 1875.

payment of interest, to meet current expenditure. The Committee said that Cardozo's justification for his actions was "as monstrous as the violation itself." It went to say that if the Treasurer can use a fund which had been raised for a specific purpose for other purposes, "in the face not only of the positive prohibitions of the State but of the prescribed penalties of fine, imprisonment and deprivation of office ... then all law for the direction and restraint of public officers is a dead letter in South Carolina."⁴⁴⁴

The Committee did not accuse Cardozo of misuse of funds for personal gain, or for any corrupt purpose. The language used in its report was manifestly disproportionate to the accusations it had made against him. He responded immediately, only for the Speaker of the House, Robert Elliott, to stop the reading of his response after the first sentence which said: "I have carefully read the entire report and deem it my duty to reply to its unjust and unwarrantable conclusions." Elliott called for a vote on whether the House should hear the remainder of Cardozo's reply, given his "disrespectful language." The House voted 51 to 42 not to hear it. On the same day, Cardozo reported to the House that he had been presented with pay certificates which had been issued with "contemptuous disregard and wanton violation of the law," and that he could not tell "which were for regularly authorised employees and which were not." His timing may not have been deliberately provocative but was unlikely to be well-received in the legislature. Three members of the House complained that they had made legitimate claims and

⁴⁴⁴ *Report of the Special Joint Committee, Reports and Resolutions of the General Assembly of South Carolina 1874-75* (SCDAH) 658; *Daily Phoenix* 26 February 1875.

been refused payment: one was Robert Elliott; the other two were members of the Committee which had censured Cardozo.⁴⁴⁵

It is highly likely that the campaign against Cardozo was a power play on Elliott's part to assert his leadership over the black members of the legislature after his defeat in the election of Judge Reed. Cardozo and Elliott had been allies if not friends since the Constitutional Convention of 1868 and had spoken out for each other in the months before the Committee's report. Cardozo was mixed race, Elliott pure African American, but racial issues within the community seem not to have been a factor in these disputes, despite Cardozo's earlier concerns on the issue. Joel Williamson said that "color variations within the Negro community were less important than native whites liked to think."⁴⁴⁶

The opposition to Cardozo involved an inter-racial coalition. The Committee's members included black and white Republicans: Beverley Nash, a leading black politician since 1868, said by the famously anti-black commentator, James Pike, to have had "more native ability than half the white men in the (State) Senate;" Benjamin Whittemore, a white carpetbagger, now a State Senator, formerly a U.S. Congressman (1868-1870) censured for selling a cadetship to West Point; and the Committee's chairman Thomas Dunn, a scalawag who would become Comptroller General in March.⁴⁴⁷ Legislators

⁴⁴⁵ *Daily Phoenix* 26 February; *News and Courier* 27 February 1875; Michael W. Fitzgerald, *Splendid Failure: Postwar Reconstruction in the American South* (Chicago: Ivan R. Dee, 2009) 199.

⁴⁴⁶ Lamson, *Glorious Failure*, 213; Chapter 4; Joel Williamson, *After Slavery: The Negro in South Carolina During Reconstruction 1861-1877* (New York: W.W. Norton and Co., 1965) 313.

⁴⁴⁷ James S. Pike, *The Prostrate State: South Carolina Under Negro Government* (New York: Appleton and Co., 1874) 34; Hyman Rubin III, *South Carolina Scalawags* (Columbia: University of South Carolina Press, 2006) 77.

who had taken personal advantage of lax financial standards were now frustrated that Cardozo was making it harder for them to do so. For others, his commitment to curb expenditure risked the economic and social progress which they believed they had been elected to achieve. In both respects, the direction of Republican government was at stake as well as Cardozo's own position.

Cardozo offered a lengthy and detailed reply to the Special Joint Committee on 1 March. He justified his actions in part by quoting a letter from the Attorney General, Samuel Melton, who had advised that it was sensible to divert funds temporarily from the interest fund to meet the working expenses of the legislature, "so long as by such diversion there was created no deficiency existing at the time any demand was presented for payment of interest," advice which Cardozo followed. He pointed to the members of the Committee who had complained personally of the delay in meeting their claims and were now criticising him for the action he had taken to do so. He justified his own conduct robustly:

called as I was to the Treasury at a period when our State credit was utterly lost, our Treasury empty and every public institution on the verge of collapse I have the happiness to know that my bitterest enemy cannot point to one error in my accounts, to the loss of one dollar out of the many millions entrusted to me I have earned his (the governor's) confidence and esteem in the discharge of all my duties both as an officer and as one who loves the state (by contrast with) the self-seeking politicians of the hour.⁴⁴⁸

⁴⁴⁸ Communication by the State Treasurer in Reply to Report of the Special Joint Committee, 1 March 1875, *Reports and Resolutions 1875-76*; *Daily Phoenix* 2 March 1875.

Cardozo's response convinced the *Daily Union-Herald*:

The positions of the committee are shown to be untenable, the facts presented are disproved and their conclusions shown to be unjust and unwarrantable In all matters pertaining to the funding, Mr Cardozo has shown himself to be a vigilant, accurate, honest public officer.

He had also shown himself willing to hit back at those who criticised him. The House now referred the Committee's report to the Senate for a trial before both Houses on the "address for the removal of the Treasurer," not for his impeachment. The *Daily Union-Herald* pointed out that "in an impeachment trial, every allegation of the committee would have to be proved before a court ... the defendant would be protected. None of these just provisions are present in the current proceedings."⁴⁴⁹

The *News and Courier* published an interview with Daniel Chamberlain on 11 March in which he strongly defended Cardozo:

I do not hesitate to say that I have entire confidence in Mr Cardozo I have examined all the evidence yet adduced and I find nothing to shake my faith in Mr Cardozo's honesty I saw this storm gathering long ago. I knew that any man who did his duty as Treasurer, who lent himself to no jobbery, would make himself the most unpopular man in South Carolina. Cardozo knew it too. I confess I did not expect to see the elements which view the public service as a mere chance to make money able to make such headway as they are now apparently making against Mr Cardozo. I did hope for better things, but I also expected to

⁴⁴⁹ *Daily Union-Herald* 3, 12 March 1875.

find a howl and outcry against any man who did his duty by the Treasury.

He concluded by saying “that Mr Cardozo acted from good motives is also evident.” Chamberlain knew the importance of sustaining his leading black supporter if he was to pursue the reform campaign and retain his own authority.⁴⁵⁰

The hearing of the case against Cardozo in the General Assembly took place on 18 and 19 March. A team of attorneys led by Cyrus D. Melton, the Attorney General’s brother, presented his defence. They argued that he had acted entirely within the law. He had diverted funds temporarily from the interest fund, but he had done so for proper reasons and out of necessity to meet pressing costs and without prejudice to the interest fund, in line with advice from the Attorney General. Robert Elliott made a two-hour speech arguing for Cardozo’s removal. The General Assembly rejected the address for removal by 63 votes to 45.

The *Daily Phoenix* said that the effect of Chamberlain’s “full identification with the case” had been to make the issue “one of the future of his administration.” But the Treasurer “did not owe his escape entirely to the Governor. He was extremely well defended. His case improved as it went on.” Chamberlain’s interview and Cardozo’s lawyers also convinced the *News and Courier*. It called on Democratic members of the legislature to vote against the address for removal; all but three of them did so. The pro-administration *Daily Union-Herald* was happy:

⁴⁵⁰ *News and Courier* 11 March 1875.

to exalt over our opponents the struggle has been a struggle between honesty and corruption the blow aimed at Governor Chamberlain has been parried his strength immeasurably increased by this very struggle the greatest gain of all will be found in the freedom with which Mr Cardozo can now uphold the cause of official integrity.⁴⁵¹

The vote to sustain Cardozo was a substantial one, nearly a two-thirds majority in his favour when two thirds against would have been needed to remove him. His support had come from both Democrats and Republicans in favour of reform, though most of the forty-five who voted for his removal were Republican. The support which Cardozo received from Daniel Chamberlain could hardly have been more whole-hearted. That was no doubt very welcome to Cardozo on a personal as well as a political level. But there is no evidence of a personal friendship between Chamberlain and Cardozo in a society still divided by race. Between Cardozo and Elliott, it had been a “genuinely ugly conflict.” The two most influential African American political figures in the state, were now seriously divided. The political rift between the Chamberlain/Cardozo reformist element and the radical Elliott faction within the Republican Party had become more significant than a racial alliance between Cardozo and Elliott.⁴⁵²

The national press followed the attempt to remove Cardozo closely. The *New York World*, a leading Democratic newspaper published by Joseph Pulitzer, was one of many to see the result as “a vindication of Governor Chamberlain’s administration and of the integrity of the present management of the state’s finances.” The *New York Tribune* said in May that “the Governor now has the

⁴⁵¹ *Daily Phoenix* 19, 21, 23 March; *News and Courier* 12, 15, 20, 22 March; *Daily Union-Herald* 23 March 1875.

⁴⁵² Lamson, *Glorious Failure*, 17.

confidence of a considerable number of the taxpayers and white citizens of the State,” and forecast a split between a wing of the Republican Party led by Elliott and one led by Chamberlain and Cardozo. The less well-known *Rhode Island Press* had a less serious take on the reason for the opposition to Francis Cardozo:

Cardoza is a mulatto and his wife a beautiful octoroon. The wives of the colored legislators called on his wife one day and she sent word by a servant that “she didn’t want any washing that day.” This was snubbing in earnest ... so the colored ladies induced their husbands to attempt the removal of Cardoza.⁴⁵³

It does not seem likely that either Francis or Catherine Cardozo would have seen the funny side of that story. It played further into the image of Cardozo as an outsider among African American leaders, suggesting that his wife was equally aloof. It is possible the cultural and intellectual style of the Cardozos’ home, as described in Chapter 5, which the Scottish writer David Macrae had identified, lay behind this image.⁴⁵⁴ More likely, it was politically motivated mischief making, provoked by Cardozo’s victory in the General Assembly.

The extent of the division between the Executive and the Legislature may be judged by the total of nineteen bills which Chamberlain vetoed during the 1874-1875 session ending in March 1875. Walter Allen was delighted to say: “in spite of a hostile intention, the Legislature had been compelled to serve the cause of reform,” and that the “new departure” was welcomed throughout the

⁴⁵³ *New York World* 22 March 1875; *New York Tribune* 25 May 1875; *Rhode Island Press* 15 May 1875 (Readex Database *American Historical Newspapers*).

⁴⁵⁴ Chapter 5; David Macrae, *The Americans at Home: Pen and Ink Sketches of American Men, Manners and Institutions* (New York: E.P. Dutton and Co., 1944; first published 1870).

country.⁴⁵⁵ The *News and Courier* was so convinced of Chamberlain's virtues that it not only retracted the opposition it had shown to his election in 1874 but reversed its opinion of his behaviour as Attorney General during Robert Scott's administration: "it is our fixed belief that Mr Chamberlain has never, in great things or little, consented to or aided in any fraud upon this people." In effect, the newspaper now endorsed Francis Cardozo's description of Chamberlain in August 1872 as "a gentleman of the strictest veracity."⁴⁵⁶ Other Republicans were less bothered about the Governor's reputation for integrity than by his courting of the Democratic Party. Thomas Holt quoted a "conservative Republican," Thomas Hamilton, who accused the governor of "selling out the Republican party to the Democrats."⁴⁵⁷

Further evidence of the break with the past which Chamberlain and Cardozo wished to emphasise came in July 1875 with the prosecution of Niles Parker, State Treasurer from 1868 to 1872. Chamberlain, Scott and Cardozo had all shown themselves willing to place a large measure of responsibility for corruption in those years on Parker. He was now charged with misappropriating \$450,000 worth of bonds (\$225,000 according to Simkins and Woody) which were "missing and unaccounted for when the present incumbent, Mr Cardozo, went into office." The *Daily Phoenix* covered the case in detail, frequently quoting Francis Cardozo as a source of accusations against Parker. Daniel Chamberlain appeared in the case both in his present role as Governor and as an alleged beneficiary in Parker's fraud. One witness accused Parker of keeping \$150,000 for himself and sharing out the rest, including \$50,000 for Chamberlain. The accusation against Chamberlain was not pursued

⁴⁵⁵ Allen, *Governor Chamberlain*, 104.

⁴⁵⁶ *News and Courier* 14 May 1875, 17 August 1872; Chapter 5.

⁴⁵⁷ Holt, *Black over White*, 184, quoting the *Beaufort Tribune* 5 May 1875.

and he described it as “false in in every actual or conceivable phase, degree, sense or meaning.” Walter Allen reported that the case ended in a verdict against Parker for the recovery of \$75,000 to the State, but “in a *habeas-corporis* proceeding, he (Parker) was got out of jail and he left the State.”⁴⁵⁸ Allen did not say whether Parker repaid the \$75,000. The *Daily Union-Herald* contrasted the willingness of the Republican Party to indict its former officials with Democrats protecting their own, “be they illegal distillers or the cowardly Ku Klux.”⁴⁵⁹

Ex-Governor Benjamin Perry provided further evidence that Chamberlain was winning white support in an unlikely tribute in November 1875: “if Governor Chamberlain continues to pursue the course he has done for the last twelve months, I think it would be exceedingly unwise and ungrateful for the Democratic party to oppose his re-election.” Perry’s political judgement would prove as unreliable in this case as it had often been ten years previously, less propitiously this time.⁴⁶⁰ But his intervention encouraged the campaign which Chamberlain and Cardozo were leading to win white support. In the meantime, the battle between the Governor and the Republican leadership in the legislature reached a new climax with the election of eight new judges on 16 December 1875. Robert Elliott chose the day for the election in the legislature because Chamberlain was away from Columbia, on a visit to Greenville, and not present to mobilise opposition to Elliott’s preferred candidates.

⁴⁵⁸ *Daily Phoenix* 13, 15, 16, 17, 20 July; *News and Courier* 10 August 1875; Francis B. Simkins and Robert H. Woody, *South Carolina During Reconstruction* (Chapel Hill: University of North Carolina Press, 1932) 476; Allen, *Governor Chamberlain*, 145.

⁴⁵⁹ *Daily Union-Herald* 21 July 1875.

⁴⁶⁰ Lillian A. Kibler, *Benjamin F. Perry: South Carolina Unionist* (Durham: Duke University Press, 1948) 483; Chapter 3.

The legislature elected two candidates very likely to antagonise the state's white population: the notorious former Governor, Franklin Moses, and Robert Elliott's friend, the African American lawyer rejected a year previously, William Whipper. The *News and Courier* reacted accordingly: "The black flag hoisted. The crowning infamy of Negro rule. The plunderers in the legislature have wrested the judgeships from those of honesty and decency." Daniel Chamberlain told the newspaper that "this calamity is infinitely greater in my judgement than any which has yet fallen on this state or, I might add, on any part of the South. Moses as Governor is endurable compared with Moses as a judge." Walter Allen went even further: "seldom has any community in modern times received such a shock," this in a state defeated in the Civil War ten years earlier. For Chamberlain, the calamity lay in its implications for his attempts to build a new political coalition with those members of the Democratic Party whose support he was soliciting. He said that "one immediate effect will be the reorganisation of the Democratic Party within the State."⁴⁶¹

Chamberlain refused to sign the commissions of Whipper and Moses. He declared that:

as the terms to which the present incumbents of the offices to which the above-named persons (Whipper and Moses) claim to have been elected will not expire until after another general election of the General Assembly, the present General Assembly has not the right to elect their successors.

It was unclear that the Governor had any right to reject a legitimate election by the legislature. In any case, he manifestly undermined his reasoning by

⁴⁶¹ *News and Courier* 16, 20 December 1875; Allen, *Governor Chamberlain*, 193.

accepting the other six judges elected at the same time and on the same basis as Whipper and Moses. White political opinion was delighted. Public meetings were held all over the state declaring support for Chamberlain, involving white politicians such as former U.S. Senator, James Chesnut, and Confederate General Joseph Kershaw.⁴⁶² Outrage focussed on William Whipper, whose record was far less notorious than that of Franklin Moses but who was African American. He was the nephew of a prominent abolitionist, also William Whipper. He was married to Frances Rollin, the daughter of a prominent African American family in Charleston who had been a teacher at Francis Cardozo's school in Charleston. Whipper would ironically be elected a judge in Beaufort County in 1882, after the end of Reconstruction.⁴⁶³ For Robert Elliott, Whipper's friend and promoter, hostility for Chamberlain and Cardozo (not directly involved in this argument) hardened further into "an abiding and highly motivated enmity ... for these antagonists it was a fight to the kill."⁴⁶⁴ Violence almost followed at the Republican State convention which met in April 1876 to elect delegates for the national convention in June which would choose the Presidential candidate to succeed Ulysses Grant. The *Beaufort Tribune* reported that Elliott drew a pistol on Judge Mackey, a white opponent, tables and chairs were upset "and the confusion was heightened by the hysterical screams" of Grace Elliott, Robert's wife. Chamberlain faced strong opposition to election as a delegate. According to the *New York Times*, "State Treasurer Cardozo, a most intelligent colored man, was Chamberlain's

⁴⁶² Letter from Daniel Chamberlain, 23 December 1875, in South Carolina Reports, vol 9, p.5 quoted by Allen, *Governor Chamberlain*, 197 and 199-216.

⁴⁶³ Eric Foner, *Freedom's Lawmakers: A Directory of Black Officeholders During Reconstruction* (Baton Rouge: Louisiana State University Press, 1991) 226-227; Burke, *All for Civil Rights*, 37.

⁴⁶⁴ Lamson, *Glorious Failure*, 228-229.

strongest supporter, and the only man upon whom he could depend.” In the event, Chamberlain won election, thanks to a powerful speech he made and to Cardozo’s influence with black members of the convention. But Cardozo’s influence was limited. He himself lost to Senator John Patterson and Lieutenant Governor Richard Gleaves, neither of them Chamberlain supporters. The Republican Party was hardly in good health to face the forthcoming elections.⁴⁶⁵

The Elections of 1876

Democratic Party prospects, by contrast, were changing for the better. The party had begun to show the signs of revival which Chamberlain had feared would follow the initial election of Whipper and Moses as judges. For the first time since the elections of 1868, a meeting of the State Democratic Committee was called on 23 December 1875, to prepare for the choice of a Democratic candidate for Governor in 1876.⁴⁶⁶ The Party was still for the moment divided between the Straight-outs, who wanted their own candidate for Governor, and the Co-operationists, who believed that they should support Daniel Chamberlain. The leading Co-operationist advocate was Francis Dawson, editor of the *News and Courier*. In May 1876, he argued that:

Governor Chamberlain has impressed thousands of Democrats with the belief that he is sincerely anxious to correct abuses. Add to that the solid Republican vote and the power to obtain Federal troops ... and the broad and undefined powers of the Board of Canvassers It would be

⁴⁶⁵ *Beaufort Tribune* 19 April 1876; Allen, *Governor Chamberlain*, 258-269, quoting the *New York Times*, undated; Lamson, *Glorious Failure*, 229-233; Current, *Those Terrible Carpetbaggers*, 345-347.

⁴⁶⁶ Lamson, *ibid*, 225.

folly to run a Democratic candidate. With Mr Chamberlain as governor, and a Conservative Democratic majority, or thereabouts in the lower House, the State would be safe. In attempting to gain more, we might lose everything.⁴⁶⁷

The Straight-outs believed that the Democrats could win by securing enough black votes or by preventing black men from voting at all. They had in mind the “Mississippi plan” which had involved violence, intimidation and economic pressure to overturn an even larger black majority in that state in 1875. But, as late as the end of June, Chamberlain still had the support of leading white politicians. At a ceremony on 28 June to celebrate the centenary of the successful defence of Fort Moultrie during the War of Independence, General Joseph Kershaw said: “As a Carolinian, I appreciate the efforts made by Governor Chamberlain to effect reforms ... and no-one will give him more cordial and hearty support than myself.”⁴⁶⁸ At this point, the campaign to win white support which Chamberlain and Cardozo had led, at the expense of conflict within the Republican Party, appeared to have a good prospect of success.

The debate within the Democratic Party was unresolved when a violent confrontation between black and white in the village of Hamburg in Aiken County transformed the political landscape in the state. The confrontation involved the local black militia and two to three hundred members of local white rifle clubs who were determined to disarm the black militia by force. It led to the death of one white man and then to the massacre of six black men

⁴⁶⁷ *News and Courier* 9 May 1876.

⁴⁶⁸ Rubin, *South Carolina Scalawags*, 83-84, 104; Lamson, *Glorious Failure*, 226; Allen, *Governor Chamberlain*, 272-278, 344.

on 8 July.⁴⁶⁹ The effect was to trigger more violence and quickly to polarise South Carolina politics. Historian Stephen Kantrowitz described it as “the turning point in the war against Reconstruction” in South Carolina for the white planters and their followers who had reluctantly accepted emancipation but found it impossible to accept black suffrage and civil rights.⁴⁷⁰

Chamberlain was appalled by the massacre. He wrote to South Carolina Senator Thomas Robertson on 13 July: “if you can find words to characterise its atrocity and barbarism ... and the murderous and inhuman spirit which marked it in all its stages, your power of language exceeds mine.” Francis Cardozo and other African American leaders shared his sense of outrage. A “convention of colored citizens” met in Columbia on 20 and 21 July and issued an address to the nation calling for “the condemnation of such outrages” and appealing to “the businessmen and property owners of the State to bend their energies towards the removal of this deadly nightshade of mob-law and violence.” The signatories included Cardozo, Robert Elliott and all the leading African American politicians in the state, now united in urging Chamberlain to ask for federal troops to be sent to South Carolina. On 22 July, he wrote to President Grant to ask: “will the General Government exert itself vigorously to repress violence in this State ... whenever that violence shall be beyond the control of the State authorities?”⁴⁷¹

⁴⁶⁹Lamson, *Glorious Failure*, 235-238; Rubin, *South Carolina Scalawags*, 105-106; Williamson, *After Slavery*, 267-269.

⁴⁷⁰ Stephen D. Kantrowitz, “One man’s Mob is another man’s Militia: Violence, Manhood and Authority in Reconstruction South Carolina,” in Jane Dailey, Glenda Gilmore and Bryant Simon eds., *Jumpin’ Jim Crow: Southern Politics from Civil War to Civil Rights* (Princeton: Princeton University Press, 2000) 69-82.

⁴⁷¹ Allen, *Governor Chamberlain*, 319, 324; Second Session of the Forty-fourth US Congress, *Senate Miscellaneous Document 48*, Vol. III (Washington: Government Printing Office, 1877) 489-496.

The *News and Courier's* first reaction had been to condemn the massacre: "we have no words strong enough to express our condemnation of such a crime." But it opposed the call for federal intervention and, on 20 July, began to move away from Chamberlain:

We have supported Governor Chamberlain's reform measures and we have frankly expressed our opinions of the Hamburg riot but we hope that there is no truth in the report that he has asked or intends to ask that Federal troops be posted in the State we must protest against any move that wears the appearance of taking advantage of a local disturbance to prop up the waning fortunes of South Carolina Republicanism.⁴⁷²

Ironically, the *News and Courier* had in the same month devoted a series of editorials to praise Chamberlain's record in office, in advance of party conventions to choose candidates for the forthcoming state elections.

Armed Democrats now frequently surrounded meetings which Republican leaders addressed. Francis Cardozo took a prominent role in the electoral campaign from the beginning, speaking at many rallies and meetings. He was the leading speaker at a meeting on 24 July in McConnellsville, in the frequently violent York County in the north of the state. On 28 July, Chamberlain and Cardozo addressed a large Republican meeting in Walterboro, not far from Charleston in the predominately black low country. The *Daily Union-Herald* said that Cardozo made "an able and effective speech in which he declared that the safety of the Republican party and the welfare of the colored race depended upon their determination to secure good government for the state." This had been and would continue to be his key

⁴⁷² *News and Courier* 10, 11 and 20 July 1876.

personal theme. On 5 August, Cardozo spoke in support of Rutherford Hayes as the Republican candidate for President at a meeting in Sumter, a “brilliant and masterly effort,” according to the *Daily Union-Herald*.⁴⁷³

Meanwhile, the *News and Courier* had begun to report increasing white support for the straight-out position. On 18 July, Joseph Kershaw, a declared supporter of Chamberlain just three weeks earlier, said that, following the “unhappy affair at Hamburg,” there would be no alternative but to “take it straight.”⁴⁷⁴ The Co-operationists tried unsuccessfully to postpone the Democratic Convention from mid-August until after the Republican Convention in September when they hoped that the re-nomination of Daniel Chamberlain would persuade enough Democrats to support him. They were right to anticipate defeat at their convention. Wade Hampton, the most senior former Confederate General in the state and its most popular white politician, was elected as the Straight-out candidate by 88 to 64 votes on 16 August. The *News and Courier* accepted the decision and declared for Hampton. From then on, in Walter Allen’s words, the newspaper “labored with tremendous zeal to refute the arguments and counteract the influence of its wiser and nobler judgement.”⁴⁷⁵

The Republicans still had good reason to anticipate victory in the November elections, principally in the majority of 30,000 black voters almost all them loyal. On 25 August, the *Daily Union-Herald* defiantly declared that Hampton “will not get one thousand votes in the state which have hitherto been cast for the Republican Party.”⁴⁷⁶ But, after eight years of political inactivity,

⁴⁷³ *Yorkville Enquirer* 27 July 1876; *Daily Union-Herald* 1, 8 August 1876.

⁴⁷⁴ *News and Courier* 28 July 1876.

⁴⁷⁵ *News and Courier* 17 August 1876; Allen, *Governor Chamberlain*, 334-339.

⁴⁷⁶ *Daily Union-Herald* 25 August 1876.

Democratic success in Mississippi in 1875 had inspired many white politicians in South Carolina. A dual strategy now emerged in the Democratic Party. Wade Hampton took a relatively soft line, “wooing black voters with a pledge to protect their hard-won rights,” while another former Confederate General, Martin Gary, led a campaign of violence and intimidation following the Mississippi model. Gary was a planter and a lawyer and an avowed white supremacist. Simkins and Woody described him as the “bold advocate of the shotgun policy in 1876.” Current said that “his deepset eyes and habitual scowl gave him a forbidding, almost a demonic look.” Hampton, by contrast, had a “genuine paternalist regard for blacks,” according to southern historian, Lee Drago. Civil War historian, Robert Cook, described Hampton as the “ideal front man for violent white Democrats.” Hampton put a distance between himself and the violence of Hamburg.⁴⁷⁷

There could be no doubt that Hampton knew of Gary’s campaign and recognised its power to influence the outcome of the election. The difference between them was one of tactics, not ideology. White and black supporters accompanying Hampton in large numbers wore red shirts throughout the campaign, involving as many as 15,000 members of white Rifle Clubs. Federal District Attorney David T. Corbin wrote of the Rifle Clubs as “the Ku Klux Klan re-formed” in a letter to U.S. Attorney General Alphonso Taft on 21 August.⁴⁷⁸

Martin Gary’s “Plan of the Campaign of 1876” included a range of instructions:

⁴⁷⁷ Edmund Lee Drago, *Hurrah for Hampton: Black Redshirts in South Carolina During Reconstruction* (Fayetteville: University of Arkansas Press, 1998) 3, 8; Simkins and Woody, *South Carolina During Reconstruction*, 501; Current, *Those Terrible Carpetbaggers*, 350-351; Robert J. Cook, *Civil War Memories: Contesting the Past in the United States since 1865* (Baltimore: Johns Hopkins University Press, 2017) 52.

⁴⁷⁸ Drago, *ibid*, 8-12; *Senate Miscellaneous Document 48*, 89-91.

Every Democrat must feel honor bound to control the vote of at least one negro, by intimidation, purchase, keeping him away or as each individual may determine.

We must attend every Radical meeting in speeches to negroes, remember that argument has no effect on them; they can only be influenced by their fears, superstition and cupidity ... treat them so as to show that you are the superior race.

Never threaten a man individually a dead Radical is very harmless; a threatened Radical is often very troublesome, sometimes dangerous, and always vindictive."⁴⁷⁹

The systematic disruption of Republican meetings began in earnest in August at a rally for Republicans in Edgefield, Gary's own area. The yelling of Gary's supporters prevented Chamberlain from speaking. Similar disruption continued for the rest of the campaign.⁴⁸⁰ Chamberlain's forthright condemnation of the Hamburg massacre and the call for federal troops which Cardozo and Elliott had supported, had the effect of unifying the Democratic Party behind Wade Hampton. Their actions also reduced the internecine conflict which had characterised the April Convention of the Republican Party, though they did not end it.

At the Republican convention in September, to choose candidates for the State elections, Robert Elliott spoke out against Chamberlain, quoting a letter to Niles Parker from 1870 in which Chamberlain had written of the risk of the party "going over to negroism," if Francis Cardozo or Martin Delany were

⁴⁷⁹ Simkins and Woody, *South Carolina During Reconstruction*, "a personally signed version" 564-569.

⁴⁸⁰ Current, *Those Terrible Carpetbaggers*, 351-352; Simkins and Woody, *ibid*, 492-494; Kantrowitz, "One Man's Mob," 78.

chosen as candidates for the U.S. Senate. The convention nonetheless re-nominated Chamberlain for Governor by 88 votes to 36 for Thomas Dunn, Elliott's preferred candidate. Cardozo cannot have taken the 1870 quote too much to heart since Chamberlain "spoke warmly on his behalf" in proposing him for State Treasurer. Cardozo duly won, by 109 votes to 4 for Reuben Tomlinson. The *News and Courier* linked Chamberlain and Cardozo even more closely together: "Cardozo would have fallen with Chamberlain had he been defeated. Whether he most helped Chamberlain or Chamberlain him is not publicly known." The convention also chose Elliott as candidate for Attorney General, by an even bigger margin, 115 to 1, hardening the hostility of the local press: "a more iniquitous and infamous nomination was never made ... It casts a deeper gloom over the whole ticket and brings down every candidate upon it to Elliott's level."⁴⁸¹

The white newspapers continued to emphasise the enmity between Chamberlain and Elliott and between Cardozo and Dunn, re-nominated as candidate for Comptroller General.⁴⁸² But the Republicans were now campaigning together. Chamberlain published an open letter to Alexander Haskell, Chairman of the Democratic State Executive Committee, reaffirming his own commitment to the reform programme. He recognised that he and Elliott had "differed widely in the past, in particular on the election of Whipper and Moses as judges," but Elliott had now declared his "full and cordial acceptance" of reform. Chamberlain made a point of quoting Cardozo's support:

⁴⁸¹ *Abbeville Press and Banner* 20 September; *Yorkville Enquirer* 21 September; *News and Courier* 16 September 1876; Current, *Those Terrible Carpetbaggers*, 352- 353.

⁴⁸² *Yorkville Enquirer* 26 October; *Pickens Sentinel* 2 November; *News and Courier* 19 September 1876.

In the re-nomination of Mr Cardozo as Treasurer, a gentleman who has been my conspicuous and devoted friend and supporter in every feature of my administration, the cause of reform has achieved another most notable triumph.⁴⁸³

More serious than the stories of party disunity, the Republican Party faced a sustained campaign of violence and intimidation. Between 16 and 19 September, immediately after the Republican Convention, several hundred members of rifle clubs descended on Ellenton, twenty miles from Hamburg, the scene of the July massacre, and killed forty to fifty black men (no more than thirty, according to Democratic reports) stopping only when a company of U.S. troops arrived. The U.S. Senate took evidence a year later from dozens of men who had been witnesses and victims. One quoted the words of one of the perpetrators: “you damn niggers and the carpet-baggers who came into this state is ruination for us. You were raised here, and you had better vote with the men who raised you.” Chamberlain’s open letter to Haskell said that the victims “were shot down wherever found, in fields and woods, on highways and in cabins, along the railroad track and at the railroad stations.” The Democrats saw no need to apologise. The leader of the campaign of violence, Martin Gary, warned that “the tall poppies will fall first ... Chamberlain and the carpetbaggers; second, the miserable white native scalawags; and lastly, the black leaders generally.”⁴⁸⁴

Governor Chamberlain had several times asked for more federal support since the Hamburg riot in July. The Ellenton massacre and continuing violence elsewhere in the state now persuaded President Grant into action. He had

⁴⁸³ Daniel Chamberlain to Alexander Haskell, 4 October 1876, quoted in Allen, *Governor Chamberlain*, 366-388; *Abbeville Press and Banner* 11 October 1876.

⁴⁸⁴ *Senate Miscellaneous Documents* 48, 215-291; Allen, *ibid*, 385.

resisted the urging of Governor Adelbert Ames in Mississippi to provide troops to quell the violence there in advance of the 1875 election. Grant was well aware of the unpopularity of such interventions in the North and he was not convinced that Ames was doing enough to protect his administration. But in South Carolina, he saw a stronger case. On 17 October, the fifth anniversary of his intervention to stop the violent campaign of the Ku Klux Klan in the state, he declared that the violence amounted to insurrection and ordered all available troops in the Division of the Atlantic, from as far away as Maine, to South Carolina to restore order, a total of 1,144 in Richard Zuczek's calculation.⁴⁸⁵ Their presence reduced the violence in the weeks before the elections but the damage had been done in intimidation of black and white Republican voters. Outright fraud would also be a significant factor.

There would be fierce dispute over the results that left both state and Presidential elections uncertain for the next four months. The outcome was not finally decided in South Carolina until April 1877, and then by a political deal rather than a clear-cut election count. What was certain was that the Republican majority which had been 46,000 over the Democrats in 1868, more than 30,000 over independent Republican candidates in 1870 and 1872, and still 11,000 in Chamberlain's election in 1874, disappeared altogether or very nearly did so in 1876. White voters now turned out in full for the Democrats; black and white supporters of the Republican Party were no longer so resilient. The Republicans had lost their electoral supremacy, despite the 30,000 majority of black voters which the *Daily Union-Herald* had acclaimed in August.

⁴⁸⁵ Brooks D. Simpson, *The Reconstruction Presidents* (Lawrence: University Press of Kansas, 1998) 184-192; Richard Zuczek, *State of Rebellion: Reconstruction in South Carolina* (Columbia, University of South Carolina Press, 1996) 176-180.

The initial count gave Wade Hampton a majority, of 92,261 to 91,127. The local white newspapers rejoiced in: “the magnificent victory which was achieved on November 7 the return of peace and good government to all the people of down-trodden South Carolina good government for both black and white,” according to the *Abbeville Press and Banner*. In the Presidential election, the press greeted the apparent victory of Benjamin Tilden, the Democratic candidate, over the Republican, Rutherford Hayes. For the *News and Courier*, it was the success of “Tilden Our President.”⁴⁸⁶ But Republicans protested that the results were false. They had good reason in Edgefield County where 8,081 voters apparently cast 9,374 votes and gave Hampton his overall margin. The State Board of Canvassers, including Francis Cardozo, rejected the results from Edgefield and Laurens Counties, in the latter case primarily because of voter intimidation. Excluding those two counties gave Chamberlain victory by 86,216 to 83,078. The effect would also be to give the state’s Electoral College votes to Rutherford Hayes, crucially for the Presidential election.⁴⁸⁷

The ensuing arguments involved both political parties, the Board of Canvassers and the State Supreme Court. Cardozo was an ex-officio member of the Board of Canvassers, as were Henry Hayne and Thomas Dunn. They had all been candidates in the election, clearly a controversial factor, as the *News and Courier* repeatedly pointed out.⁴⁸⁸ Equally controversial was the membership of the State Supreme Court. The Chief Justice was Franklin Moses Snr., the father of the former Governor and no friend of Daniel Chamberlain. The other two members of the Court, Amiel Willard and Jonathan Wright, an African American, were divided, one against and one for the Board of Canvassers,

⁴⁸⁶ *Abbeville Press and Banner* 15 November; *News and Courier* 8 November 1876.

⁴⁸⁷ Rubin, *South Carolina Scalawags*, 108-109; Zuczek, *State of Rebellion*, 192-193.

⁴⁸⁸ *News and Courier* 4, 15, 17, 20 November 1876.

though they had all been elected by a legislature with a Republican majority. The Supreme Court ruled that the role of the Board of Canvassers was to oversee the counting of votes, not to judge the validity of county returns.⁴⁸⁹

Confusion reigned for several days over the counts for the state offices, all of them very close. On 23 November, the *Anderson Intelligencer* reported that the totals, including the counties which the Board of Canvassers wished to exclude, showed a majority for Hampton of 92,261 to 91,157, but victory for three Republicans:

- for Cardozo, by 91,485 to 91,277, a majority of 208;
- for Hayne, by 91,676 to 91,449, a majority of 227; and
- for Elliott, by 91,146 to 91,139, a majority of 7.

On the same day, the *Yorkville Enquirer* reported that further counts showed Cardozo and Hayne still winning but Elliott losing by 159 votes. The argument went back and forth between the Court, the political parties and their lawyers and the Board of Canvassers.⁴⁹⁰

On 22 November the Board of Canvassers formally confirmed its decision to exclude the results from Edgefield and Laurens Counties and to declare Chamberlain elected Governor. The Board's decision was not unanimous. The Secretary of State, Henry Hayne, voted against excluding the two counties, since the "testimony on irregularities in these counties is entirely *ex parte*" (decided on the evidence of one side only). Cardozo disagreed and voted with

⁴⁸⁹Zuczek, *State of Rebellion*, 193.

⁴⁹⁰ *Anderson Intelligencer* and *Yorkville Enquirer* 23 November 1876.

other members of the Board to exclude them.⁴⁹¹ The *News and Courier* described the Board's actions as "gross and wilful misconduct."

The Supreme Court agreed with the newspaper, jailing all five members of the Board on 25 November, for contempt of court in exceeding their powers. The *Anderson Intelligencer* rejoiced: "Just to think! The Attorney General, the State Treasurer, the Comptroller General and the Secretary of State all in jail at once. That is a select band of free boarders." In fact, the Attorney General was not in jail, though Cardozo and the others were, until freed by order of a U.S. Circuit Court judge on 27 November. The federal judge was Hugh Bond, previously judge in the Ku Klux Klan trials of 1871-72. His objectivity was also questionable since he was staying with his friend, Daniel Chamberlain, at the time.⁴⁹²

President Grant recognised Chamberlain's election and, on 28 November, the U.S. Army occupied the State Capitol to resolve the impasse. The Capitol then saw a series of occupations and counter-occupations by Republican and Democrats claiming and counter-claiming to have been elected. For four days, from 30 November to 4 December, the House Chamber was occupied by two Speakers, sitting side by side, Edmund Mackey recognising Republican members, William Wallace recognising the Democrats. This absurdity, known as the Dual House, ended on 4 December when the Democrats left and set up their own House in the nearby Carolina Hall, the "Wallace House." The Republicans remained in the State Capitol, their House named "the Bayonet House" by the *News and Courier*, more neutrally, "the Mackey House." The

⁴⁹¹ *Proceedings and Returns of the State Board of Canvassers of South Carolina 1868-1897* (SCDAH).

⁴⁹² *News and Courier* 23 November 1876; *Anderson Intelligencer* and *Edgefield Advertiser* 30 November 1876; *Abbeville Press and Banner* 22 and 29 November 1876; Lamson, *Glorious Failure*, 253-254; Zuczek, *State of Rebellion*, 193-194.

state legislature in the Capitol now ruled that Daniel Chamberlain had won the election. For the moment, he had the authority provided by the continuing presence of the U.S. army to sustain him in office. The federal troops were few, but their presence was sufficient to keep in check five thousand members of the rifle clubs who now “garrisoned” Columbia, on behalf of Wade Hampton.⁴⁹³

For the next three months both parties claimed to be in government, both Chamberlain and Hampton to be Governor, with their respective teams of state officers. The balance swung towards the Democrats on 6 December when the State Supreme Court ruled that they had a majority in the legislature, including the elected Representatives whom the Board of Canvassers had wrongly excluded. So, the Wallace House was legitimate and entitled to inaugurate Hampton, which it did on 14 December. The Mackey House had inaugurated Chamberlain on 7 December, but it became increasingly difficult for Francis Cardozo and other state officers to do their jobs. On 9 December, Judge Carpenter, who had himself been the Reform candidate for Governor standing against Robert Scott in 1870, issued an injunction to stop banks in Columbia “paying out State money on deposit on the orders of Mr Cardozo, since his term of office had expired.” As one newspaper put it, “this will do more to cripple the Rump than any other possible action by the people.” Wade Hampton, less conciliatory now that he was almost in power, issued a call on 20 December to “starve out the thieves.”⁴⁹⁴

⁴⁹³ Zuczek, *State of Rebellion*, 195-197; Current, *Those Terrible Carpetbaggers*, 356-358; Allen, *Governor Chamberlain*, 439-444; *News and Courier* 29 and 30 November and 14 December 1876.

⁴⁹⁴ *Beaufort Tribune* 13 December 1876; *News and Herald, Winnsboro* 14 December 1876; *News and Courier* 20 December 1876; Simkins and Woody, *South Carolina During Reconstruction*, 523- 536.

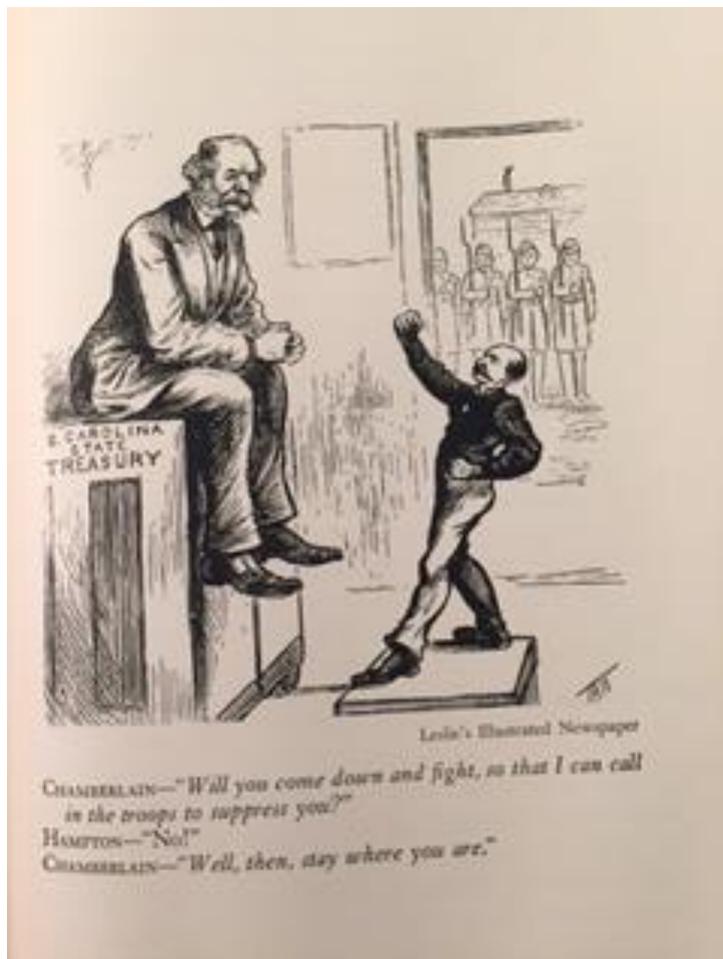
The predominantly white taxpayers of the state duly refused to pay taxes to the Republican-appointed county treasurers. Simkins and Woody said that they took in only \$1,000. By contrast, Wade Hampton called for taxpayers to pay to his agents “a sum not exceeding one fourth of the tax last paid,” an amount which would be deducted from future tax liability. His call raised \$135,000.⁴⁹⁵ The Republican government could not last long without revenue. In mid-January, Francis Cardozo had to announce a delay in interest payments on state bonds, “owing to the unavoidable delay in the collection of taxes.” The white press had by now abandoned the sympathy which Cardozo had enjoyed since 1868; he was subject to abuse along with his colleagues. The *News and Herald* reported that “the sleek-faced preacher will not have a chance to handle much of the people’s money at any time.”⁴⁹⁶ In the circumstances, there was little that Cardozo could do other than delay payments for which he had no revenue.

President Grant had sent federal troops to South Carolina in October to stop the violence in advance of the November elections and he kept them there while both state and Presidential elections remained in doubt. But he “had lost faith in southern Republicanism’s ability to sustain itself,” in the assessment of the historian Brooks Simpson. Grant told the *New York Tribune* in February that “the whole army of the United States would be inadequate to enforce the authority of Governor Chamberlain ... unless he can compel the collection of taxes, it will be utterly useless for him to expect to maintain his authority for any length of time.” The *News and Courier* agreed that “the true and highest test of authority under a popular government is the power to levy and collect taxes. The argument of the purse is more convincing than the logic of the

⁴⁹⁵ Simkins and Woody, *South Carolina During Reconstruction*, 535.

⁴⁹⁶ *News and Herald*, Winnsboro 18 January 1877.

sword.” The cartoon below, reprinted from *Leslie’s Illustrated Newspaper*, made the same point more graphically.⁴⁹⁷



The Republican administration in South Carolina was now hanging onto office, its legitimacy under constant challenge. It was “the sword” quoted by the *News and Courier*, or rather the continuing presence of federal troops, that gave the Republicans such hope as they had of retaining power. The willingness, or not, of Grant’s successor as President to keep the troops in place would be crucial to their prospects. If he withdrew them, the power of force would lie in the hands of Wade Hampton’s rifle clubs. The Presidential

⁴⁹⁷ *New York Tribune* 18 February 1877; *News and Courier* 20 February 1877; Simpson, *The Reconstruction Presidents*, 195-197; Simkins and Woody, *South Carolina During Reconstruction*, cartoon facing page 534.

election was in dispute because the Electoral College votes of three states, Florida, Louisiana and South Carolina, were contested. Without them, the Democratic candidate Samuel Tilden was one short of a majority. For the Republican Rutherford Hayes to win, all three states would have to be decided in his favour. In South Carolina, the only hope for Cardozo and his colleagues was that a Hayes victory would sustain federal support for the Republican administration.⁴⁹⁸

In January 1877, the U.S. Senate established an Electoral Commission to resolve the disputed Presidential election. Despite controversy over the partisan make-up of its membership, the Commission completed its work quickly and found that Hayes had been elected in the three contested states. He was inaugurated on 4 March. It was unclear what approach the new President would take to maintaining federal troops in Louisiana and South Carolina (Florida had accepted a Democratic Governor by then). The South Carolina press reported on the efforts of the state's Republican politicians to lobby for the President's support for their position. On 8 March, a delegation of African American politicians, including Francis Cardozo, met President Hayes to urge him to recognise Chamberlain as Governor. The President was apparently ambiguous in his response, telling the delegation both that he "proposed to preserve the status quo of his predecessor," which might mean leaving the federal troops in place, and that he "hoped to adopt such measures as would render unnecessary the presence of the bayonet in any state," which implied the removal of the troops.⁴⁹⁹

⁴⁹⁸Zuczek, *State of Rebellion*, 199.

⁴⁹⁹*Anderson Intelligencer and Beaufort Tribune*, 15 March 1877.

Chamberlain and Hampton next put their cases to the President and followed up with letters in support of their arguments. The negative tone of Chamberlain's letter showed that he expected to lose: "the withdrawal of troops from the Statehouse will close the struggle in defeat for a large majority of the people of the state, in the sacrifice of their rights, in the complete success of violence and fraud as agents in reaching political results." Hampton, by contrast, offered positive promises, to preserve the peace, protect the lives and property of all citizens and support civil rights in the courts."⁵⁰⁰ Hayes accepted Hampton's assurances and, on 3 April, ordered the withdrawal of federal troops, to take effect on 10 April. The Republican government hung on a little longer in Louisiana, until the federal troops were withdrawn there on 24 April.

Historians have long argued about the outcome of the dispute over the Presidential and State elections and whether a bargain or a compromise had been involved. Hayes took the Presidency; the Democratic Party took control of the State governments of Florida, Louisiana and South Carolina. Comer Vann Woodward included the phrase "the compromise of 1877" in the title of his 1951 book on the period and it has been debated frequently since then.⁵⁰¹ It was an acceptable deal for the white population of South Carolina. For the *Abbeville Press and Banner*, "it matters little to us who rules in Washington if South Carolina is allowed to have Hampton and Home Rule."⁵⁰² The white population of South Carolina was content with the ability to empower a

⁵⁰⁰ Allen, Governor Chamberlain, 474- 479; Zuczek, *State of Rebellion*, 200.

⁵⁰¹ C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (Boston: Little, Brown, 1951); Allan Peskin, "Was there a Compromise of 1877?" *Journal of American History* 60 (1973) 63-75; Zuczek, *ibid*, 200, 205; and many others.

⁵⁰²*Abbeville Press and Banner*, 28 February 1877.

Democratic state government without federal interference. The narrative of redemption from Congressional Reconstruction could begin in South Carolina. Modern historians have differed in their views of Hayes' decision. He had been Governor of Ohio and an unexpected choice as the Republican Presidential candidate. William Gillette argued that, if the national Republican Party had been committed to continuing support for Reconstruction and its black supporters, it would not have been chosen Hayes as its candidate for President in the first place. Brooks Simpson noted that Hayes had been unenthusiastic about Reconstruction since the ratification of the Fifteenth Amendment in 1870. But Simpson was sympathetic to Hayes' decision to withdraw federal troops, describing it as a "combination of pragmatism and hope," reflecting the lack of political support for continuing intervention. Moreover, Hayes believed that "blacks might actually prosper under the new order," as Wade Hampton had assured him for South Carolina. Northern support for the Republican governments in the South had been much weakened by reports of corruption and an increasing desire for reconciliation with the white population there.⁵⁰³ Laura Towne, in her schoolhouse on the Sea Islands in April 1877, had a less equivocal view of Hayes. She wrote to a friend: "I hope that we have not another Buchannan in the President's chair, but I fear we have ... a weak man, a backing-down man."⁵⁰⁴

Hayes' decision left Chamberlain no room for manoeuvre. In the words of his address to his supporters on 10 April, the President had abandoned the State

⁵⁰³ William Gillette, *Retreat from Reconstruction 1869-1879* (Baton Rouge: Louisiana State University Press, 1979) 333; Simpson, *The Reconstruction Presidents*, 200-212; Chapter 7 on Hampton's promises.

⁵⁰⁴ Robert S. Holland ed., *The Letters and Diary of Laura M. Towne, written from the Sea Islands of South Carolina* (Cambridge Mass: Riverside Press, 1912) letters dated 15 April and 15 July 1877.

Government “to a struggle with insurrectionary forces too powerful to be resisted ... No effective means of resistance to the consummation of the wrong are left.” Francis Cardozo accepted the outcome. He put his name to a letter co-signed by Elliott, Hayne and other office-holders, also dated 10 April and published with Chamberlain’s address, recognising that “to prolong the contest ... will be to incur the responsibility of ... perhaps precipitating a physical conflict that could have but one result to our defenceless constituency.”⁵⁰⁵ The local press exulted in “Chamberlain’s capitulation ... the honest people of South Carolina are happy to be rid of him.” The letter from Cardozo and the other state officers was “a particularly pious and edifying letter to Chamberlain advising him to refrain from further opposition to the dictum of fate.”⁵⁰⁶

The campaign of reform, which Chamberlain and Cardozo had led, had been a painful one for the Republican Party. Cardozo’s personal relationship with other black leaders had suffered badly. He had supported the campaign because it endorsed his own commitment to financial probity and regularity. He believed that these principles were essential to good government and to the maintenance of Republican government. Republican government in turn offered the only guarantee that the progress made in education and civil rights for the freed people would be maintained. The reform programme offered the possibility of winning white support and he was willing to accept unpopularity as the personal price for sustaining the Republican government in power. There had been at least the possibility of success until the riot in Hamburg had unleashed the racial hostility and the violence which had been suppressed

⁵⁰⁵ Allen, *Governor Chamberlain*, 480-483.

⁵⁰⁶ *News and Herald*, Winnsboro, 12 April 1877.

since 1872. Violence now returned to destroy the electoral prospects of the Republican Party in the state.

In the end, it was clear to everyone that it was neither fate nor a resolution of the disputed election which had resulted in the defeat of the Republican government. The white political leaders in South Carolina had seen the success of their neighbours in Mississippi and had taken note. They were no longer willing to accept multi-racial Republican government. That government was unable to resist the firepower of Wade Hampton's rifle clubs, the "Ku Klux Klan reformed," without the support of the federal army. Force had defeated Reconstruction in South Carolina, as it had in Mississippi and now did so in Louisiana and Florida, twelve years after the defeat of the southern states in the Civil War. On 11 April 1877, the seals of office were turned over to Wade Hampton. Reconstruction in the government of South Carolina was over.

Cardozo and the impact of Republican government in South Carolina

The Democrats had driven Francis Cardozo, Daniel Chamberlain and the government of Reconstruction from office. But the Republicans had achieved substantial change for the people of South Carolina. Despite the prevalence of corruption and violence, they had made advances in public services, in the economic circumstances of the freed people and in their social and civil rights. Francis Cardozo had stood firm against corruption, with limited support at first, then with growing success as State Treasurer. He had played a major part in securing improvements in education and in land reform and in bringing a measure of financial stability. Much of the progress which he and his colleagues were able to deliver would be undone in the years of white supremacy that would follow. But progress in education would continue, albeit

slowly, so too elements of the land reform programme. Joel Williamson may have overstated his case in describing the period as one of “unequaled progress for the Negroes of South Carolina,” though after two hundred years of slavery, his description was surely justifiable.⁵⁰⁷

Francis Cardozo’s priorities at the Constitutional Convention in 1868 had been education, land reform and securing the vote for the freedmen. The vote was secured; David Blight rightly hailed the successful mobilisation of southern black voters a “stunning achievement.”⁵⁰⁸ Cardozo was the only African American elected to state office in 1868. But in 1872, he was one of four, out of a total of eight; four out of five Congressmen representing South Carolina were black, as was one of three members of the state Supreme Court. Black voters would continue to vote in high numbers throughout Reconstruction. After 1876, successive white state governments, ignoring Wade Hampton’s promise to protect black voting rights, would progressively undermine those rights until the 1895 Constitution effectively disenfranchised all black voters.⁵⁰⁹

Education represented the most substantial and long-lasting area of progress in South Carolina. It was the area with which Francis Cardozo had been most closely associated at the beginning of the Republican government. He had made his name as Principal of one Charleston’s most successful schools for African American children. He chaired the Education Committee at the Constitutional Convention in January and February 1868 and led the debates in the convention which provided the basis for the education policies of the

⁵⁰⁷ Williamson, *After Slavery*, 63.

⁵⁰⁸ David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Belknap Press of Harvard University, 2001) 49.

⁵⁰⁹ Holt, *Black over White*, 108; Chapter 7.

Republican governments. He would maintain a close interest and pride in the development of the state's public schools throughout Reconstruction.

In 1869, less than 10 per cent of school age children, black and white, attended school in South Carolina, in 381 schools with 528 teachers.⁵¹⁰ The tables below, drawn from the Annual Reports of the State Superintendent for Education, Justus K. Jilson, show impressive progress from this low base:

School Age Population (6-16)

Year	Total	White	Colored
1871	209,610*	83,457	126,003
1873	230,102	84,975	145,127
1875	239,264	85,566	153,698
1875 (revised)	237,971	85,678	152,293

School Attendance Totals

Year	Total	White	Colored
1871	66,056	32,222	33,834
1873	85,594	38,656	46,938
1875	110,416	47,001	63,415
1875-76	123,085	52,283	70,802

⁵¹⁰ Williamson, *After Slavery*, 228-229.

Attendance as percentage of School Age Population

Year	Total	White	Colored
1871	31.5	38.6	26.9
1873	37.2	45.5	32.3
1875	46.1	54.9	41.3
1875-76	51.7	61.0	46.5

The numbers of teachers and free common schools given in these reports were:

Year	Teachers	Free Common Schools
1871	1,898	1,639
1873	2,017	2,310
1875	2,855	2,580
1875-76	3,068	2,776

Notes to the tables. The total given for school age population in 1871* is not the total of white and colored children for that year, because of a reporting problem noted by Jilson. The final lines in each table, for 1875 (revised population) and for 1875/76 (attendance and percentage), are taken from the Annual Report for 1877/78 by Hugh Thompson, the Democratic Superintendent.⁵¹¹

Jilson claimed progress in each of his annual reports but, in his 1871 report, complained of “the deplorable condition of the school finances and the

⁵¹¹ Annual Reports of the State Superintendent of Education, *Reports and Resolutions of the General Assembly for 1871-72, 1873-74, 1875-76 and 1877-78* (SCDAH).

incompetency and carelessness of the school officers.” In 1872, he recommended that “it be declared a misdemeanour on the part of the State Treasurer” to divert any of the proceeds of the School Tax for other purposes. By 1874, the tone had changed. He still lamented the incompetence of many teachers, but he no longer pressed for legislation threatening the State Treasurer (now Francis Cardozo). He now claimed that “in point of work done and results accomplished, the year has been one of marked improvement and accomplishment.” In 1875, he found “sufficient evidence that a reasonable degree of advancement has been made during the past year Still the undertaking has been but fairly begun.”⁵¹²

Francis Cardozo was not directly involved in the administration of the schools, but he saw himself and was seen by others as the architect of the state’s education system, following his leading role in drawing up the system at the Constitutional Convention. The American Missionary Association said proudly, if prematurely, in 1869, that “South Carolina has a very excellent system of schools engraved in its constitution ... by Mr Cardozo, our former teacher.”⁵¹³ In a series of pamphlets on the finances of South Carolina which he issued as State Treasurer in 1873, Cardozo described progress in the development of public education as “a truly glorious work undertaken and accomplished.” In one of his last letters to the AMA, also in 1873, he said: “I take the deepest interest in the schools, especially for my own race that need them so badly. As

⁵¹² Annual Reports for: 1871, 94; 1872, 275; 1874, 383 388; and 1875, 477, *Reports and Resolutions*.

⁵¹³ *Journal* of the American Missionary Association, Vol XIII, November 1869, in the records of the Avery Institute, Charleston SC.

Treasurer, I have paid over \$300,000 in the last three months, more than my predecessor paid in five years for our schools.”⁵¹⁴

South Carolina had started from a poor base in public education, as had other southern states after the Civil War. By 1876, its system “probably operated more smoothly than that of any other Southern state,” according to a comparative study of black education in southern states.⁵¹⁵ Michael Perman noted that the state’s school attendance rate of fifty per cent (for all children) was as good as any, equalled in Mississippi (where Francis Cardozo’s brother Thomas, was Superintendent of Education) and better than Georgia and Alabama, where the proportion stayed below forty per cent. Substantial advances in literacy rates in the black community continued in the later years of the century, attributed by Joel Williamson to the work of black teachers trained during Reconstruction. Illiteracy in the black population stood at 81 per cent in 1870; by 1900, it was down to 52.8 per cent, despite the action of “an increasingly hostile (white) legislature” in reducing yearly expenditure on black education in public schools, from \$2.51 per capita in 1880 to \$1.05 in 1895. By 1914/15, per capita expenditure on black pupils had barely risen, to \$1.09 per pupil, compared to \$10.70 for white pupils.⁵¹⁶

Francis Cardozo also played his part in the progress of the University of South Carolina. It had begun life in 1801 as the South Carolina College and was closely identified with the antebellum establishment. Between 1824 and 1865,

⁵¹⁴ Francis L. Cardozo, *The Finances of the State of South Carolina* (Columbia: The Union-Herald Book and Job Office, 1873) 20-21, SCDAH; F.L. Cardozo to E.M. Cravath, 7 June 1873, *AMA Archives*: Amistead Research Center, Tulane University, New Orleans.

⁵¹⁵ Henry Allen Bullock, *A History of Negro Education in the South: From 1609 to the Present* (Cambridge: Harvard University Press, 1967) 56, 180.

⁵¹⁶ Michael Perman, *Emancipation and Reconstruction* (Wheeling, Ill: Harlan Davidson Inc., 2003) 88-91; Williamson, *After Slavery*, 237-238; Walter Edgar, *South Carolina: A History* (Columbia: University of South Carolina Press, 1998) 420.

twelve of the twenty-one governors of the state and 40 per cent of members of the legislature were alumni. It was re-chartered as the University of South Carolina in 1865 and required by the constitution of 1868 to open its doors “to all the children and youth of the State, without regard to race and color.” Francis Cardozo became a trustee in 1869. Its first African American student in 1873 was Henry Hayne, the Secretary of State, whose arrival prompted the withdrawal of most of the white students and faculty. The local press declared that “the University is dead,” and “only a dreary and dirty sham.”⁵¹⁷

In fact, numbers improved. In 1869, as white students began to withdraw, there were just sixty-five still enrolled. In the year up to October 1875, there were 233 in total, 91 on state subsidies. Half the total were white, half African American. The Professor of Law from 1869 until his death in summer 1875 was Cyrus Melton who led Cardozo’s defence against the attempt to remove him from office earlier in 1875; his successor was the Chief Justice, Franklin Moses Snr. In 1874, the university appointed an African American Harvard graduate, Richard Greener, Professor of Mental Science. Francis Cardozo was a “mentor to most of the African American law students of the University,” in the words of Lewis Burke. Cardozo himself enrolled in the Law School in October 1874.⁵¹⁸

The Democratic administration closed the university in 1877 and reopened it exclusively for white students in 1878. Claflin University, which had grown out of the South Carolina Agricultural College and Mechanics Institute, became

⁵¹⁷ Edgar, *South Carolina*, 260-261, 391-392; *News and Courier* 13 October 1873; *Edgefield Advertiser* 16 October 1873.

⁵¹⁸ Burke, *All for Civil Rights*, 47-58.

“the state’s institution of higher learning for negroes.” Francis Cardozo and his brother Henry, a state senator, were trustees between 1872 and 1878.⁵¹⁹

It was in his dealings with South Carolina’s Land Commission that Francis Cardozo made his most direct contribution to the benefit of the freed people during Reconstruction. He had played a leading part in the debates on land ownership during the Constitutional Convention, arguing that “one of the greatest bulwarks of slavery was the infernal plantation system now that slavery is destroyed let the plantation system go with it it is useless to have any schools while we maintain this stronghold of slavery.”⁵²⁰ The Land Commission was one of the key recommendations of the convention, established to buy land and redistribute it to the poor residents of the state. Its achievements fell short of the ambitions of the convention delegates, but the success which it would achieve was largely due to the work of Francis Cardozo and Henry Hayne, his successor as Secretary of State. South Carolina was the only southern state where the purchase of land for resale on long-term credit to freedmen reached a significant proportion of the population.

The Commission began badly under the corrupt mismanagement of Charles Leslie, the first Commissioner. It was so bad that Cardozo and Governor Robert Scott resigned their ex-officio membership of the Advisory Board in October 1869 and returned only when Leslie had been paid to leave in March 1870. The next Land Commissioner, Robert De Large was little better than Leslie, but the Commission began to recover its purpose under the third Commissioner, Henry Hayne. In February 1872, the state legislature abolished the office of Land

⁵¹⁹ E. Horace Fitchett, “The Role of Claflin University in Negro Life in South Carolina,” *Journal of Negro Education*, Vol. 12, Issue 1 (Winter 1943) 46.

⁵²⁰ *Proceedings of the Constitutional Convention of South Carolina* (Charleston: Denny and Perry, 1868) 116-117.

Commissioner and transferred its responsibilities to the Secretary of State, Francis Cardozo. This was to prove one of their wisest decisions.⁵²¹

Cardozo replaced the Commission's mostly ineffective and corrupt county agents with a single agent, J.E. Green, sergeant at arms of the State Senate, and sent him to inspect personally all the tracts of land it had purchased. Cardozo then adjusted the prices charged for the land to represent its real value, rather than the inflated amounts previously charged, and issued certificates to all those who could begin to pay. He reorganised the administration in the hands of his Clerk, Walter Jones. Jones took the Commission's records, "an almost inextricable mass of confusion and by his ability and skill, reduced them to system and order," as Cardozo reported to the General Assembly. By the time that he handed responsibility over to his successor as Secretary of State, Henry Hayne, on his own election as State Treasurer in November 1872, the Commission was working properly. By 1876, 14,000 families, that is 70,000 people, 14 per cent of the non-white population of the state had benefitted directly from the work of the Commission. Cardozo had brought to the Land Commission both his own integrity and his obsessive commitment to imposing order and organisation. The results in 1876 were beginning to deliver results for a worthwhile proportion of the population, though they would survive the return of white supremacy in 1877 for only a minority of the families who had benefitted.⁵²²

⁵²¹ Chapter 5; Carol K. Bleser, *The Promised Land: The History of the South Carolina Land Commission 1869-1890* (Columbia: University of South Carolina Press, 1969) 47-84; Report of the Land Commission to the General Assembly, *Reports and Resolutions 1871-72*, 333-338 (SCDAH).

⁵²² Report of the Secretary of State to the General Assembly, *Reports and Resolutions 1872-73*, 48-50 (SCDAH); Bleser, *ibid*, 85-99.

South Carolina's railroads enjoyed a less fortunate history. There was widespread enthusiasm during Robert Scott's first administration for the building of new railroads, not least in the white press, which shared the ambitions of the politicians for a modern railroad system. Francis Cardozo was director of one of the new railroad companies along with other leading Republican and Democrat politicians, but their achievement was limited. Their history was one of muddle, disappointed expectations and accusations of bribery. It belongs properly in the history of corruption in the early years of Reconstruction in Chapter 5.

On other economic measures, the Republican government was more successful than recognised by its critics at the time and since. Agricultural production revived slowly after the war, but impressively. The cotton crop of 1876 was 312,000 bales, only 43,000 less than 1860; by 1880 it was far greater; "during Reconstruction, the state produced a larger proportion of the nation's cotton crop than before the war," noted Simkins and Woody with surprise. Livestock holdings in the state increased steadily throughout Reconstruction. The *New York Herald* reported very positively on South Carolina's agriculture in 1874: "it makes more cotton and wheat to the acre ... has more acres under cultivation and more variety of products than ever before a country ahead of its development under slavery its political conditions better settled, better ordered than elsewhere in the Union."⁵²³ This assessment of political good health was to be contradicted by the events of 1876-77. But the statistics quoted confirmed the economic picture which benefitted from the financial stability which Cardozo was able to deliver between 1874 and 1876.

⁵²³ Simkins and Woody, *South Carolina During Reconstruction*, 257-264; *New York Herald* 19 October 1874.

Such assessments are not compatible with the images of tragic failure offered by the Dunning School commentaries on Reconstruction. Yet, for most of the freed people, the goal of land ownership remained remote. For all the efforts of Francis Cardozo and Henry Hayne at the Land Commission in distributing land to 14 percent of non-white families, 86 per cent remained landless. Most freedmen worked for minimal wages or as sharecroppers. Sharecropping was not at first the exploitative system it would become, when increasing levels of indebtedness made it more akin to bondage, but here had been limited economic progression for most. Nonetheless, Joel Williamson said that “the great mass of freedmen registered a progressive improvement in their material situation during Reconstruction.” Emancipation had left very many dependent on the Freedmen’s Bureau for their survival. By that test, Williamson was surely right.⁵²⁴

Francis Cardozo was personally involved with another economic mechanism which had a major impact, first for the better, then much to the worse, for many freed people in the state, the Freedmen’s Savings Bank. Carl Osthaus told its history as “a case study in the perversion of a philanthropic crusade into a speculative venture.” Incorporated by Act of Congress in 1865, the bank flourished under the leadership of John Alvord, formerly Superintendent of Schools for the Freedmen’s Bureau, who became its President in 1868. General Otis Howard, Commissioner of the Freedmen’s Bureau, and George Whipple, Secretary of the American Missionary Association, were trustees. W.E.B. Du Bois said that “morally and practically, the bank was part of the Freedmen’s Bureau, though it had no legal connection with it.” The bank attracted funds from freedmen across the South to whom it offered their first

⁵²⁴ Chapters 3 and 4; Williamson, *After Slavery*, 177.

opportunity to invest their savings. In Charleston, the average holding was \$60. Prominent African Americans were members of local advisory committees; in Charleston, Francis Cardozo was the secretary of the committee, Richard Cain its chairman.⁵²⁵

Unfortunately, Alvord made the disastrous decision to rely on advice from Henry Cooke, brother of the financier, Jay Cooke. Henry was “a good fellow, lacking integrity and financial acumen.” Jay Cooke and Co. failed in 1873, the Freedmen’s Savings Bank in July 1874. Its success in persuading the freed people and their churches to invest their savings was now its tragedy. White newspapers gloated: “A Colored Bubble Burst – How Cuffee’s Money was Squandered.”⁵²⁶ Francis Cardozo and Richard Cain had been named frequently in the bank’s publicity in South Carolina but there was no suggestion of guilt on their part, or that of the national trustees, beyond neglect. This was not another carpetbagger swindle but, for the freed people who lost their savings, as Du Bois was to say thirty years later, “all the faith in saving went too and much of the faith in men, a loss that a nation which today sneers at Negro shiftlessness has never yet made good.”⁵²⁷

Not only had the freed people been able to invest money in banks for the first time, they were now paying taxes for the first time and initially happy to do so, according to Joel Williamson, presumably because some of them now had property to pay taxes on. Tax was inevitably an issue throughout Reconstruction, given that South Carolina had retained a system before the

⁵²⁵ Carl R. Osthaus *Freedmen, Philanthropy and Frauds: A History of the Freedmen’s Savings Bank* (Urbana: University of Illinois Press, 1976) 1, 12, 60-61, 97-99, 113; W.E.B. Du Bois, *The Souls of Black Folk* (Seattle: Amazon Classics, 2017; first published 1903) 30.

⁵²⁶ Osthaus, *ibid*, 153-201; *News and Courier, Richmond Dispatch, Savannah Morning News*, all 3 July 1874.

⁵²⁷ Osthaus, *ibid*, 151-152, 220-225; Du Bois, *ibid*, 31.

Civil War which drew sixty per cent of its revenue from taxes on slave-ownership. Taxes were needed to pay for improvements and public services. “One can make a persuasive case that expenditures, far from being excessive, were insufficient during Reconstruction,” noted economic historian, J. Mills Thornton. Poor white farmers, unused to paying much of their income in tax, now found that they were doing so to pay for education for black children as well as their own. Along with their wealthier neighbours, they became increasingly hostile to the Republican administration as a result. Chamberlain and Cardozo had some success after the 1874 election in reducing taxes and in improving collection rates but, by 1876, tax collection was increasingly difficult. In 1877, the administration’s inability to collect any significant tax income was crucial in its failure to hold on to the government of the state.⁵²⁸

Given the continuing controversy over taxation, it is not surprising that it featured prominently in Francis Cardozo’s pamphlets on the state’s finances in August 1873 and in the articles on Chamberlain’s administration published by the *News and Courier* in July 1876. Cardozo aimed in his pamphlets to proclaim the achievements of Republican government and to demonstrate his commitment to constrain expenditure within the State’s income, a message primarily aimed at the Republican legislature. He also argued that the level of taxation now charged should be compared on a per capita basis by reference to the number of free people in the state, before and after emancipation. “By the census of 1860, there were 310,424 free population and 402,406 slaves; by the census of 1870, there were 705,606 free population.” On this comparison, the amount levied in tax per head of the free population was less in 1870 than

⁵²⁸ Williamson, *After Slavery*, 148-159; J. Mills Thornton, “Fiscal Policy and the Failure of Radical Reconstruction in the Lower South,” in J. Morgan Kousser and James M. McPherson eds. *Region, Race and Reconstruction: Essays in Honor of C. Vann Woodward* (New York: Oxford University Press, 1982) 350-391.

in 1860, to pay for public services, to give substance to “the proud heritage of American citizenship” for the freedmen.⁵²⁹

It seems unlikely that this argument would have won over many white taxpayers. In April 1874, Cardozo gave evidence to the Judicial Committee of the House of Representatives in Washington, to an inquiry into taxpayers’ complaints about taxation and corruption in South Carolina. He argued that the rate of tax was lower in South Carolina than in many other states, including California, Florida and North Carolina, and much lower on a per capita basis than Massachusetts, New Hampshire or Virginia. The response of the taxpayers’ representative, Thomas Simons, was that county and municipal taxes should be added to state taxes to understand fully the profligacy of the Republican government and a fair comparison with other states. The Committee in its majority report refused to comment on the relative merits of the comparisons made by Cardozo and Simons, since questions of state taxation were for the electors of the state concerned to judge, not for the U.S. Congress.⁵³⁰

By the time of Chamberlain’s election in November 1874, the emphasis was firmly on reducing the absolute level of taxation. In his inaugural address, he committed himself to reducing state expenditure and to cutting out waste. These were the key issues in the series of articles published by the *News and Courier* in July 1876. They listed Chamberlain’s seventeen vetoes (nineteen in Walter Allen’s account) of profligate Bills of the legislature, the action to reduce the State’s commitment to the South Carolina Bank, which he and

⁵²⁹ Cardozo, *The Finances of the State of South Carolina* 8-16, 30-32.

⁵³⁰ *Daily Phoenix* 21 April 1874; *Report of the Judiciary Committee of the House of Representatives, First Session of the Forty-third Congress, Alleged Misgovernment in South Carolina* (Report No. 48, 28 April 1874) 3, 4.

Cardozo, “the Bank’s arch opponent,” had taken before its failure in July 1875, the reduction in the costs and spending of the legislature, the cut in the cost of public printing from \$306,000 a year to \$50,000 and many other cuts. As a result, taxes were reduced from thirteen mills (one cent per dollar of taxable property) to eleven, “relieving the taxpayers this year of a burden of \$300,000.” For the newspaper, it was the success in reducing expenditure that justified its support, not the improvement in public services which the Republican Party would itself claim. Cardozo and Chamberlain sought to deliver both and, in 1875 and early 1876, they were making progress in land reform and education and in winning white support.⁵³¹

The white newspapers were much less impressed by the social changes and improvements in civil rights, which led Michael Perman to comment: “despite its shortcomings, Reconstruction was an era of hope and advancement in southern race relations.” That was particularly true of South Carolina which, in Eric Foner’s words, passed:

the most sweeping legislation of all beginning in 1869 with a series of laws which required equal treatment by all places of public accommodation and any business licensed by municipal, state or federal authority, with maximum penalties for violators of a \$1,000 fine and five years in prison.

It was on Georgia trains, not in South Carolina, that Francis Cardozo and others suffered the mistreatment described in Chapter 5. Seen from the perspective of the struggles of the civil rights movement ninety years later, the progress which black campaigners in South Carolina made during Reconstruction to

⁵³¹ *News and Courier*, nine articles 5-15 July 1876.

secure equal access to streetcars, railway trains, steamboats, restaurants and hotels was remarkably impressive.⁵³²

There was substantial white resistance to new legislation which pushed anti-discrimination rules further into everyday life. The *Daily News* responded to the 1870 Civil Rights Act by asserting that “colored men shall have a legal right to force themselves upon those who do not desire their company, they shall thrust themselves into beds that were not made for them and sit at tables which were not spread for them.” The newspapers predicted that whites would stay at home rather than expose themselves to such indignities. In fact, they came largely to accept racial mixing on public transportation, including in first class rail carriages, though relatively few African Americans could afford to take advantage. Francis Cardozo was one who could and his experiences in Georgia arose from his use of a first-class carriage which was normal practice in his home state. A measure of tolerance continued after Reconstruction, into the 1880s. The 1870 Act was not repealed until 1889 as the malign influence of Jim Crow extended its grip over the South and the advances in civil rights gained during Reconstruction were undone.⁵³³

At the same time, racial exclusiveness was much more a feature of everyday life than it had been during slavery. In Charleston, a “major trend in the shift of the black population” began, towards the north of the city, away from the area now known as historic Charleston, very largely white in the twenty-first century. The churches followed their parishioners. Resentment at the continuing sense of white superiority in white churches was a significant

⁵³² Perman *Emancipation and Reconstruction*, 94; Foner, *Reconstruction*, 370-371; Bernard E. Powers Jr., *Black Charlestonians: A Social History 1822-1885* (Fayetteville, University of Arkansas Press, 1994) 231-238.

⁵³³ *Daily News* 11 January 1870; Williamson, *After Slavery*, 286-287; Powers, *ibid*, 233-237.

factor. Francis Cardozo's old mentor, Thomas Smythe of the Second Presbyterian Church in Charleston, was said to be a notable example of the "deprecating spirit of exclusiveness" in the white congregations. Black churches allowed black people to control the institutions they saw as the most important in their lives, without the risk of white interference. They also reinforced the trend towards the separation of the races which was to be cast in stone by Jim Crow.⁵³⁴

Francis Cardozo and his colleagues in the governments of South Carolina during Reconstruction could reasonably claim that they had delivered substantial improvements in public education, in land reform and in civil rights. They had fallen short of the ambitions of 1868 but, in these areas of progress, they had done as much or more than any other southern state. By July 1876, Cardozo and Daniel Chamberlain had between them secured reforms which addressed many of the failings and corrupt practices of the earlier years of Reconstruction. They had achieved a measure of financial stability which offered the prospect of economic progress and had won the support of the leading white newspaper and several white political leaders for their programme. They were undone by a resurgence of racial violence and by the opportunism of white supremacist leaders who would drive them from office. Reconstruction was defeated in South Carolina, as in Louisiana and Florida, less by its own failings than by the forces ranged against it and by President Hayes' decision to withdraw federal support. The years that were to follow would bring short-term disaster for Francis Cardozo, though he would recover. In the longer term, his legacy and those of Reconstruction would suffer grievously as Jim Crow took over the South.

⁵³⁴ Powers, *Black Charlestonians*, 210, 225, 251-253; Chapters 3 and 7.

Chapter 7

After Reconstruction: Cardozo in South Carolina and Washington

The government of Reconstruction in South Carolina came to an end on 11 April 1877 when Democrat Wade Hampton took over as Governor from Republican Daniel Chamberlain. Hampton had persuaded President Rutherford B. Hayes to order the withdrawal of federal troops, whose presence had protected the Republican State Government since the disputed elections of November 1876. Francis Cardozo and other members of the Republican administration publicly advised Chamberlain to concede defeat once the troops were withdrawn. President Hayes had accepted Hampton's personal assurance that he would respect the rights of all citizens, black and white, given in a letter on 31 March:

We only desire in our State a Government which will secure to every citizen ... black as well as white, full and equal protection of all his rights under the Constitution of the United States ... with perfect equality of every citizen before the law; a just and impartial administration of the laws; a practical secure exercise of the rights of suffrage; and a system of public education which will open the services of knowledge to all classes.⁵³⁵

⁵³⁵ Chapter 6; Walter Allen, *Governor Chamberlain's Administration in South Carolina: A Chapter of Reconstruction in the Southern States* (New York: G.P. Putnam's Sons, 1888) 480-483; letter from Wade Hampton to President Hayes, 31 March 1877, quoted by Hampton M.

Chamberlain accepted that he could not remain in office without federal support. The government of the Redeemers, as the white Democrats returning to power called themselves, replaced the inter-racial government of Reconstruction.

It was not long before Hampton's assurances began to dissolve. In June, the Democrats established a committee in the state legislature to investigate the alleged corruption of the Republican government, "its purpose to blacken the reputation of Reconstruction," in the words of South Carolina historian, Walter Edgar. Later the same year, the Democrats took the first step towards limiting African American voting by redistricting polling stations in predominantly black areas. For Francis Cardozo, the retribution of the Redeemers was swift. He was arrested on charges of fraud generated by the Democrat-led investigating committee on 21 July, bailed and then re-arrested on 4 October. On 7 November, the court convicted him on one charge of fraud and, on 26 November, sentenced him to two years in prison.⁵³⁶

Cardozo was almost certainly innocent of the charge of which he was convicted. The conservative white newspapers of the state had seen him as the most honest of the political leaders of Reconstruction. The *Columbia Daily Phoenix* had called him the "faithful one among the faithless many" in February 1872. He was now one of only four political leaders to face prosecution in South Carolina. Most of the "faithless many" were not pursued.

Jarrell, *Wade Hampton and the Negro: The Road Not Taken* (Columbia: University of South Carolina Press, 1949) 173-174; Richard Zuczek, *State of Rebellion: Reconstruction in South Carolina* (Columbia: University of South Carolina Press, 1996) 200.

⁵³⁶ Walter Edgar, *South Carolina: A History* (Columbia: University of South Carolina Press, 1998) 410-413; *Report of the Joint Investigating Committee on Public Frauds and Election of Hon. J. Patterson to the United States Senate, Reports and Resolutions of the General Assembly of South Carolina at the Regular Session 1877-78* (Columbia, 1878) South Carolina Department of Archives and History.

Cardozo's honesty provided the very reason why his prosecutors singled him out, in the view of South Carolina legal historian Lewis Burke. In prosecuting and convicting him, the Democrat Attorney General, James Conner, sought to demonstrate the complicity of the whole Republican government in malfeasance. His success can be measured by the reputation for corruption which clung to South Carolina's Reconstruction government for the next eighty years.⁵³⁷

Other southern states did not take similar legal action, though the Mississippi state legislature impeached the African American Lieutenant Governor, Alexander K. Davis, in February 1876. The Democrats had swept the elections to the legislature in November 1875, when a campaign of violence and intimidation deterred black and white Republican supporters from voting. Davis's impeachment was on grounds of "illegal" granting of pardons and "questionable" commutation of prison sentences. But its main purpose was to ensure that he would not succeed the white Republican Governor Adelbert Ames when the legislature came to impeach him. In the event, Ames, Davis and Thomas Cardozo, Francis' brother who had been State Superintendent of Education in Mississippi, all resigned. The Democrats took back complete control of the state government and John Stone succeeded Ames as Governor. They did not prosecute the former Republican officeholders.⁵³⁸

⁵³⁷ *Columbia Daily Phoenix* 15 February 1872; W. Lewis Burke, "Reconstruction Corruption and the Redeemers' Prosecution of Francis Lewis Cardozo," *American Nineteenth Century History*, Vol. 2, No. 3 (Autumn 2001) 67-106.

⁵³⁸ Eric Foner, *Reconstruction: America's Unfinished Revolution 1863-1877* (New York: Harper and Row, 1988) 558-563, and *Freedom's Lawmakers: A Directory of Black Officeholders During Reconstruction* (Baton Rouge: Louisiana State University Press, 1993) 57; Demoral Davis, "Alexander K. Davis," *Mississippi Encyclopaedia* (Published online by the Center for Study of Southern Culture, 2017).

Louisiana's Republican leaders were frequently the subject of allegations of corruption: by their opponents during Reconstruction, and by historians since, notably Governor Henry Warmoth who held office from 1868 to 1872.

Republican legislators impeached Warmoth in 1872, for internal party-political reasons. But the Democratic government which followed Reconstruction did not prosecute him or other Republican leaders. It was in Louisiana that the only other African American, alongside Francis Cardozo, held office as State Treasurer in the South during Reconstruction. He was Antoine Dubuclet, first elected in 1868. He remained in office until 1878, a year after the Democrats had recovered power in the state. Like Cardozo, Dubuclet was accepted as honest even by the opponents of Reconstruction. The Democrat-supporting *New Orleans Times* described him as "the only honest faithful person who stood by the interest of the State." The incoming administration did not challenge his reputation and he was not the subject of legal action after leaving office.⁵³⁹

The Democratic government of South Carolina prosecuted Cardozo, the African American Congressman Robert Smalls and Lewis Cass Carpenter, a white Republican politician. For Cardozo, bail and, eventually, a pardon would follow his imprisonment, agreed in a deal between President Hayes and Wade Hampton. Hampton's successor as Governor, William Simpson, granted the pardon in 1879. Cardozo had left South Carolina in 1877, with the state government firmly in Democratic control. He began to work in the Treasury Department in Washington in 1878, while on bail, pending his appeal. It was an unlikely appointment for a man apparently guilty of fraud, but he had

⁵³⁹ Foner, *Freedom's Lawmakers* 65, quoting the *New Orleans Times*, undated, and *Reconstruction*, 385, 388; Charles Vincent, "Aspects of the Family and Public Life of Antoine Dubuclet, Louisiana's Black State Treasurer, 1868-1878," *Journal of Negro History*, Vol. 66, No.1 (Spring 1981) 26-36.

benefited from recommendations from President Hayes and others. He remained in the Treasury Department for six years, then, in 1884, returned to the scene of his first success, in education. Over the next nineteen years, he would serve as Principal of three schools for African American children in Washington, including the celebrated M Street High School.

This chapter examines the aftermath of Reconstruction primarily through the experiences of Francis Cardozo and those around him in South Carolina and subsequently in Washington. It will first analyse Cardozo's trial, his conviction and the sequence of events which led to his pardon eighteen months later. Lewis Burke's article on Cardozo's trial provides a most helpful source for this analysis, supplemented by the commentary of the newspapers of the day and official state records. The trial marked the start of a process that would lead to the disfranchisement of African Americans in South Carolina and the removal of the civil rights they had gained in Reconstruction. This chapter will consider that process and its impact on Cardozo's legacy briefly. Many historians have explored the history of Jim Crow and of discrimination and violence against African Americans in the South. The third part of the chapter will review the last twenty-five years of Cardozo's life in Washington. Little has appeared in published works on this part of his life, but it has been possible to track his career in the Treasury Department and in Washington's public schools, in national and local archives, and reports about him and his family in the city's newspapers.

Education had provided the most notable achievements of Reconstruction in South Carolina. It remained of paramount importance to African Americans in the South and in Washington, one beacon of hope in the darkness imposed by Jim Crow. The Republican Party no longer offered such hope as its national

leaders largely abandoned their black supporters. Francis Cardozo had relatively little to do with the Republican Party in the last twenty years of his life. The myth of “the tragic era” came to dominate the recollection of Reconstruction. As Joel Williamson said, “the men who had lost the war in South Carolina won the peace.”⁵⁴⁰

The Return of Democratic Government and the trial of Francis Cardozo

Francis Cardozo was almost immediately in personal conflict with the new governor Wade Hampton after Hampton’s assumption of office on 11 April 1877. Cardozo and other members of the Republican executive did not see that Daniel Chamberlain’s concession should lead automatically to their losing their own offices. Cardozo believed that he had won election, on the basis of the published results. He was willing to concede only if the courts required him to do so. He met Hampton on 14 April and, in Cardozo’s words, the governor assured him that he “would leave the question of my official rights entirely to the courts, and that I could either occupy my office, or seal it up, to remain undisturbed until a decision of the court should be reached.”⁵⁴¹

Later the same day, Cardozo received a letter from Hampton’s private secretary requiring him to retire at once and give up the use of his office. Cardozo replied, in a letter published on 16 April in the *New York Times*, protesting Hampton’s behaviour and quoting his commitment to President Hayes to uphold the constitution and laws of the United States. Cardozo refused to give up his office. But such a position could not hold in the face of

⁵⁴⁰ Claude G. Bowers, *The Tragic Era: The Revolution After Lincoln* (Boston: The Literary Guild of America, 1929); Joel Williamson, *After Slavery: The Negro in South Carolina During Reconstruction, 1861-1877* (New York: W.W. Norton and Co., 1965) 417.

⁵⁴¹ *New York Times* 16 April 1877

the Democratic take-over and the imminent threat of violence against Republican officeholders, following the withdrawal of Federal troops, from the white rifle clubs encircling Columbia. On 1 May, Cardozo and the other senior Republican officers gave up their offices.⁵⁴²

The Democrats moved swiftly to consolidate their control of the General Assembly. The Lieutenant Governor William Simpson swore in Democratic candidates for seats in the legislature that had been disputed in the 1876 elections. He thereby reduced the Republican membership of the Senate by six, leaving the parties evenly divided at fifteen each. The Lieutenant Governor could exercise a deciding vote. A further ten Republican Senators resigned later in 1877. In the House of Representatives, Republican membership fell to 37 out of 124, the result of “expulsions, resignations and chicanery,” said Walter Edgar. In August, after a campaign against him in the House, African American Supreme Court Justice Jonathan Wright agreed to resign from the Court under threat of impeachment.

The men now in charge of the state were conservative, many of them elderly. They were known as Bourbons, after the French royalists who resumed power after Napoleon and acted as if nothing had changed. They included several former Confederate Generals, notably Governor Wade Hampton, Attorney General James Conner, Matthew Butler, soon to be a U.S. Senator, and Joseph Kershaw. They wanted to “re-create as much as possible of the world of antebellum South Carolina,” with agriculture and land of more importance than commerce, according to historian William Cooper.⁵⁴³

⁵⁴² *New York Times*, 16 April 1877; Chapter 6; Burke, “Reconstruction,” 72-73.

⁵⁴³ Edgar, *South Carolina*, 407-8; Richard and Belinda Gergel, “To Vindicate the Cause of the Downtrodden: Associate Justice Jonathan Jasper Wright and Reconstruction in South Carolina,” in James Lowell Underwood and W. Lewis Burke eds. *At Freedom’s Door: African*

The first priority of the new government was to proclaim the wickedness of their Republican predecessors. On 8 June 1877, the new legislature appointed a committee to investigate the allegations of corruption. At its conclusion, the committee's report ran to 1,700 pages. Joel Williamson said it was "the longest single publication in the state's official library" at the time. He quoted Attorney General Conner's words in a letter to Lieutenant Governor Simpson: "the moral evidence of the report would guillotine the Republican Party in South Carolina." It was, in Walter Edgar's view, "more party propaganda than anything else ... it overlooked the connivance of prominent Democrats in various unsavoury state bond and railroad stock deals." The committee did not look at allegations of corruption in the Land Commission, once the most controversial Republican government institution. The committee chairman, the Democrat John Cochran, had himself been deeply involved in the Commission's frauds, according to Edward Miller, biographer of Robert Smalls.⁵⁴⁴

The Attorney General indicted twenty-five Republican politicians and prosecuted four, including Niles Parker, the first Republican State Treasurer, who had already been convicted in 1875. The other three were Francis Cardozo, Robert Smalls and Lewis Cass Carpenter. White newspapers had recognised Cardozo's honesty throughout Reconstruction. Robert Smalls, who began the Civil War in slavery, was the hero of the capture of the Confederate ship, the *Planter*, in 1862 and its escape to join the Union Navy. He was U.S.

American Founding Fathers and Lawyers in Reconstruction South Carolina (Columbia: University of South Carolina Press, 2000) 64-65; William J. Cooper Jr., *The Conservative Regime: South Carolina 1877-1890* (Columbia: University of South Carolina Press, 1968) 25-26.

⁵⁴⁴ Williamson, *After Slavery*, 414-415, quoting a letter from James Conner to William Simpson, 24 August 1877; Edgar, *South Carolina*, 409; Edward A. Miller Jr., *Gullah Statesman: Robert Smalls from Slavery to Congress 1839-1915* (Columbia: University of South Carolina Press, 1995) 30, 116.

Congressman for the Fifth District including his hometown of Beaufort on the Sea Islands, from 1875, with interruptions, until 1887, despite the Democratic administration's campaign to remove all Republicans from office after 1877. Carpenter was a white Republican from the North who had been editor of the *Charleston Courier* and, very briefly, a U.S. Congressman in 1874-75. The white press particularly disliked Carpenter because of the evidence he gave to Congressional committees investigating the elections in 1876, and the subsequent indictment of Hampton supporters.⁵⁴⁵

The number prosecuted was significant. This is clear from an exchange of letters between Governor Hampton and President Hayes on 11 and 12 May 1877. Hampton proposed to Hayes that the federal government should drop all its prosecutions arising from the riots in 1876, known as the Ellenton Cases after the riot there in September that year. In return, the Democratic government in South Carolina would not proceed with prosecutions arising out of the fraud investigation in the state legislature. That investigation had in fact not yet begun. Hayes accepted the deal, except in three federal cases which were "of the gravest character." Hampton would require three Republicans to balance the three accused Democrats. The nature of Hayes' approach to Democratic rule in South Carolina and other states was discussed in Chapter 6. The African American historian Rayford Logan described the impact of his Presidency as "the let alone policy of Rutherford Hayes," and quoted the *New York Herald's* observation that "Hayes was more useful to the South than (the Democrat) Tilden would have been." For Francis Cardozo, the consequence of

⁵⁴⁵Okon Edet Uya, *From Slavery to Public Service: Robert Smalls 1839-1915* (New York: Oxford University Press, 1971) 11-31, 82; Burke, "Reconstruction," 74.

Hayes' acquiescence in Hampton's deal was "the chess match that consumed his life for the next two years."⁵⁴⁶

Cardozo's personal encounter with the investigating committee began on 19 July when he first gave evidence. They ordered his arrest on 21 July; he was briefly imprisoned, then released on bail the same day. The first charge against him was misappropriation of state funds to pay a creditor of the state with tax revenues designated for other purposes. This had been one of the charges in the attempt by Republican rivals to have him removed from office in 1875. A majority in the legislature had rejected the charge then because it had previously specifically approved the payment concerned. The *Anderson Intelligencer* nonetheless rejoiced that "another ex-official is in the snares of the law." The prosecution now added six similar charges and one new one, that Cardozo and others had conspired to issue a fraudulent certificate for \$4,000 in honour of C.L. Frankfort, a fictitious person (with Cardozo's own initials jumbled up). The alleged co-conspirators were: Richard Gleaves, formerly Lieutenant Governor; Samuel Lee, formerly Speaker of the State House of Representatives; A.O. Jones, Clerk of the House and Josephus Woodward, Clerk of the Senate. The allegation was that each of the five would receive a share of the value of the certificate, worth \$800 each.⁵⁴⁷

Cardozo moved his family to Washington after the July hearing, to begin a new life there and to seek employment in the Treasury Department. On 3 October, the *Newberry Herald* reported that he was still in Washington, like other former officers, hiding from the possibility of prosecution in South Carolina. In

⁵⁴⁶ Cooper, *The Conservative Regime*, 30-31, quoting letters between Hampton and Hayes 11 and 12 May 1877; Rayford W. Logan, *The Betrayal of the Negro: From Rutherford B. Hayes to Woodrow Wilson* (New York: Collier Books, 1965; first published 1954) 23-47, quoting the *New York Herald* 24 September 1877; Burke, "Reconstruction," 73.

⁵⁴⁷ Burke, *ibid*, 73-75; *Anderson Intelligencer* 26 July 1877.

fact, by 4 October, he was back in Columbia. The *News and Courier* reported his “unexpected reappearance ... several weeks in advance of the session of the court, for the purpose of assisting (his lawyer) Judge Samuel Melton in collecting evidence for his defence.” One of those who had pledged his bond for Cardozo’s appearance in court, Republican State Senator Beverley Nash, now withdrew the bond and Cardozo was imprisoned. The *News and Courier* was sympathetic:

It only remains to be said at present that the ex-treasurer’s course in thus coming back voluntarily to meet his trial has obtained for him a certain amount of sympathy and respect on the part of many who were not previously disposed to entertain any very kindly feelings towards him.⁵⁴⁸

The newspaper’s sympathy did Cardozo no good. He remained in jail until his trial in November. On 30 October, the Attorney General announced that he would bring just one charge, relating to the Frankfort certificate. He set aside the other seven for the moment. Cardozo’s lawyer asked for time to prepare his defence against this relatively new charge and to summon witnesses who were out of the state. The Judge refused and set the beginning of the trial for two days hence, 1 November. It was the first of many rulings against Cardozo, which Lewis Burke quoted to demonstrate the extent to which the trial was manipulated to secure conviction.⁵⁴⁹

The Judge was Charles Pinkney Townsend, apparently a Republican but one who had served in the one-party state legislature, Democratic in all but name, before and during the Civil War and who would win election as a Democrat

⁵⁴⁸ *Newberry Herald* 3 October 1877; *News and Courier* 4 October 1877.

⁵⁴⁹ Burke, “Reconstruction,” 75-93.

later in his career. Cardozo's lawyer was Samuel Melton, Attorney General in the administrations of Franklin Moses and Daniel Chamberlain. He was an eminent lawyer and a friend of Cardozo's, but he was to make crucial mistakes in handling the defence. The Democrat Attorney General, James Conner, led the prosecution with the support of several lawyers, including Leroy Youmans, subsequently his successor as Attorney General. Conner and Youmans were partners in a legal practice. Youmans and Melton had attended South Carolina College together and were friends. Lewis Burke noted that "a friendly collegial relationship among the native white members of the bar (in South Carolina) was not unusual," but he is surely right to ask if this degree of familiarity made Melton's defence less assertive than it might have been.⁵⁵⁰

The selection of the jury was important because its racial mix was expected to influence the outcome of the trial and would certainly influence its public reception. The newspapers reported that there was a majority of black jurors: eight to four white members according to the *Anderson Intelligencer* and the *New York Herald-Tribune*, seven to five in the counts of the *News and Courier* and the *Columbia Register*. In fact, the balance was six-six, according to the Official Report by the Attorney General on the trials: the juries "were composed of equal numbers of white and colored jurors." Burke noted that eight jurors were illiterate, the more easily influenced as a result, he implied. The newspapers anticipated that the consequence of the racial mix would be a mistrial.⁵⁵¹

⁵⁵⁰ Burke, "Reconstruction," 75-76.

⁵⁵¹ *New York Herald-Tribune* 2 November; *Anderson Intelligencer*, *News and Courier* and *Columbia Register*, all 8 November 1877; Report of the Attorney General to the General Assembly of South Carolina for the Fiscal Year 1877, *Reports and Resolutions*, SCDAH; Burke, *ibid*, 77-78.

The two main witnesses against Cardozo were Samuel Lee and Josephus Woodruff, both of whom had been accused of participation in the swindle with which Cardozo was now charged. Lee, the former House Speaker, had played a part in the attempt to remove Cardozo from office in 1875. He now confessed to having issued \$29,000 worth of fraudulent pay certificates and to involvement in other frauds during Reconstruction. He did not himself face prosecution and went on to become “the most successful black lawyer in South Carolina in the nineteenth century.” Woodruff was Clerk to the Senate and the owner of the Republican Printing Company, “at the center of most legislative corruption schemes.” In October, the *News and Courier* asked: “Woodruff is still for sale; who will buy him?” The state did and made his evidence central to the trial. Woodruff received immunity from prosecution from all civil and criminal proceedings in return for the repayment of some, though not all, of the sums he had acquired corruptly, and for his testimony.⁵⁵²

Woodruff produced a shorthand diary which appeared to show long lists of bribes paid to Cardozo and other leading members of the Republican governments. He admitted that he had been involved in the “large business of fraud” since 1868 and that “during every session of the legislature since then he had issued at least \$100,000 in fraudulent pay certificates.” He variously accused Cardozo of accepting bribes and of refusing to pay certificates of indebtedness to his printing company. Cardozo spoke out strongly in his own defence, repudiating the specific allegations against him by Woodruff and insisting that “he never paid certificates he knew or strongly suspected to be fraudulent.” The banker Hardy Solomon supported Woodruff’s evidence. His bank, the South Carolina Bank and Trust Company, had collapsed on 2 July

⁵⁵² Burke, “Reconstruction,” 79-81; *News and Courier* 10 October 1877.

1875, with a loss of \$200,000 to the state. Cardozo had tried to avert the loss by withdrawing state funds from the bank and Solomon resented him bitterly. As Burke observed, it is almost impossible to believe that, amidst all the bribes swirling around, Cardozo would have accepted his fifth share of the fraudulent pay certificate of \$4,000, while refusing many others worth much more.⁵⁵³

Neither the judge nor the jury found the allegations impossible to believe. The jury found Cardozo guilty after a summation from the judge which both the *New York Times* and the *Herald-Tribune* described as “elaborate and impartial,” but which indicated to Lewis Burke that “the bias of the judge was obvious.” Both Cardozo and his lawyer were deeply shocked, and “they walked out of court together.” In so doing, Samuel Melton missed the crucial chance to request to have the jury polled, to establish whether the verdict was unanimous. A unanimous jury verdict was a common-law right in South Carolina. If there had been a majority vote, as was reported at the time, there would have been a simple basis on which to appeal the conviction.⁵⁵⁴

The press had been certain that there would be a mistrial because the mixed-race jury would fail to agree. The *News and Courier* and its predecessor papers had treated Cardozo as an honest member of a dishonest government during the first years of Reconstruction and endorsed his alliance with Daniel Chamberlain. With the Democrats returned to power, the newspaper saw no reason to maintain its support. It now reported:

The general feeling could hardly be called delight, for the most universal feeling was one deeper and more intense than is usually implied by that word. All classes of white men were plain and frequent in their

⁵⁵³ Burke, “Reconstruction,” 81-91.

⁵⁵⁴ *New York Times*, *New York Herald-Tribune*, both 7 November 1877; Burke, *ibid*, 91-92.

expressions of satisfaction that this sanctimonious thief had been convicted of the crime by a jury largely composed of men of his own color and race.⁵⁵⁵

The *Columbia Register* gave equal emphasis to the result and to the racial mix of the jury:

It shows that fraud was made to permeate every avenue of official life and proves conclusively that the most consummate villains were those claiming to exercise the virtue of honesty ... the conviction has been obtained through the aid of colored Republicans.⁵⁵⁶

Cardozo remained in jail during the trials of Smalls and Carpenter. The judge would sentence all three together. Robert Smalls' trial followed immediately. The cast of judge and lawyers was much the same; the principal witness for the prosecution was again Josephus Woodruff. The charge was that Smalls had accepted a bribe of \$5,000 when a State Senator in 1875, in return for voting for a resolution appropriating a payment of \$350,000 to Woodruff's Republican Printing Company. Smalls denied the charge, but the jury chose to believe Woodruff. The racial mix was again six-six. The case turned on the dating of a cheque and was manifestly weak, in the accounts of two of Smalls' biographers, Edward Miller and Odon Edet Uya.⁵⁵⁷

Robert Smalls would subsequently attest to the political nature of his trial in testimony to the South Carolina Constitutional Convention in 1895. He told the convention that two leading Democrats had tried to persuade him to resign his Congressional seat, in the days before his trial. The first was John Cochran,

⁵⁵⁵ *News and Courier* 8 November 1877.

⁵⁵⁶ *Columbia Register* 8 November 1877.

⁵⁵⁷ Miller, *Gullah Statesman*, 114-118; Uya, *From Slavery to Public Service*, 83-86.

chairman of the legislature's investigating committee, who told him that, if he did not resign, the court would convict him. Smalls said "I don't believe that. I am innocent, and they cannot do it." Cochran's response was "bear in mind that these men have got the Court, they have got the jury, and an indictment is a conviction." Smalls refused and the next approach came from Charles Drayton, editor of the *Aiken Recorder*, who told him that "Governor Hampton says that he doesn't want to injure you. We want this government and we must have it." The offer this time was \$10,000, two years' salary in Congress, if he would resign. Again, he refused to give up the office to which he had won election.⁵⁵⁸

The newspapers of South Carolina were convinced of the rightness of the convictions of Cardozo and Smalls. The *News and Courier* said, after Cardozo's trial:

The story of the villainies of the Republican officials, as told under oath in Columbia, is before the public for their consideration the prosecution of Cardozo was not prompted by any feeling of anger or revenge but by an earnest conviction that it was necessary for the public good that the arch offenders should be punished, and their offences exposed.⁵⁵⁹

The *New York Times* took a very different view of the significance of Josephus Woodruff's evidence a month later, reversing its earlier snap judgement that the judge's summation had been impartial. Its view on reflection was that:

⁵⁵⁸ *Journal of the Constitutional Convention of South Carolina 1895* (Columbia: Charles A. Calvo Jr., 1895) 474; John Hammond Moore, *South Carolina Newspapers* (Columbia: University of South Carolina Press, 1988) 6.

⁵⁵⁹ *News and Courier* 8 November 1877

The circumstances under which this man (Woodruff) became a state witness are enough to utterly discredit his testimony ... he admitted his guilt and entreated the prosecuting officers to forgive him. He was forgiven he was used as a state's witness and his testimony, entirely unsupported and uncorroborated, was received as evidence to convict F.L. Cardozo and Robert Smalls.⁵⁶⁰

The newspapers agreed that Woodruff's evidence demonstrated his own guilt comprehensively. Yet, his evidence was crucial in both trials.

It is not possible to be certain that Cardozo and Smalls were innocent of the charges against them. The case built up around Woodruff was elaborate and packed with detail. But the frauds to which he himself confessed were equally detailed. It is scarcely credible that Cardozo would have put his hard-won reputation at risk for the sake of \$800 when so much more had been readily available. It is difficult to argue with the *New York Times* that "nothing more needs to be said to show the injustice and unfairness of these trials than the fact that the prosecution relies on such witnesses." The African American newspaper, the *Christian Recorder*, made the point that "all history shows that, when men are tried for their lives or liberties on such testimony, the verdict is an indication of the public sentiment in the community towards the defendants, rather than the truth as warranted by the testimony."⁵⁶¹

So, why did the Democratic government of South Carolina consider it necessary to pursue their legal action against two high-profile African American leaders when other states of the South did not do so after Reconstruction? The answer which the Democrats themselves would almost

⁵⁶⁰ *New York Times* 17 December 1877.

⁵⁶¹ *New York Times* 17 December 1877; *Christian Recorder* 20 December 1877.

certainly have given was that, whatever other states thought about their own experiences, corruption in South Carolina was so egregious, so awful and so widespread that it was essential that they act to punish at least three of the perpetrators (including L. Cass Carpenter). That line of argument was consistent with James Pike's portrait of ignorance and corruption on an unequalled scale in his diatribe on *The Prostrate State* in 1874.⁵⁶² The white newspapers of the state would have agreed, as would most historians of the following eighty years. But, if that was the case, why prosecute so few alleged perpetrators, when so many more were apparently available? Why rely on such questionable evidence, out of 1,700 pages of an investigative report? Why pick on Cardozo and Smalls?

There are other explanations. First, the Democratic administration needed three convicted Republicans to balance three Democrats in the Ellenton cases, to effect a deal with President Hayes. Secondly, it was no accident that two of the defendants were African American, despite the continuing allegations that the most corrupt members of the Republican administrations and the legislature were white scalawags and carpetbaggers. For many in the white population, it had been unacceptable that prominent members of the Republican government and elected Congressmen had been black. The personal presumptuousness which Cardozo and Smalls had shown in seeking and winning office was enough in itself to justify their prosecution and imprisonment.

There was a third and less obvious reason for prosecuting Cardozo, in particular. He had been a key member of Daniel Chamberlain's administration

⁵⁶² James S. Pike, *The Prostrate State: South Carolina Under Negro Government* (New York: Appleton and Co., 1874).

and a close ally in his reform programme, which had won substantial white support. Joseph Kershaw, respected white political leader and former Confederate General, and the *News and Courier* had endorsed Chamberlain. They had shared the view that Chamberlain and Cardozo were providing honest and honourable government. They supported Chamberlain's campaign for re-election in the first half of 1876. That support had disappeared following the Hamburg riot in July 1876 and the increasing racial violence that followed. But the memory of reform and of white support for Chamberlain's government was still close. For the Democrats it was essential to remove any positive images of the last Republican government. It would have been difficult to target Chamberlain himself for prosecution, though he was indicted. He had been personally popular in the white population until very recently. It was much easier to target his black colleague, Francis Cardozo, to destroy his credibility as an honest office holder, and thereby condemn the reputation of the Republicans as a whole.⁵⁶³

The third Republican now accused was Lewis Cass Carpenter and his conviction for forgery followed quickly after that of Robert Smalls. The key witness in Carpenter's case was again Josephus Woodruff. The *News and Courier* had no doubt of Carpenter's guilt or of the significance of his conviction:

It is not that he was the biggest thief in the State it is that he combined hatred with robbery and abused the white citizens of this State with bitter tongue while his eager fingers were in their pockets L. Cass Carpenter was the sworn enemy of every respectable man, decent woman and innocent child of the white race in South Carolina.

⁵⁶³ Chapter 6; Burke, "Reconstruction," 97-98.

The same newspaper had claimed that there had been no feeling of anger or revenge in the prosecution of Cardozo. But it had no qualms in admitting to such feelings in Carpenter's case, recalling the evidence which he had given to the Congressional Committee investigating the 1876 riots.⁵⁶⁴

On 16 November, the court heard Cardozo's application for a new trial on several points of law. The judge rejected the application, and, on 26 November, sentenced all three defendants: Cardozo to two years in the county jail and a fine of \$4,000, with an additional year in jail if the fine was not paid; Smalls to three years in the State Penitentiary, with hard labour; and Carpenter to two years in the county jail and a fine of \$1,000. The judge was harsh in passing sentence on Cardozo:

the facts disclosed in your case show that it is entirely devoid of any political feelings or significance You were a member of a political party in South Carolina whose power and achievements are now things of a dismal past in her history instead of the faithful guardian standing at the door of the Treasury and imperilling life and all in her protection, you were constantly and invidiously inviting others to unite with you in despoiling it of the last dollar.⁵⁶⁵

This wording again attests to the political nature of the trial. Cardozo's bail was set at \$35,000, which he could not find. He remained in jail until 10 April 1878 when the bail requirement was reduced to \$8,000, which was possible, and he was released. Smalls was able to satisfy his bail requirement of \$10,000 on 2 December and he was released straightaway. The difference between the two initial levels of bail was that Cardozo still had several other charges hanging

⁵⁶⁴ *News and Courier* 14, 15 November 1877.

⁵⁶⁵ *News and Courier* 27, 28 November 1877; Burke, "Reconstruction," 93.

over him. Smalls returned to Washington and resumed his seat in Congress. Carpenter was released on bail after his sentencing and Wade Hampton pardoned him in February 1878. Cardozo refused a pardon because he wanted to be acquitted on appeal in a fair hearing of his case, as is clear from letters written to President Hayes and retained in his Presidential library.⁵⁶⁶

On 25 March 1878, Wade Hampton wrote to President Hayes to resume his call for amnesty for the accused Democrats. He told Hayes that he had pardoned Carpenter but that he had taken no action in the cases of Cardozo and Smalls, because their appeals were pending before the State Supreme Court. He said that “Mr Milton (sic), the counsel for Cardozo, knows my views in this case, and approves my action.” Samuel Melton expanded on this explanation in his own letter to President Hayes on 8 April, endorsing Hampton’s conduct as Governor. He said that Hampton was willing to pardon Cardozo and Smalls, “but Cardozo firmly refused to accept this clemency on the ground that he was entitled to a fair trial.” The Governor had induced the Attorney General to “consent to a modification of the order of bail,” to reduce the financial requirement so that Cardozo could be released until his appeal was heard.

One paragraph of Melton’s letter is worth quoting:

Cardozo has been thoroughly faithful to himself and his party I cannot avoid the expression of my confidence in his innocence of the petty, pitiful crimes charged against him. True to his race, he is more of a white man than ninety-nine in a hundred of average white men; and in all that goes to make up character, he is worthy of great respect.

⁵⁶⁶ *News and Courier* 27 November 1877; *Columbia Register* 4 December 1877; Burke, “Reconstruction,” 93; Miller, *Gullah Statesman*, 118-125.

Such a tribute carries its own implications for Melton's views about race and his expectation of the President's views. Melton supported Hampton's call for an amnesty for the three Democrats, claiming that it would strengthen Hampton's hand in dealing with hard-line members of his party.⁵⁶⁷

On 7 May, Cardozo himself wrote to President Hayes to support the amnesty. He did not raise the possibility of a pardon for himself, but he followed Melton's argument that:

it would greatly aid us (Smalls and himself) when our appeals are heard in the Supreme Court for a new trial, if these pardons were granted, by removing the irritation and soreness felt among Democrats on account of your non-compliance with this request from Hampton.

Cardozo had opposed an amnesty for Confederate veterans accused of Ku Klux Klan atrocities in 1872. The political circumstances in South Carolina were different now and he was desperate to ensure that his appeal should lead to a new, and fair, trial.⁵⁶⁸

Cardozo's appeal was not resolved until November 1878. His lawyer, still Samuel Melton, appealed on numerous technical grounds; only one, concerned with jury selection at his trial, succeeded with any of the three Justices of the State Supreme Court. The sympathetic Justice was Amiel Willard, who had ruled against Cardozo and the Board of Canvassers following the 1876 election. Willard was now Chief Justice, but the other two members of the Court outvoted him on the case for a new trial. They were Henry McIver and Alexander Haskell, both Democrats, previously Red Shirts who had

⁵⁶⁷ Wade Hampton to Rutherford Hayes, 25 March 1878, Samuel Melton to Rutherford Hayes, 8 April 1878, Rutherford B. Hayes Papers (RBHP), Hayes Presidential Library and Museums, Fremont, Ohio.

⁵⁶⁸ Francis Cardozo to Rutherford Hayes, 7 May 1877 (RBHP); Burke, "Reconstruction," 94.

participated in the violent campaigns in support of Hampton in 1876. The Supreme Court followed the lead of Judge Townsend in the first trial and denied the appeal on 28 November.⁵⁶⁹

Local newspapers were predictably delighted. The *News and Herald, Winnsboro*, reported that both Cardozo and Smalls had had their appeals refused (though Smalls' biographer, Edward Miller said that his was not heard until the following April):

The Supreme Court has dismissed the appeals of Cardozo and Smalls; and the former must go to jail, the latter to the penitentiary. Better late than never. We presume that the Governor has no intention of pardoning either of them. Any such misplaced clemency would raise a general cry of indignation.⁵⁷⁰

Despite the newspaper's hopes, Cardozo did not go immediately to jail. This time, he stayed in Washington until 24 March 1879, when he surrendered to the Sheriff of Richland County (including Columbia) and was again jailed. By then, however, he had abandoned his resistance to the possibility of a pardon. In February, his brother Henry submitted a petition calling for a pardon, signed by "many prominent citizens and by ten of the twelve jurors from the trial." There is no extant evidence of Francis Cardozo's reason for accepting the pardon which he had previously so strongly resisted except that he had exhausted the possibilities of obtaining a fair trial in South Carolina, with the failure of his appeal to the Supreme Court. A pardon was now the only means of bringing his unjust sentence to an end. The United States Attorney dropped his charges against white Democrats in South Carolina. On 23 April, William

⁵⁶⁹ Burke, "Reconstruction," 94-95.

⁵⁷⁰ Miller, *Gullah Statesman*, 130; *News and Herald, Winnsboro* 3 December 1878.

Simpson, who had succeeded Wade Hampton as Governor when Hampton went to the U.S. Senate in March, granted pardons to both Cardozo and Smalls. They were set free immediately. By this time, Cardozo and his family had lost all their property, according to Lewis Burke's research. Henry Cardozo's letter accompanying the petition said that Francis' wife was an invalid with five children under the age of twelve.⁵⁷¹

Cardozo was free and able to re-join his family in Washington. But this must have been one of the lowest points of his life. He had devoted so much effort to demonstrating his honesty in government. He had sacrificed his relationships with many in his own party. He had continually argued that "the colored people" supported his stand for financial integrity. He had supported Daniel Chamberlain in the campaign both to reform the Republican Party and to win white votes. All of this had been thrown back in his face in a trial and appeal process which had been rigged against him. He was the only senior member of the Republican government, with the sole exception of Niles Parker, to have been sent to prison. The county jail to which Cardozo was sentenced was not the state penitentiary of gruesome reputation nor was he subject to the system of convict leasing which brought back images of slavery. But the jails were "dismal affairs in which the dull monotony of confinement was seldom relieved," poorly heated and often over-crowded.⁵⁷² To be on a par with the awful Niles Parker probably made the experience worse still. Yet, Franklin Moses, the Robber Governor, and Charles Leslie, the first and worst Land Commissioner, were not prosecuted. By the time of his final release, Cardozo had spent more than seven months in jail.

⁵⁷¹ Burke, "Reconstruction," 95-96; *News and Herald*, Winnsboro 26 April 1879.

⁵⁷² George Brown Tindall, *South Carolina Negroes 1877-1900* (Columbia: University of South Carolina Press, 1952) 264-266.

It has been clear in earlier chapters of this dissertation that Cardozo was a proud man, proud of his achievements and his reputation. He had believed that he and his colleagues would persuade the white population of South Carolina that an inter-racial government could be successful. Unfortunately, he had forgotten, or put aside, his own warning to the Constitutional Convention in 1868:

We have been cheated out of our rights for two centuries and ... we must fix the constitution in such a way that no lawyers, however cunning or astute, can possibly misinterpret the meaning. If we do not do so, we deserve to be, and will be cheated again.⁵⁷³

Cunning and astute lawyers had trapped him in his own trial and appeal. His confidence in the legal system, and in the 1868 constitution which provided for it, was unjustified. The constitution proved unable to withstand the power of force in the hands of rifle clubs led by white supremacists only too willing to threaten and use violence to swing elections and enforce their preferred results. African Americans including Cardozo had held elected office and, together with their white colleagues, had made significant changes in South Carolina. But they had done so under the protection of Federal troops. Once that protection was withdrawn, the rights which Reconstruction had brought to African Americans were far from secure. Much of Cardozo's legacy and the political and constitutional changes to which he had contributed at the Constitutional Convention and in the years of Republican government would disappear over the following twenty years as Jim Crow usurped the constitution.

⁵⁷³ Chapters 5 and 6; *Proceedings of the Constitutional Convention of South Carolina* (Charleston: Denny and Perry, 1868) 354.

Jim Crow comes to South Carolina

The trials and convictions of Francis Cardozo and his peers symbolised the re-assertion of white supremacy in South Carolina. They achieved two significant results for the new Democratic administration. The convictions provided evidence of the corruption of their Republican predecessors which they could claim to be conclusive. The trials also marked the beginning of the process which would remove the political and other rights of African American citizens of the state. The process was not instant. It took twenty years in South Carolina's case. Nor was it inevitable, in the view of the southern historian, Comer Vann Woodward. In *The Strange Career of Jim Crow*, Woodward set out to refute the propositions that the South moved straight from Reconstruction to segregation and disfranchisement and that Reconstruction and its problems were in any sense a cause of Jim Crow. He refused to accept that systematic discrimination was fixed for all time in southern history or somehow natural to southern culture.⁵⁷⁴

Woodward's arguments marked a crucial step in the development of the historiography of the South following Reconstruction. But it is hard for those looking back now not to see the development of discrimination in South Carolina and other southern states as inexorable in the last quarter of the nineteenth century. The progressive removal of the political rights of African Americans was at the heart of the process. The mobilisation of the African American vote in 1867 had been a "stunning achievement," in the words of David Blight, for Francis Cardozo and his colleagues in the Union League and the newly formed Republican Party. Now white supremacists would celebrate

⁵⁷⁴ C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1955).

their elimination. In 1900 one local newspaper reported that Benjamin Tillman had proudly told the U.S. Senate that, “of 114,000 registered voters in South Carolina, just 14,000 were negro.” In 1867, 81,000 black voters had registered.⁵⁷⁵

The process of disfranchisement began in 1877 even as Francis Cardozo prepared for his trial, with the reorganisation of electoral boundaries to make it more difficult for African Americans to vote. “Fraud, intimidation and violence” marked the elections in 1878, in Walter Edgar’s words. Laura Towne wrote from her school-house on the Sea Islands that “political times are simply frightful. Men are shot at, hounded down, trapped, and held till certain meetings are over, and intimidated in every possible way.” The result was decisive for Wade Hampton and the Democratic Party. He won re-election as Governor with a majority of 169,550 to 213. It was already highly improbable that Francis Cardozo, following his pardon, or any other Republican politician might win a state-wide election. The Republican Party did not offer a candidate for Governor in 1878 and would not win another election for Governor in South Carolina for almost one hundred years, until 1974.⁵⁷⁶

The Fifteenth Amendment to the U.S. constitution prohibits states from denying a citizen a vote on the grounds of race, colour or previous condition of slavery. It did not prevent South Carolina or other southern states from finding ways and means to discriminate effectively. Nor did the South Carolina constitution of 1868, for all the determination of Francis Cardozo and its other

⁵⁷⁵ Chapter 4; David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Belknap Press of Harvard University, 2001) 49; Tindall, *South Carolina Negroes*, 88; *Yorkville Enquirer* 28 February 1900.

⁵⁷⁶ Edgar, *South Carolina*, 413; Rupert S. Holland ed., *Letters and Diary of Laura M. Towne, Written from the Sea Islands of South Carolina 1862-1884* (Cambridge: The Riverside Press, 1912) 29 October 1878; Tindall, *ibid*, 43.

framers that it should. The Eight Box Law introduced in 1882 made voting much more complicated and gave much discretion to electoral officers to decide whom to help to register to vote. In the same year, the legislature reorganised the state's Congressional boundaries so that six of the seven districts had white majorities; the seventh had a large black majority, while it remained possible for African Americans to vote at all. The tissue ballot, a popular device in South Carolina and other states, allowed the stuffing of ballot boxes and still more discretion for electoral officers. One contemporary commentator, Frederic Bancroft, described it as "the most facile and easy method of curbing the Negro's (voting) power which the Democrats had yet hit upon."⁵⁷⁷

The combined effect of these methods was dramatically to reduce electoral support for the Republican Party. In the last election of Reconstruction in 1876, Francis Cardozo had won more than 90,000 votes. In 1888, the Republican candidate for governor won less than 14,000 and most of the reduction resulted from African Americans being deprived of the vote. This was not enough for the South Carolina Democratic Party, now led by Benjamin Tillman, Governor from 1890 to 1894, Senator from 1895 to his death in 1918. In 1895, he prompted a Constitutional Convention to replace the state's 1868 constitution with one that would secure disfranchisement as fully as possible without breaching the Fifteenth Amendment. The new constitution used a mixture of residency rules, poll taxes and literacy tests, combined with near-complete discretion for electoral officers to decide whom to register.⁵⁷⁸

⁵⁷⁷ Tindall, *South Carolina Negroes*, 68-73; Cooper, *The Conservative Regime*, 100-102; Frederic Bancroft, *A Sketch of the Negro in Politics Especially in South Carolina and Mississippi* (New York: J.F. Pearson, Printer, 1885) 76.

⁵⁷⁸ Tindall, *ibid*, 75-88, Stephen D. Kantrowitz, *Ben Tillman and the Reconstruction of White Supremacy* (Chapel Hill: University of North Carolina Press, 2000) 198-200.

There was never any question that the great majority of the delegates to the Convention shared Governor Tillman's commitment to denying African Americans the vote. The spectre of Reconstruction, exaggerated in popular memory, provided a powerful incentive for their purpose. William Henderson declared during the convention:

We don't propose to have any fair elections There's no use to talk about it. The black man is learning to read faster than the white man. And if he comes up and can read, you have got to let him vote. We are perfectly disgusted with hearing so much about fair elections make it fair and you will see what happens.⁵⁷⁹

The promise made by Wade Hampton to President Hayes in 1877 to "uphold the perfect equality of every citizen before the law and to secure the rights of suffrage," was by now long forgotten. Francis Cardozo and Samuel Melton had seen Hampton as a moderating influence on the Democratic Party, though he had at the least acquiesced in the campaigns of violence and intimidation which had accompanied the elections of 1876 and 1878. Ben Tillman and his openly white supremacist followers swept aside Hampton and the moderate conservatives. By 1895, the black citizens of South Carolina could look for no protection from the white political leaders of their state.⁵⁸⁰

South Carolina was not alone. Mississippi had adopted a similar constitution in 1890; Louisiana would do so in 1898, Alabama in 1901, Virginia in 1902. North Carolina, Texas and Georgia would use amendments to their state constitutions to achieve the same results. All used a similar mix of measures to ensure that African Americans would not be able to vote. Henry Cabot Lodge

⁵⁷⁹ *Columbia Register* 2 November 1895; Kantrowitz, *Ben Tillman*, 216-222.

⁵⁸⁰ Tindall, *South Carolina Negroes*, 81-88; Kantrowitz, *ibid*, 198-201, 211-213.

made an attempt in the House of Representatives in 1890 to protect African American voters. He introduced the Federal Elections Bill, (misleadingly known as “the Force Bill,” though it did not provide for force) to offer federal protection to potential voters in federal elections. The Bill was defeated in the Senate by a southern filibuster and a withdrawal of support by western Republican Senators, who traded their votes in return for southern support for the Silver Purchase Act (designed to protect the price of silver). After the defeat of the Lodge Bill, the national Republican Party and President Benjamin Harrison, who had shown sympathy for African Americans, “virtually abandoned the fight to protect the constitutional rights of Negroes,” in the words of Rayford Logan. Stephen Kantrowitz said that, by the late 1870s, courts and legislatures had retreated from grand promises of “equality before the law.” Steven Hahn was equally severe: “during the 1890s, the U.S. Congress repealed all the federal election laws. The Supreme Court (controlled by northern Republicans) upheld the southern approach to disfranchisement.”⁵⁸¹

Several factors had combined to reduce northern (and western) commitment to black southern rights, aside from specific issues such as the price of silver. The legends of corruption and incompetence during Reconstruction had grown stronger, not weaker, since 1876. So too had sentimental attitudes to the Old South among middle class northerners “who learned to love the old plantation aristocracy ... and the loyalty and devotion of the old black servant,” according

⁵⁸¹ Edward L. Ayers, *Southern Crossing: A History of the American South 1877-1906* (New York: Oxford University Press, 1998) 101-103, 158-172; Logan, *Betrayal of the Negro*, 70-87; Stephen D. Kantrowitz, *More Than Freedom: Fighting for Black Citizenship in a White Republic, 1829-1889* (New York: Penguin Books, 2012) 395; Steven Hahn, *A Nation Under Our Feet, Black Political Struggle in the Rural South from Slavery to the Great Migration* (Cambridge: The Belknap Press of Harvard University, 2003) 445-450.

to historian Nina Silber. Northern attitudes to race had changed as “optimism about the prospects of African Americans in the 1860s gave way to disinterest and pessimism in the 1890s.” In David Blight’s words, “sectional reunion after so horrible a civil war was a political triumph but it could not have been achieved without the re-subjugation of many of those people whom the war had freed from centuries of bondage ... by the 1890s, the emancipationist legacy of the war was lost.”⁵⁸²

There were moments of hope for African Americans in two states which had not been centres of Reconstruction in the years after the Civil War. The Readjuster movement in Virginia in 1881 and an alliance between populists and Republicans in North Carolina in 1896 both attracted African American support and achieved electoral success. Both increased funding for education and strengthened black political and civil rights. Steven Hahn said that the achievements of the Readjusters “must have been encouraging if not astonishing to their supporters.” But both movements were short-lived and fell afoul of racial tensions. Neither group won national political support.⁵⁸³

South Carolina’s constitutional convention in 1895 effectively terminated the political rights of African Americans in the state. It also signalled the removal of those civil rights which had been among the impressive achievements of Reconstruction, in securing access to restaurants and bars, to street cars and railroad cars. Now, in Walter Edgar’s words, “the 1895 Constitution laid the groundwork for the Jim Crow world that developed in South Carolina.” In 1897,

⁵⁸² Nina Silber, *The Romance of Reunion: Northerners and the South 1865-1900* (Chapel Hill: University of North Carolina Press, 1993) 108, 124; Blight, *Race and Reunion*, 3, 209.

⁵⁸³ Hahn, *A Nation Under our Feet*, 376-411; Jane Dailey, “The Limits of Liberalism in the New South: The Politics of Race, Sex and Patronage in Virginia, 1879-1883,” in Jane Dailey, Glenda Gilmore and Bryant Simon eds., *Jumpin’ Jim Crow: Southern Politics from Civil War to Civil Rights* (Princeton: Princeton University Press, 2000) 88-114.

the City of Charleston installed new electric streetcars on a segregated basis. Railroad cars were segregated in 1898. A few voices protested the changes. The *News and Courier* objected to the segregation of street cars in 1897 and derided segregation on the railroad in 1898 with a *reductio ad absurdum* argument, that there would be soon be “separate waiting rooms at railroad stations, separate eating houses, separation in county auditors and treasurers’ departments.” Unfortunately, it turned out not to be absurd at all.⁵⁸⁴

The legal system of South Carolina and other southern states had never provided adequate protection to African Americans threatened by violence even during Reconstruction. The level of threat increased in the 1880s and 1890s, as newspaper reports stirred paranoia and led on occasion to riots, more frequently to lynchings, sometimes of men accused of rape and murder, in other cases because of trivial personal slights. Darlene and William Hine estimated that 3,745 people were lynched in the South between 1889 and 1932, most of them black men. Lynching was relatively less common in South Carolina than in other southern states, though that will have been no comfort to the seventy-three men lynched in the state between 1882 and 1900, an average of four a year, peaking at eleven in 1893. Walter Edgar noted that there were as many murders in South Carolina as in all the states of New England combined in 1890.⁵⁸⁵

For many African Americans unlucky, or guilty, enough to be caught up in the harsher parts of the criminal justice system, the possibility of violence became

⁵⁸⁴ Chapter 6; Edgar, *South Carolina*, 448; *News and Courier* 25 February 1897 and an undated quote from the same newspaper in 1898 in Woodward, *The Strange Career of Jim Crow* 67-69.

⁵⁸⁵ Darlene Clarke Hine, William C. Hine and Stanley Harrold eds., *The African-American Odyssey* (Upper Saddle River, NJ: Prentice Hall, 2010) 363; Tindall, *South Carolina Negroes*, 238-239; Edgar, *South Carolina*, 417.

a certainty. Francis Cardozo's experience was of the uncomfortable and unpleasant county jail in Columbia. There is no evidence that he suffered violence there and it seems likely that, if he had, he would have accepted a pardon much sooner than he did. It is striking to note, however, that Congressman Robert Smalls, convicted along with Cardozo and almost certainly equally innocent of his charge, would have been very much more at risk of violence, and worse, in the State Penitentiary to which he was sentenced. He would have arrived there just as convict leasing became commonplace. The hiring out of male and female prisoners, mostly black, to private employers to work on railroad construction, in mines and other projects had begun in the South before the Civil War. In South Carolina, it became widespread under Wade Hampton's administration as a means of "making the penal institutions of the state self-supporting," since the state government saved the cost of housing and feeding the prisoners.⁵⁸⁶

There were regulations about the treatment of convicts, but "contractors were interested chiefly in the exploitation of the prisoners' labor," noted George Tindall. They kept convicts in filthy, overcrowded and vermin-infested conditions, poorly fed and clothed, without medical care and subject both to chains and to frequent beatings. The statistics which Tindall quoted from the Superintendent of the South Carolina State Penitentiary, for death rates among prisoners leased by the Greenwood and Augusta Railroad, were truly dreadful: 128 deaths out of 285 employed between September 1877 and April 1879; of those returned alive to the penitentiary, a further sixteen died within ten days. The total death rate was 50.5 per cent.⁵⁸⁷

⁵⁸⁶ Tindall, *South Carolina Negroes*, 265-267.

⁵⁸⁷ Tindall, *ibid*, 268-271, quoting *Reports and Resolutions* (1880) 433.

Comer Vann Woodward said that convict leasing “did greater violence to the moral authority of the Redeemers than did anything else.” The state authorities brought it under stricter control in South Carolina following the report quoted above and subsequently limited its use to the relatively less murderous conditions on state farms. Violent abuse continued in other southern states, notably Georgia, where women prisoners were liable to continual sexual abuse as well as the mistreatment experienced by men, in conditions that inevitably evoked images of slavery. By 1917, the chain gang had replaced convict leasing. From the perspective of the twenty-first century, it seems absurd to pretend any kind of moral authority in the actions of the white governments who presided over such abuses. They were, however, barely visible to northern politicians and commentators more interested in reunion with their white southern neighbours.⁵⁸⁸

The mechanisms used to disfranchise African Americans and deprive them of the civil rights won during Reconstruction had largely demolished Francis Cardozo’s political legacy by the time the 1895 constitution replaced the 1868 version. Democratic government did not, however, reverse the achievements of Cardozo and others in promoting education, despite severe restrictions on spending on state education for African American children. The Democrats reduced spending from \$2.50 per capita in 1880 to \$1.05 in 1895; in 1915, per capita spending for black pupils was \$1.09, \$10.70 for white pupils. Despite such cuts, one of the clearest messages in the argument of the advocate of disfranchisement at the 1895 convention, William Henderson, had been that

⁵⁸⁸ C. Vann Woodward, *Origins of the New South* (Baton Rouge: Louisiana State University Press, 1951) 215, 424-425; Tindall, *South Carolina Negroes*, 273-276 quoting *Reports and Resolutions* (1897) 447; *New York Nation*, 16 July 1885; Talitha L. Leflouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: University of North Carolina Press, 2015) 4, 170-188.

black people were learning faster than whites. Rayford Logan celebrated the “almost phenomenal rise in the literacy rate of negroes,” between 1870 and 1890, from 18.6 per cent to 42.9 per cent across the country. Joel Williamson had no doubt that this rise was due in large part to the work of black teachers trained during Reconstruction in schools such the Avery Normal School founded by Francis Cardozo in Charleston.⁵⁸⁹

Another aspect of Cardozo’s legacy offered a more unexpected mix of retreat and progress. It was not surprising that the Democratic administrations of the 1880s and 1890s should undermine the impact of the Land Commission. Under the direction of Francis Cardozo and Henry Hayne, the Commission had succeeded in allocating land to 14,000 families, 14 per cent of the African American population of the state, by 1876. The incoming Democratic government changed the Commission’s objectives from supporting potential black buyers to acquire small pieces of land to allowing white purchasers to buy much bigger tracts of land, hundreds and even thousands of acres. The result was that “by 1890, much of the Land Commission holdings were concentrated in the hands of a few white families many of the initial Land Commission settlers had been deprived of their small farms and forced into share cropping,” noted its historian, Carol Bleser.⁵⁹⁰

The commitment to land ownership was strong among the African American rural population, however. Many chose to become sharecroppers rather than accept waged employment in the hope that they could acquire control over their land. A combination of failing markets and unscrupulous landowners, fortified by one-sided lien laws, forced most sharecropping families into

⁵⁸⁹ Logan, *The Betrayal of the Negro*, 68; Williamson, *After Slavery*, 237-238.

⁵⁹⁰ Chapter 6; Carol K. Bleser, *The Promised Land: The History of the South Carolina Land Commission 1869-1890* (Columbia: University of South Carolina Press, 1969) 138-145.

increasing debt and conditions closer to bondage. Nevertheless, some African American families began to acquire land despite the political, social and economic forces depressing their prospects. James Allen, a radical historian of Reconstruction writing in 1937, recorded that, "in 1910, almost 60 per cent of the Negro farmers in Beaufort and Charleston counties of South Carolina owned their farms." This was not repeated elsewhere but Loren Schweningen, who carried out a systematic study of black property ownership, was impressed by its "remarkable expansion ... in the face of economic depression, racial hostility and violent intimidation." By 1910, 19 per cent of all farm owners in the Lower South were black, 132,000 in total. In South Carolina the proportion was 21 per cent. That still left four in five without land, but land ownership was one of the few positive prospects for African Americans at the time.⁵⁹¹

The legacies of Reconstruction were disappearing for most African Americans in South Carolina. The constitution of 1868 in which Francis Cardozo and his colleagues had invested so much hope had failed to prevent the ultimate erosion of their political and civil rights. Some African Americans responded to the return of white Democratic government by leaving the state, initially in very small numbers to emigrate to Liberia, then in much larger numbers to western states which offered the prospect of fairer treatment. Five thousand left the perennially dangerous Edgefield county for Arkansas in 1881. Unfortunately, the west was not the promised land. Most African Americans

⁵⁹¹ Tindall, *South Carolina Negroes*, 96-98, 106-109; James S. Allen, *Reconstruction: The Battle for Democracy 1865-1876* (New York: International Publishers, 1937) 64-65; Loren Schweningen, *Black Property Owners in the South 1790-1915* (Urbana: University of Chicago Press, 1990) 164-166, 182-184.

stayed in the South, in conditions which led W.E.B. Du Bois to affirm that “the slave moved back toward slavery.”⁵⁹²

For Francis Cardozo, the immediate consequences of the return of Democratic government had been harsh, including an unjust conviction and imprisonment. His trial and conviction had symbolised the re-establishment of white supremacy in the eyes of the white population. For Cardozo himself, his inability to secure a fair trial carried the same message, as did the first steps towards disfranchisement of African Americans. South Carolina no longer offered the prospect that he might play a part in state politics, or in public life more generally. Washington D.C. by contrast, was a city in which African Americans still had a significant role in the late 1870s. He could yet contribute there to the future advancement of his race.

Francis Cardozo in Washington 1878-1903

Washington had a substantial black population when the Cardozo family moved there in 1877, 60,000 black people in the census of 1880, 34 per cent of the city’s population. African Americans held senior public offices: Frederick Douglass was appointed U.S. Marshall for the District of Columbia in 1877; Blanche Bruce was still Senator for Mississippi and would be appointed Register of the Treasury in 1881 when his Senate term ended. During the 1880s, “a half dozen Negroes had administrative assignments of some importance” in the Federal government, reported Constance Green, historian of race relations in Washington. They would hold on to clerical and custodial positions even as the legal position of African Americans deteriorated in the

⁵⁹² Foner, *Reconstruction*, 598-601; Tindall, *South Carolina Negroes*, 153-173.

city. In 1891, 2,400 of 23,000 federal employees were “colored.” Francis Cardozo was one of those federal employees between 1878 and 1884, a clerk in the Sixth Auditor’s Office in the Treasury Department.⁵⁹³

Francis Cardozo’s life in Washington was initially an anti-climax after the dramas of Reconstruction and its immediate aftermath. He had played a major part in the government and politics of South Carolina for more than ten years. Such opportunities were no longer open to him or to most of his contemporaries, though a handful of African American politicians hung on, including Robert Smalls in his Congressional district and John Lynch in Mississippi. Others fared much worse: Alonso Ransier, South Carolina’s Lieutenant Governor in 1870, died in poverty in 1882 after years as a street sweeper; Robert Elliott struggled to survive as a lawyer in New Orleans and died in 1884. Cardozo lived until 1903, in Washington, employed first in the Treasury Department, then, more prominently, as Principal of three schools for African American children. He was successful again as an educator, still determined to promote black progress and still controversial even after his death.⁵⁹⁴

Cardozo’s first years in Washington represented a marked change in his life, but they gave evidence of the continuing support he enjoyed from leading Republicans. In April 1877, even before he had given up his position as State Treasurer, he received the backing of Daniel Chamberlain in his application for the Presidency of Howard University, the African American University in Washington where he had been Professor of Latin in 1871-72. Chamberlain

⁵⁹³ U.S. Census Bureau, *Report on the Social Statistics of Cities, Table 23. District of Columbia – Race and Hispanic Origin 1800 to 1990*; Constance M. Green, *The Secret City: A History of Race Relations in the Nation’s Capital* (Princeton: Princeton University Press, 1967) 129.

⁵⁹⁴ Foner, *Reconstruction* 608 and *Freedom’s Lawmakers* 138-139.

wrote in his support; so too did General Oliver Howard, after whom the University was named, though Howard apparently passed on the recommendation of another rather than offering his own. Unfortunately, Cardozo did not win the support of the Board of Trustees; he lost by twelve votes to two to William Patton, a white candidate. Patton was a strong alternative, a distinguished academic and abolitionist who had contributed to the words of the battle song, *John Brown's Body*.⁵⁹⁵

Cardozo had to settle for a more mundane job as a clerk in the Sixth Auditor's Office of the Treasury Department, responsible for auditing the U.S. Post Office. His personnel file, now in the Treasury Department's records in the National Archive, shows that, junior as his job in the Department was, he had the support of President Hayes himself in securing his initial appointment. He approached the President for help soon after he arrived in Washington in July 1877 and Hayes sent a note to John Sherman, Secretary of the Treasury, dated 9 August: "Mr C is well endorsed, and will no doubt do any work well which he undertakes. Please give him employment for a time if practicable." There is no official record of Cardozo meeting the President, but he left a visiting card at the White House, now held in the Hayes Presidential library in Ohio, with the words, "The President will greatly oblige me if he would spare me 5 minutes' audience." The card is not dated but the advice of the archivist at the Presidential library, Nan Card, is that Hayes "was quite gracious and generally met with those who visited the White House and asked to see him."⁵⁹⁶

⁵⁹⁵ *Records of the Special Meeting of the Board of Trustees of Howard University*, 15 April 1877 (Howard University Archives, Washington DC); Rayford W. Logan, *Howard University: The First Hundred Years 1867-1967* (New York: New York University Press, 1969) 83.

⁵⁹⁶ Cardozo's personnel file, including the note from Hayes to Sherman, is held in an envelope in the National Archive, cited as RG56/Treasury Department, *Applications and Recommendations for positions in Washington D.C. Offices of the Treasury Department*

There was a family story of a meeting between Cardozo and the President which offered a more lurid account than is implied by these sources. In her account of her grandfather's life, Eslanda Robeson told the story of a meeting arranged by the radical Republican Senator, Charles Sumner. In Eslanda's story, Sumner introduced Cardozo as "the man to whom, more than all others, you owe your office. He campaigned at the risk of his life all over the south for your election." Hayes allegedly responded by offering Cardozo "a job of washing the spittoons in the Treasury Department. Cardozo declined the offer Charles Sumner brought pressure and secured a clerkship in the Treasury Department." This story is undermined by the timing of Sumner's death, in 1874, three years before the meeting. It is clearly inconsistent with the image of a courteous President quoted by the archivist of the Hayes library. If the story has any deeper meaning than that of a family legend, it surely lay in the belief, shared by Daniel Chamberlain and Laura Towne and by historians such as Rayford Logan and William Gillette, that President Hayes had abandoned, even betrayed, the Republican Party in South Carolina after it had helped to secure his election. On a personal level, Hayes had done nothing to protect Francis Cardozo as Wade Hampton used his unjust conviction and sentence in a trade to secure the release of Democrats accused of riot.⁵⁹⁷

The President's support did not lead to a job for Cardozo for almost a year after the likely time of their meeting, following his trial in Columbia, imprisonment and release on bail. He secured appointment as a clerk in the first (lowest) class in the Treasury Department on 1 July 1878, with a letter of recommendation from John Patterson, U.S. Senator for South Carolina.

1830-1910, Box 80, National Archives at College Park, Maryland (Archives II); Francis Cardozo's visiting card in the Rutherford B. Hayes Papers cited above.

⁵⁹⁷ Eslanda Robeson, "A Negro in America" (Robeson Family Papers, Box 1, Moorland Spingarm Collection: Howard University Archives, Washington D.C.) 25-26.

Senator Patterson, who had been an antagonist of Chamberlain and Cardozo in their reform campaign in South Carolina, now wrote to John Sherman, praising Cardozo's "fitness for any position and his invaluable services to the (Republican) party," and saying that the appointment "will enable him to support his family." His salary was barely adequate for that purpose, at \$1,400 a year, equivalent to \$35,000 today. But the appointment, however lowly, was clearly essential to a man with a wife and five children and, almost certainly, no resources brought with him from his previous life.⁵⁹⁸

Cardozo's appointment was not senior, but it attracted unfriendly attention in the *New York World* in September 1878, wrongly reporting that he had been convicted of taking a bribe in a railroad swindle. The newspaper, a leading voice in support of the Democratic Party, subsequently owned by Joseph Pulitzer, suggested rightly that "either the President or Secretary Sherman is responsible for Cardoza's (sic) appointment" and that Senator Patterson had recommended him. The newspaper report concluded with the misleading observation that "according to the record, Cardoza should be serving his country in a penitentiary instead of the Treasury Department."⁵⁹⁹

Cardozo remained in the Treasury Department until 1884, despite the failure of his appeal in South Carolina in November 1878 and a further month in jail there between 24 March and 23 April 1879, when Governor Simpson pardoned him. He secured promotion twice, to second class clerk in 1879, then to the third class in 1882, each time with a letter of recommendation from Daniel

⁵⁹⁸ Letters and declarations of loyalty in Cardozo's personnel file, *Applications and Recommendations*, June and July 1878; Chapter 6; Cardozo's family was quoted in his brother Henry's petition for his pardon in 1879 and in the collection of portraits by E. Louise, *Reflections: A Pictorial History of Certain People of South Carolina 1840s-1890s* (Columbia: Phoenix Publishers, 2009) 24; Burke, "Reconstruction," 95-96.

⁵⁹⁹ *New York World* article reprinted in the *Cincinnati Commercial*, 16 September 1878 (Readex database, American Historical Newspapers).

Chamberlain. Chamberlain wrote to Samuel Shellabarger, a former Congressman and Civil Service Commissioner, that Cardozo “has been more bitterly persecuted than any Republican in the state, chiefly, I judge, because of his high character and his fidelity to his principles He is honest, faithful and capable and his virtues have been tried as few are tried.” Shellabarger passed on the recommendation to Secretary Sherman. As a third-class clerk, Cardozo’s salary was \$1,600 a year.⁶⁰⁰

Cardozo attracted little public attention during these years after the unfriendly report in the *New York World*. The *Washington Evening Star* reported his promotion to third class clerk in September 1882, in a list of promotions, and the same newspaper named him as a Director of a new Mutual Beneficial Association for the Sixth Auditor’s Office in December 1883. He may have been happy to maintain a low profile after the dramas that followed his departure from office in South Carolina. If so, his approach changed in 1883, as he began to take a more prominent role in Washington. In March, the newspaper of the American Colonization Society, the *African Repository*, named Cardozo as an attendee at a high-profile dinner in honour of a scholar and Minister from Liberia, Rev. Edward Wilmot Blyden. The guest list comprised well-known figures in the African American community, including Martin Delany, another political leader in South Carolina during Reconstruction, and Francis Grimke, like Cardozo the child of mixed-race parents in Charleston, brother of Archibald

⁶⁰⁰ Letters in Cardozo’s personnel file, *Applications and Recommendations*, 19, 22, 24 November 1878, 15 January 1879, 24 April 1882, 18 August 1884; *U.S. Register of Civil, Military and Naval Service, 1863-1959*, entries for Sixth Auditor’s Office for 30 June 1879 and 1 July 1883 (Ancestry online database).

and the nephew of Sarah and Angelina, celebrated abolitionist campaigners before the Civil War.⁶⁰¹

Cardozo's presence at the dinner may have indicated sympathy for the emigration of African Americans to Liberia. Martin Delany had been a supporter of the emigration movement in South Carolina in 1877. At a meeting of the Bethel Historical and Literary Association in February 1884, Cardozo gave a paper arguing the case for emigration, since "the negro would never become the equal politically and socially of the white man in this country." It is unclear how interested Cardozo was in emigration. The issue is not mentioned elsewhere in anything that survives of his writing or published comments. He may have been responding to the worsening position of African Americans, particularly in the South, or contributing to intellectual debate at the Bethel Association, a society for prominent members of the black community in Washington.⁶⁰²

Cardozo's attention turned to education rather than emigration in 1884. In April, he spoke at a meeting, again at the Bethel Association, in support of the Education Bill then before Congress. The Bill was the second of several similar Bills introduced by Republican Senator Henry Blair of New Hampshire in successive sessions of Congress in the 1880s. Its aim was to provide federal assistance for public education, and it had the support of both Republicans and Southern Democrats looking for federal support for their education programmes, including Wade Hampton, now Senator for South Carolina. Many southern supporters saw it as particularly desirable that the nation should

⁶⁰¹ *Washington Evening Star* 14 September 1882 and 4 December 1883; *African Repository* 1 April 1883.

⁶⁰² *Evening Star* 27 February 1884; Willard B. Gatewood, *Aristocrats of Color: The Black Elite, 1880-1920* (Fayetteville: University of Arkansas Press, 2000) 220-221.

“share the burden of educating the Negroes ... an obligation which the South has so far borne alone,” according to the *New Orleans Picayune* in 1886.

Opponents of the Bill, northern and southern, argued that it was not the job of the Federal government to support state education. It would encourage those who might otherwise support local funding “to put their hands in their pockets and say that the General Government is going to educate everybody,” according to the other Senator from South Carolina, Hampton’s old friend, Matthew Butler. The Bill eventually failed in 1890, “leaving the problem of public education in the South still unsolved,” in the conclusion of Allen Going’s article on the Bill.⁶⁰³

In August 1884, Cardozo resigned from the Sixth Auditor’s Office and, on 15 September, he took over as Principal of the Colored High School in the city. Cardozo’s decision to leave the Treasury Department may have reflected his concern at the possible election of a Democratic President in the 1884 election. The Democrats had chosen Grover Cleveland as their candidate in July and there was much alarm about the possible impact of a Democratic victory on the position of African Americans. The African American editor of the *New York Globe*, Thomas Fortune (subsequently editor of the influential *New York Age*) predicted “a cold afternoon for the country and especially for the Negro,” in an editorial on 26 July. Federal jobs were seen to be particularly at risk, though, in practice, Cleveland followed his predecessors in appointing African Americans to a handful of prominent posts and kept many in more junior clerical jobs such as Cardozo’s. The *New York Times* commented, after

⁶⁰³ *Evening Star* 11 April 1884; Allen J. Going, “The South and the Blair Education Bill,” *Mississippi Valley Historical Review*, Vol. 44, No. 2 (Sep. 1957) 267-290, quoting the *New Orleans Picayune*, 19 February 1886 and the *Congressional Record*, Forty-eighth Congress, First Session 2290 (26 March 1884).

Cleveland's election, that its result was "in the best interests of both the Negro and the nation," since it "practically eliminated the sectional issue." For African Americans in the South watching their political and civil rights disappear, that might appear a comment born of disinterest rather than empathy, but there was relatively little change in Washington or New York in the 1880s.⁶⁰⁴

It is much more likely that Cardozo's move reflected his life-long commitment to education. Moreover, the position of Principal of the Colored High School was a prestigious one, with a higher salary, at \$1.800, than his job in the Auditor's office. The school had begun life in 1870 as the Preparatory High School, becoming a full High School in 1877, accepting only pupils who had completed elementary school. One of Cardozo's predecessors as Principal, for the school year 1872-73, was Richard Greener, the first black graduate of Harvard. Greener left the High School to take up a Professorship at the University of South Carolina, as it began to admit black students under the supervision of Cardozo and his colleagues in the state government. Before and after Greener, Mary Patterson was Principal from 1871 to 1884, the first African American woman to achieve a B.A. degree at Oberlin College, Ohio. One of the school's historians, Mary Church Terrell, observed that, with Cardozo's appointment, "the standard of scholarship required of the principals of the school was certainly maintained." Cardozo was to be Principal for the next twelve years, until 1896. In 1891, the school moved into a building on M Street and would be known as the M Street High School, a famous name in African American history.⁶⁰⁵

⁶⁰⁴ *Evening Star* 15 September 1884; Logan, *Betrayal of the Negro*, 58-61, quoting the *New York Globe* 26 July 1884 and the *New York Times* 22 June 1885.

⁶⁰⁵ Chapters 4, 5 and 6; Katherine Reynolds Chaddock, *Uncompromising Activist: Richard Greener, First Black Graduate of Harvard College* (Baltimore: Johns Hopkins University Press, 2017) 42-47; *Evening Star* 11 April and 15 September 1884; Lilian G. Dabney, "The History of

The school grew substantially under Cardozo's leadership. From 172 students in 1884, with just four teachers, it reached 316 in 1887-88, with nine teachers and instructors in music and drawing, up to 675 with twenty-four teachers by 1895-96. Cardozo established a commercial department in 1884-85 and a business course in 1887. The school then offered four courses: academic (classical), scientific, business and manual training and drawing. One of its historians wrote that Cardozo "introduced and organised the first business department in the high school which has grown into the splendid business high school that bears his name." He described Cardozo as "a man of rare scholarship and culture." Another said that he was an example of "outstanding teachers and administrators" at the school, responsible for the "rigorous academic curriculum, synonymous with black advancement in education."⁶⁰⁶

Local newspapers initially celebrated Cardozo's leadership of the school, including the *Evening Star* and an influential African American newspaper in the city, the *Washington Bee*. In 1887, the *Bee* reported several times on the school's progress, describing Cardozo as "a man of great ability and force of character." One article praised Cardozo and his teaching staff and called for equal treatment for the white and "colored" high schools, noting that the white school was much more generously housed and received three times the funding per pupil of the other. But in 1888, the *Bee's* tone changed, first

Schools for Negroes in the District of Columbia" (PhD Dissertation: Catholic University of America, Washington, 1949) 137; Mary Church Terrell, "History of the High School for Negroes in Washington," *Journal of Negro History*, Vol. 2, Issue 3 (July 1917) 252-266.

⁶⁰⁶ Statistics in the *Annual Reports of the Board of Trustees of Public Schools in Washington DC 1886-87 to 1896-97* (District of Columbia Public School Records, Charles Sumner School Museum and Archives, Washington D.C.); Terrell, *ibid*, 257; Henry S. Robinson, "The M Street High School, 1891-1916," *Records of the Columbia Historical Society, Washington D.C.*, Vol. 51 (1984) 120; G. Smith Wormley, "Educators of the First Half Century of Public Schools of the District of Columbia," *Journal of Negro History*, Vol. 17, No. 2 (April 1932) 128; Donald Roe, "The Dual School System in the District of Columbia," *Washington History* Vol. 16, No. 2 (Fall/Winter 2004-05) 29.

reporting and deploring rumours that Cardozo was to be replaced, then reporting a dispute between Cardozo and Hugh Browne, physics teacher at the school, each calling for the other's removal. The Board of Trustees of Washington's Public Schools considered the dispute in October and concluded that both Cardozo and Browne should retain their positions "on condition of their active cooperation in schoolwork and the preservation of harmony in their official relations."⁶⁰⁷

From this point onwards, for the rest of Cardozo's time at the M Street High School, the *Bee's* editor, Calvin Chase, conducted a persistent campaign, calling for his removal, alleging mismanagement, incompetence and public dissatisfaction. In 1896, another dispute developed between Cardozo and teachers in the school, reported at length by the *Evening Star*, with allegations of mismanagement made by a woman teacher, Mary Nalle, and involving Hugh Browne again. The Board of Trustees considered the complaints in April and, this time, they resulted in Cardozo's departure from the school. It is not clear whether the allegations led directly to Cardozo's removal, though the *Bee* claimed success for its long-term campaign. It may be that the campaign destabilised relationships within the school. It is possible that Cardozo's effectiveness was waning; he was 59 in 1896. Controversy was never far from the role of Principal. One of Cardozo's best-known successors, Anna J. Cooper, was the subject of similar accusations and "the victim of a cabal" in 1905, as described by Henry Robinson, another of the school's historians.⁶⁰⁸

⁶⁰⁷*Evening Star* 15 September 1884, 4 March 1885; *Washington Bee*, positive articles in 1887: 26 February, 15 October, 5, 12, 19 November; then increasingly hostile in 1888: 21 July, 11, 18, 25 August, 6, 20, 27 October; *Report to the Board of Trustees 29 October 1888*, Annual Report of the Board of Trustees for 1888-89.

⁶⁰⁸ *Washington Bee* 3 November 1888 and regularly 1889 to 1896, notably 29 June, 24 August 1889, 12 June 1890, 25 April, 27 June 1891, 26 January, 16 July 1892, 25 November 1892, 3 February, 17 March 1894, 2 May 1896; *Evening Star* 28 April 1896; *Annual Report of*

It seems clear that Calvin Chase's campaign against Cardozo was partly the result of personal dislike. Chase also resented the elitism which he saw in the running of the school and in the city's black community. Willard Gatewood, historian of the black elite in Washington and elsewhere in the years 1880 to 1920, did not question that the school was elitist. He said that "aristocrats of color throughout the nation made great efforts and substantial sacrifices for their children to attend Professor Cardozo's school." He quoted a two-edged tribute by the psychologist, Kenneth B. Clark, to "the only example in our history of a separate black school that was able, somehow, to be equal."⁶⁰⁹

Several articles and monographs quoted in the previous paragraphs celebrated the school's achievements. They acclaimed its Principals, teachers and students between 1884 and 1916 when it became the Dunbar High School, in a move to another building. The famous names included: Robert H. Terrell, a Harvard graduate, Cardozo's assistant Principal in 1884, himself Principal of the school from 1899 to 1901, later the first black judge in the District of Columbia; Mary Church Terrell, Robert's wife, author of *A Colored Woman in a White World*, a teacher at the school and subsequently a leading activist for women's and civil rights; Anna J. Cooper, author of *A Voice from the South*, a teacher at the school, its Principal from 1901 to 1906 and a leading educator for many years; among its students, Nannie Helen Burroughs, founder and President of the National Training School for Women, and Rayford Logan, historian and influential Professor at Howard University from 1938 to 1965.⁶¹⁰

the Board of Trustees, 1896/97; Washington Bee 4, 11 July 1896; Robinson, "M Street High School," 122-124.

⁶⁰⁹ Gatewood, *Aristocrats of Color*, 60, 267-271, including quote from Kenneth B. Clark, *Dark Ghetto: Dilemmas of Social Power* (New York: Harper and Row, 1965).

⁶¹⁰ Robinson, *ibid*, 119-143; Louise Daniel Hutchinson, *Anna J. Cooper: A Voice from the South* (Washington: Smithsonian Institution Press, 1981); Roe, "Dual School System," 26-43.

Cardozo would have relished the praise of his school and the success of his teachers and students. He would not have accepted the implication of Kenneth Clark's comment that it was all but impossible for black schools to equal white. The consuming ambition of his career in education and in politics had been to demonstrate that black people were as good as white and as capable of high achievement if given the opportunity. That theme ran throughout his time as Principal of his school in Charleston and his political career in South Carolina. The M Street High School now embodied his belief. Constance Green said that its teachers shared "a far larger proportion of highly trained talent" than the city's white schools; its students outperformed their white peers in cross-city examinations in 1899. Willard Gatewood said that "in time, the school became the best high school, white or black, in the nation's capital."⁶¹¹

Cardozo no longer professed a commitment to racial integration in schools, as he had at the Constitutional Convention in 1868, though he had been pragmatic enough then to accept that "the colored pupils in my school in Charleston would not like to go to a white school." He now spoke up more positively in favour of separate schools, a position supported by Calvin Chase of the *Washington Bee*. In an article in the *African Methodist Episcopalian Review* in 1886, Cardozo accepted that he might be accused of self-interest as the "principal of a colored school." But he argued that separate schools offered better treatment for "colored" students, from "colored" teachers, and a stronger incentive to succeed than for students in mixed schools, whose teachers were almost all white. He compared the case for separate churches to that of separate schools:

⁶¹¹ Chapter 4; Green, *The Secret City*, 137; Gatewood, *Aristocrats of Color*, 268-272.

By forming separate churches, the colored people have their own bishops, elders and other officers and have gained great experience the African Methodist Episcopal Church has done more for real equality than if they had never formed separate churches. I do not advise separate schools and churches as a desirable thing in itself but as a means to an end. Our want of education and poverty are the cause of most of the prejudice against us. By educating ourselves ... the time will come soon when we can go into white schools and churches on terms of perfect equality.⁶¹²

Cardozo's commitment to the overriding importance of education was shared by the great majority of his fellow African Americans. For the illiterate poor across the South, education represented the best hope of a better life for them and their children. The impressive figures for the growth in literacy quoted earlier were one of the very few positive developments for African Americans in the years following the end of Reconstruction. For the children of the elite in Washington, education of the highest quality was equally essential to allow them the chance to compete with white children, as racial intolerance and discrimination grew in the 1890s. It was not enough, unfortunately, as opportunities diminished under successive Presidencies from William McKinley, elected in 1896, to the southern born and bred Woodrow Wilson in 1912, in the continuing "betrayal of the negro," analysed by Rayford Logan.

Washington was becoming increasingly difficult for African Americans, even for high school graduates in the 1890s. It became known as essentially a southern

⁶¹² *Proceedings of the Constitutional Convention of South Carolina* (Charleston: Denny and Perry, 1868) 900-901; Francis Cardozo, "Shall Our Schools Be Mixed Or Separate?" *African Methodist Episcopalian Church Review*, III (October 1886) 160-164; August Meier, *Negro Thought in America 1880 – 1915* (Ann Arbor: University of Michigan Press, 1966) 49.

city. Mary Church Terrell wrote of her own experiences, in Washington and elsewhere, in *A Colored Woman in a White World*. Her biographer, Joan Quigley, used the title, *Just Another Southern Town*, for her life of Terrell. The phrase was misleading: “Washington Negroes did not face lynchings or overt intimidation,” as city historian Constance Green pointed out. She also said of the last years of the nineteenth century that “the bright prospects of the late 1860s had all but vanished in the shadows of a new and mounting racism,” as prejudice became more obvious in behaviour and city ordinances.⁶¹³

The worsening social and political atmosphere put still more emphasis on the importance of education. But the content of education itself became an issue, thanks to the arguments of Booker T. Washington, founder of the Tuskegee Institute, who emerged as a leading spokesman for African Americans following the death of Frederick Douglass in February 1895. In a famous speech in Atlanta in September that year, Washington renounced the cause of social equality, accepting subordination for his race. He called for African American education to focus on vocational, or “industrial,” education, in agriculture, mechanics, commerce and domestic service, rather than a classical, academic, focus. His speech offered the “Atlanta Compromise” and won acclaim from his white audience and many white commentators. He also provoked opposition, not least from W.E.B. Du Bois who denounced Washington for condoning white racism in *The Souls of Black Folk*, published in 1903. Du Bois offered instead a commitment to black civil rights and the elitist

⁶¹³Mary Church Terrell, *A Colored Woman in a White World* (Washington: National Association of Colored Women’s Clubs Inc., 1968); Joan Quigley, *Just Another Southern Town: Mary Church Terrell and the Struggle for Racial Justice in the Nation’s Capital* (New York: Oxford University Press, 2016); Green, *The Secret City*, 119-155.

concept of the “talented tenth,” of college-educated blacks like himself, to provide leadership for African Americans.⁶¹⁴

Francis Cardozo left the M Street High School in 1896, a year after Washington’s speech and there is no record of his views. His creation of a commercial department in the school in 1884-85 and a business course in 1887 might be seen to have anticipated Washington’s position. But the school continued to offer a full classical education and its business courses offered training for accountancy and the professions, not for agriculture or mechanics. Willard Gatewood characterised it as “a preparatory school for Du Bois’ Talented Tenth.” Mary Church Terrell concluded her history:

the high school has given a wonderful intellectual impetus to the youth of Washington ... a great blessing not only to representatives of the race who live under the shadow of the capitol but to many elsewhere.⁶¹⁵

Cardozo’s departure from the M Street High School effectively marked an end to his public career in Washington. He took over as Principal of the Garrison School from September 1896 to June 1897, then of the Briggs School, from September 1897 to June 1903. Both were elementary schools and the Washington press were not much interested in them. Cardozo resigned from the Briggs School in June 1903 because of his ill-health. The Board of Education passed a resolution commending his “efficient and faithful service in the development of the colored high school, particularly of the business

⁶¹⁴Gatewood, *Aristocrats of Color*, 312-325; W.E.B. Du Bois, *The Souls of Black Folk* (Seattle: Amazon Classics, 2017; first published 1903) 35-49.

⁶¹⁵ Gatewood, *ibid*, 269; Terrell, “History of the High School,” 266.

department, and in advancing the best interest of the Washington school system.”⁶¹⁶

Cardozo’s salary at the elementary schools was \$1,000 a year, down from \$1,800 at the M Street School, but he presumably still needed it to support his wife and himself. His children seem by then to have left home and appeared occasionally in the Washington press: one son, Henry, on his appointment to the Surgeon General’s office in 1887, his daughter, Eslanda, on her marriage in 1890, another son, George, as a pharmacist. Francis Jr. attracted most attention, notably in the *Colored American*, a local rival to the *Washington Bee*. He was Principal of the Wilson and then the Stevens School, both elementary schools, and an active member of the black community, a “leading aristocrat of color,” in Willard Gatewood’s terminology, President of the elitist Cosmos Club and of the Bethel Association at which his father had spoken in the 1880s.⁶¹⁷

Francis Sr. died of heart failure on 22 July 1903. He was sixty-six. He received a brief obituary in the *Colored American* describing him as “one of the best-known educators in the United States and a man whose life was given to the education and to the advancement of his race his loss is deeply regretted by the community.” The tribute from the Teachers’ Benefit and Annuity Association was even briefer, recording their “grateful remembrance for the painstaking and valuable services rendered by the deceased during his long

⁶¹⁶*Biographical Directory of the Public Schools of the District of Columbia*, Charles Sumner School and Archives; *Colored American* 20 June 1903.

⁶¹⁷ *Annual Reports of the Boards of Trustees of the Public Schools of Washington*, 1895/96, 1896/97, 1901/02; *Colored American* 11 November 1899, 22 June, 13 July, 10 August 1901, 5 April, 14 June 1902 and many others; *Washington Bee* 20 August 1887; *Evening Star* 16 June 1890; Gatewood, *Aristocrats of Color*, 233, 237.

and honourable career.” Subsequent tributes to him from the historians of the M Street High School recorded above would be significantly more generous.⁶¹⁸

Of the themes examined throughout this account of Cardozo’s life and career, education was clearly the most important in his last years in Washington. He led the development of an outstandingly successful school for African Americans. He remained a Minister and spoke at church services. He was no longer an active member of the Republican Party, but he retained his contacts at least during his years in the Treasury Department. Racism and white supremacy were never far away and had become increasingly serious in Washington in the last decade of Cardozo’s life. He enjoyed relative insulation within Washington’s black community and was able to flourish in its segregated but non-racist institutions.

Racism was only too evident in a report in *The State* newspaper of Columbia in March 1906 about the decision of the D.C. School Board to establish a new school for “colored children” in the city, to be named after Francis Cardozo. Cardozo was “the Negro State Treasurer in Chamberlain’s government convicted of fraud.” The report noted the coincidence of timing with the production of the play, *The Clansman*, which “attempts to portray the evils of Reconstruction in South Carolina,” in a Washington theatre. According to Lewis Burke, Cardozo was the model for the mixed-race lieutenant governor, Silas Lynch, in the book on which the play was based. Burke quoted Cardozo’s student biographer, John Farley, as one source and suggested that the report in *The State* provided further confirmation that Cardozo was the model for Lynch. Even in his death, *The State* used the false condemnation of the honest

⁶¹⁸ Certificate of Death for Francis Lewis Cardozo, D.C. Office of Public Records, Archives Division; *Colored American* 25 July 1903; *Evening Star* 8 October 1903.

Cardozo to sustain the legend of wicked corruption in Reconstruction. The legend would receive new and powerful impetus when the film of the book, *The Birth of a Nation*, was released in 1915.⁶¹⁹

The *State* said that Cardozo “bore a good character” in Washington but that the naming of the school did not reflect “a general wish on the part of negroes to name the building Cardozo.” Rather, it was “merely the result of the scheming of his sons, who have quietly circulated a petition to have the school named for their “extinguished” father.” The newspaper would have been surprised to see another Washington school named for Cardozo open in 1928. It was the first business high school for African American students in the United States, following the business course which Cardozo had established in the Colored High School in 1887. This school merged first with the Central High School, then with the Shaw Middle School, and reappeared as the Francis L. Cardozo Education Campus in 2013. The school in turn has given its name to the nearby U Street/African American Civil War Memorial/Cardozo Metro Station, generally known as Cardozo.⁶²⁰

It was no surprise that a white newspaper in South Carolina should have retained its hostility to Francis Cardozo in 1905. His reputation in the state and in the writing of American historians, with the honourable exceptions of W.E.B. Du Bois and one or two others, would be negative until Joel Williamson began to restore balance in the historiography of Reconstruction in South Carolina in 1965. Most residents of South Carolina know nothing of him today and many

⁶¹⁹ *The State*, Columbia, 18 March 1903; Thomas F. Dixon Jr, *The Clansman* (New York: Doubleday, Page and Co., 1905); Burke, “Reconstruction,” 68-69; John E. Farley, “Francis L. Cardozo,” (BA Dissertation: Princeton University, 1949) 1.

⁶²⁰ Kimberly Springle, Archivist for D.C. Public School Records, Washington D.C., in correspondence with the author; D.C. Public Schools Website.

still see Reconstruction as a dark period of their history. The denigration of Cardozo personally, and of the state government of which he was part, by the returning white supremacists in 1877 and in subsequent years, had been successful. His personal commitment to resist corruption and to secure effective government rather than to promote his own name may have made him less appealing to most historians than some of his less scrupulous contemporaries. His name is much more familiar in Washington in the school that bears his name and in the more unlikely memorial of the metro station. His contribution to education, to the government of South Carolina and to the history of Reconstruction will be assessed in the next chapter.

Chapter 8

Reconstruction and Francis Cardozo: Conclusions

Reconstruction had ended in South Carolina twenty-six years before Francis Cardozo died in 1903. Since then, white Democratic state governments had done their best to destroy the legacy of the inter-racial Republican governments of which he had been a member. They had disfranchised African Americans in practice if not wholly in law. They had removed the civil rights for which South Carolina had enacted “the most sweeping legislation” of all southern states.⁶²¹ They had taken away the land of many of the African American settlers who had been the beneficiaries of the state’s Land Commission and “concentrated the land holdings in the hands of a few white families.”⁶²² For Francis Cardozo personally, the two years after Reconstruction had brought conviction on a false charge of corruption, jail and then a pardon. His reputation in the white newspapers of his own state was that of “the Negro State Treasurer convicted of fraud.”⁶²³ His government was identified in the mind of most white people in the state with incompetence and corruption, its nine years as *The Tragic Era*.⁶²⁴

⁶²¹ Eric Foner, *Reconstruction: America’s Unfinished Revolution* (New York: Harper and Row, 1988) 371.

⁶²² Carol K. Bleser, *The Promised Land: The History of the South Carolina Land Commission 1869-1890* (Columbia: University of South Carolina Press, 1969) 138-145.

⁶²³ *The State*, Columbia, 18 March 1903

⁶²⁴ Claude G. Bowers, *The Tragic Era: The Revolution After Lincoln* (Boston: The Literary Guild of America, 1929).

It is not surprising that most historians in the last one hundred and forty years have characterised Reconstruction as a failure. Up until the 1950s, most were happy to do so, in the tradition of William Dunning and his school,⁶²⁵ with a handful of notable exceptions. Historians of the last sixty years have used the term “failure” more reluctantly, but widely nonetheless, on the basis that Jim Crow and the political, social and economic subjugation of African Americans in the southern states had followed Reconstruction. Francis Cardozo had been known as an honest and effective member of the government during Reconstruction, admired even by hostile white newspapers. He was therefore a prime target for the Democrats who sought to condemn the history of Republican government overall. In large measure, they succeeded in diminishing his memory. Cardozo has appeared in many historical accounts but never as a central figure, rarely as one of major importance.

Reconstruction was defeated and many of its achievements were swept away. Nonetheless, the aim of this dissertation has been to demonstrate that the word “failure” does not do justice to what was achieved during Reconstruction in South Carolina, by Francis Cardozo and his colleagues in government, certainly not to the achievements of the time and not to all its legacies. In the words of W.E.B. Du Bois, the African American writer and historian from whose history of Reconstruction the dissertation takes its title, “the slave moved out of slavery, stood a brief moment in the sun, then moved back toward slavery.”⁶²⁶ Cardozo played a central part in many of the achievements during that moment in the sun: in improving public services, in land reform and in strengthening the financial credibility of his government. He was the most

⁶²⁵ William A. Dunning, *Reconstruction, Political and Economic 1865-1877* (New York: Harper and Brothers, 1906) and others.

⁶²⁶ W.E.B. Du Bois, *Black Reconstruction in America 1860-1880* (New York: Harcourt, Brace and Co., 1935) 30.

important African American in the government of South Carolina during Reconstruction; and he made a lasting contribution to education for African American children in both Charleston and Washington D.C. He deserves to be better remembered now.

The biggest challenges which Cardozo and his colleagues in the Republican governments of South Carolina faced throughout Reconstruction lay in the hostility of the white population of the state, suffused as they were by racism and white supremacy. Racism was endemic in South Carolina in the nineteenth century. It was the inevitable legacy of two hundred years of slavery. Slave-owners and those who aspired to slave-ownership had been able to justify slavery because it was approved by God and because they had persuaded themselves of the racial inferiority of African Americans. Racism confronted Francis Cardozo when he returned to Charleston, the city of his birth, in August 1865 to run a school for African American children on behalf of the American Missionary Association. He was himself African American, “colored” in his own terms, the son of a white Jewish man and an African American woman born in slavery. In October 1865, as he opened his school, he wrote to the AMA of the “fiendish hatred” which characterised the attitudes of the white political leaders he encountered and of their desire to re-impose at least some of the conditions of slavery on the freed people.⁶²⁷

Racism found its political expression in white supremacy in the years after the Civil War. The white Democratic politicians who governed the state denied any role to Francis Cardozo and other African American leaders in its political life until the U.S. Congress enforced universal male suffrage on the southern states

⁶²⁷ Francis Cardozo letter to George Whipple, Joint Secretary of the American Missionary Association, 21 October 1865, *AMA Archives*, Amistead Research Center, Tulane University, New Orleans.

in 1867. Thereafter, in the face of a black majority of voters and the presence of federal troops to ensure that they could exercise their vote, white politicians and voters largely boycotted state elections in South Carolina. White supremacists held back until 1876, when they returned to the contest, encouraged by the example of a successful campaign of violence and intimidation in Mississippi and spurred on by racial violence in South Carolina. A new President, Rutherford B. Hayes, withdrew federal troops in April 1877 and white supremacy returned, to begin the process of discrimination that became known as Jim Crow.

Racism and white supremacy had remained strong in the minds of most white politicians and the white population throughout Reconstruction. They continued to be dominant factors in white attitudes to the freed people even as some of their newspapers appeared to recognise that African Americans were making positive contributions to the governance of the state. The achievements of the inter-racial Republican governments were effected despite this continuing hostility and in the face of relentlessly negative opposition.

Francis Cardozo's response to racism and to the white supremacists was to use reason and evidence to prove them wrong, in education and government. He had been educated at the University of Glasgow and at theological seminaries in Edinburgh and London, between 1858 and 1864. He was living evidence that African Americans could do as well as, if not better than, whites if given the chance. His school in Charleston was to demonstrate that African American children could equally demonstrate that potential. Within a year of its opening, his school had won the endorsement of many white community leaders, including the State Governor, city leaders and local churchmen. They

recognised that the discipline and the classical teaching methods which Cardozo and his teachers employed could be as successful with African American children as with white.

Cardozo and his fellow educators in other Charleston schools succeeded in reducing hostility to black education in the city. This was itself an achievement, given that educating enslaved children had been illegal before the war and that white vigilantes routinely attacked and burned schools in rural South Carolina and other southern states in these years. Education would be a major feature of the state constitution which emerged from the Constitutional Convention of 1868, elected by universal male suffrage. Francis Cardozo played a leading role at the Convention and won the argument for compulsory education in the constitution.

The Republican state governments maintained their commitment to education throughout Reconstruction, shakily at first with funding in the uncertain hands of the first State Treasurer, Niles Parker, more firmly when Cardozo took over his role, from 1872 to 1877. The statistics quoted in Chapter 6 demonstrate their progress. In 1869, less than 10 per cent of school age children, black and white, attended school in South Carolina, in 381 schools with 528 teachers. By 1876, more than 50 per cent of children attended 2,776 schools with 3,068 teachers.⁶²⁸ This progress was achieved despite corruption and incompetence among local officials and in the face of violence and the threat of violence in rural areas. Justus K. Jilson, the State Superintendent of Education, deserved much of the credit for securing the advances made. Alongside Jilson, Francis Cardozo's leadership played a major part in promoting compulsory education

⁶²⁸ Annual Reports of the State Superintendent of Education, *Reports and Resolutions* of the General Assembly of South Carolina 1871-72 – 1877-78 (South Carolina Department of Archives and History).

at the Constitutional Convention and in his determination to maintain funding as State Treasurer.

After 1877, white Democratic governments reduced spending on schooling for African American children from \$2.50 per capita in 1880 to \$1.05 in 1895.

Inevitably, educational progress slowed. Yet illiteracy in the black population was reduced from 81 per cent in 1870 to 52.8 per cent in 1900. In the view of historian Joel Williamson, much of this improvement in literacy was due to the work of black teachers trained during Reconstruction and after, in schools such as the Avery Normal Institute which Francis Cardozo founded in Charleston in 1868.⁶²⁹ In education, the highest of priorities for the freed people of South Carolina after emancipation, Cardozo's record and that of his government was one of sustained improvement, of success, not failure, during Reconstruction and thereafter.

After Reconstruction, Francis Cardozo would return to education in Washington D.C., when he took over as Principal of the Colored High School there in 1884. He transformed a small school with 172 students and four teachers, when he began, to a major force in the city's education, with 675 students and twenty-four teachers by 1895-96, when he left. The school moved to a new building in 1891, to be known as the M Street High School, a famous name in African American history. It was recognised, as Cardozo's elementary school in Charleston had been, as one of the best in the city, black or white. Many teachers and other Principals contributed to its success, but it

⁶²⁹ Joel Williamson, *After Slavery: The Negro in South Carolina During Reconstruction 1861-1877* (New York: W.W. Norton and Co., 1965) 228- 238; Michael Perman, *Emancipation and Reconstruction* (Wheeling Ill: Harlan Davidson Inc., 2003) 88-91.

was Francis Cardozo who led its growth and development, committed as he had always been to the potential of black children to do as well as white.⁶³⁰

In politics and government as in education, Cardozo was determined to prove the capacity of African Americans to work alongside white men. His first opportunity came in the 1868 Constitutional Convention, with its mix of white and black delegates. A hostile and suspicious white press, more than ready to mock the convention before it began, soon recognised that: “the best men in the Convention are the colored members.”⁶³¹ The debates in the convention, on education, land reform and voting rights, were serious and well-argued. Francis Cardozo was an influential voice and established his reputation as a strong candidate for elected office. The constitution which emerged from the convention was itself a success. It would remain in place until another Constitutional Convention in 1895, controlled by Governor Ben Tillman and his white supremacist supporters, replaced it with one which largely removed the voting rights and other civil rights of African Americans.

In some respects, the Constitutional Convention of 1868 and the election of a Republican government, including Francis Cardozo as its Secretary of State, marked the high point of hope for good government during Reconstruction. The first objective of the Constitution, to enable a free vote, had been delivered, despite threats and intimidation from white landowners and vigilante groups. African Americans had registered to vote and had voted in large numbers, 67,000 of them, eighty percent of the those eligible, most of them freed just three years previously. Even the white press was prepared to share the sense of optimism, before reality began to disappoint expectations.

⁶³⁰ Mary Church Terrell, “History of the High School for Negroes in Washington,” *Journal of Negro History*, Vol. 2, Issue 3 (July 1917) 266.

⁶³¹ *Daily News* 11 November 1867, 31 January 1868.

The *Charleston Daily News* welcomed Governor Robert Scott's first message to the state legislature in December 1868, assuring him that, if he continued as he had begun, "he will receive the hearty and cheerful co-operation of the people and press of the State."⁶³²

By March 1869, however, the *Daily News* was writing of "skulduggery by Scott in the handling of State bonds ... for personal gain." By May, the newspaper had concluded that Scott was "a cat's paw of his staff, no Governor at all."⁶³³

Thereafter, local white newspapers treated Scott and his State Treasurer, Niles Parker, with contempt for most of the rest of their time in office, until 1872.

Their handling of the state's finances, of the state's investments in railroads and of the Land Commission were the subject of almost continual criticism, on the grounds of mismanagement and personal dishonesty. In part, this was the product of political hostility. Unfortunately, the newspapers had cause: by 1871, the average valuation on \$8m worth of state bonds issued by the Scott administration was just 43 per cent; their railroad investments produced little; and the first two years of the Land Commission were badly mismanaged and wasteful.

Corruption and incompetence were the continuing themes of the white press of South Carolina in their commentary on Republican government in the state during the administrations of Robert Scott and his successor, Franklin Moses Jr. "the Robber Governor," from 1872 to 1874. They reached national notice as a result of the work of a northern journalist, James Pike whose lurid account of misgovernment, *The Prostrate State*, published in 1874, did lasting damage to

⁶³² *Daily News* 1 December 1868.

⁶³³ *Daily News* 15 March, 8 May 1869.

South Carolina's reputation.⁶³⁴ It is likely that South Carolina's politicians were no more corrupt than many elsewhere, as the Tweed Ring flourished in New York and President Ulysses Grant's White House was engulfed in scandal. Nonetheless, they made easy pickings for hostile newspapers at home and in the north and support for Reconstruction weakened as a result.

Francis Cardozo stood apart from throughout this sorry saga. It is striking to see just how positive many of the newspaper references were, beginning with the May 1869 article which lampooned Robert Scott: "Cardoza (sic) though colored, is the most intelligent, best qualified and most popular of the State officers. He is well thought of by everyone." He spoke out against corruption in the Land Commission and in the financial management of the state's business and won the praise of the press for doing so. He frequently emphasised the support of African Americans for good government, and his own role as their champion. He had a measure of success in spreading this message. The *Daily News* observed that "whatever honesty there is in the Radical Party is found among the colored people."⁶³⁵

Cardozo began to reform the finances of the state on taking office as State Treasurer, despite the corruption around him. He proclaimed his reforms in an interview which he gave to the *New York Times* in June 1874, once again asserting the commitment of "the colored man" to good government.⁶³⁶ Reform became a wider reality in the Governorship of Daniel Chamberlain from 1874 to 1877. He and Cardozo led a campaign of reform in the state's finances and governance, designed to improve the state's financial credibility

⁶³⁴ James S. Pike, *The Prostrate State: South Carolina Under Negro Government* (New York: Appleton and Co., 1874).

⁶³⁵ *Daily News* 30 November 1869.

⁶³⁶ *New York Times* 22 June 1874.

and to secure the support of potential white voters. The images of corruption and incompetence were becoming less prominent. By July 1876, there were signs that Chamberlain and Cardozo might succeed in the elections that year. The *News and Courier*, the state's most influential newspaper, and leading white politicians declared for Chamberlain.

In two areas in addition to education, Republican government had brought about significant progress, though neither received much credit in the white press. The most surprising was the securing of civil rights for the freed people. A Civil Rights Act in 1870 gave African Americans in South Carolina equal access to streetcars, railway trains, steamboats restaurants and hotels. Cardozo was one of the few who could take advantage of first-class rail travel, given the higher prices, but white and black became used to sharing public transportation. The legislation survived until 1889; even in 1897, the state's leading white newspaper, the *News and Courier*, opposed segregation on Charleston's new streetcar system, to no avail. It took sixty-seven years more before another federal Civil Rights Act restored rights which Reconstruction had delivered ninety years earlier.⁶³⁷

The other area of notable progress was in land reform. South Carolina's Land Commission was set up to allocate land to landless families in 1869, following the strong focus on the issue at the Constitutional Convention in the previous year. The Land Commission made a terrible start under its first Commissioner, Charles Leslie. Leslie bought land without inspecting it and paid exorbitant prices from which he and his agents and dishonest landowners profited. Francis Cardozo was so dismayed by the initial performance of the Commission

⁶³⁷ Bernard E. Powers Jr., *Black Charlestonians: A Social History 1822-1885* (Fayetteville: University of Arkansas Press, 1994) 233-237; Williamson, *After Slavery*, 286-287; *News and Courier* 25 February 1897.

that he resigned from its advisory board until Leslie was removed. In 1872, Cardozo took on responsibility for the Commission himself, replaced the crooked agents, re-organised the process of land purchase and reduced the prices charged to the freed people who bought it. By the time he and his successor as Secretary of State, Henry Hayne, left office in 1877, 14,000 families, 70,000 people, fourteen percent of the non-white population of the state had benefitted from the work of the Land Commission.⁶³⁸

Progress on land reform in South Carolina did not live up to the ambitions of those who led the debates at the 1868 Constitutional Convention, including Cardozo himself. 86 per cent of the non-white population remained landless and many of those who had gained land lost it again under unsympathetic white governments after 1877. But in its time and within these limits, largely thanks to the efforts of Francis Cardozo and Henry Hayne, land reform was a modest but substantial success in South Carolina. It constituted real progress for those who were able to acquire land at the time. The state's Land Commission was the only organisation of its kind in the South during Reconstruction. The commitment to land ownership remained strong among the freed people. In 1910, African Americans owned twenty-one percent of farms in South Carolina. Elsewhere in the South, nineteen per cent of farm owners were African American, 132,000 in total.⁶³⁹

Cardozo's personal contribution in his years as State Treasurer was to restore the state's financial credibility and stability, by his prudent management of its finances. He did so despite the rascality of Governor Moses but with the full support of Governor Chamberlain. It cost him personal unpopularity within the

⁶³⁸ Bleser, *The Promised Land*, 28-31, 47-81.

⁶³⁹ Bleser, *ibid*, 85-89; Loren Schweninger, *Black Property Owners in the South 1790-1915* (Urbana: University of Chicago Press, 1990)182-184.

Republican Party and a rift with other leaders which widened during Chamberlain's administration. Radical Republicans feared that Chamberlain and Cardozo were sacrificing the interests of their own supporters in order to court the Democrats. They tried, unsuccessfully to remove Cardozo from office in 1875 and then to deny Chamberlain the prospect of a second term in office in 1876.

For the historian Thomas Holt, the rift within the Republican Party was a principal cause of the defeat of Reconstruction and he held Chamberlain responsible.⁶⁴⁰ The internal divisions certainly undermined the party in government and encouraged the Democratic press to pursue the theme of Republican disunity. Yet Chamberlain and Cardozo were surely right to believe that they needed to win moderate white voters in 1876 to have any chance of staying in power. They could not rely on the federal government to sustain them indefinitely. Cardozo had always believed that white voters could be won by argument and by evidence of achievement. For a brief period in 1876, it seemed that they might be successful. They were undone by factors they could not control.

The immediate cause of the defeat of the Republican government in South Carolina was an upsurge in the racial violence which had threatened Republican leaders and their supporters throughout Reconstruction. That violence had been contained only by the presence of the Federal Army and the willingness of President Grant to reinforce it when necessary. President Hayes proved not to be equally willing. He had secured election in part because southern Republicans had campaigned for him, in the face of violence and

⁶⁴⁰ Thomas Holt, *Black over White: Negro Political Leadership in South Carolina During Reconstruction* (Urbana: University of Illinois Press, 1977) 4, 180-182.

intimidation, but he did not believe that there was enough northern support to sustain the army in the South. Northern sentiment had moved away from sympathy with the freed people and outrage at the attempts of the white leaders of the South to coerce and control them after the war. That sympathy had been replaced by distaste for the reported failures of southern Republicans to govern honestly and competently and by a growing impulse to reconciliation with the white people of the South. In April 1877, Hayes ordered the army's withdrawal from Louisiana and South Carolina. Both Republican administrations conceded defeat that month.

Racism and white supremacy proved too strong for Francis Cardozo and the Republican government of South Carolina. The corruption and mismanagement of the early years of Reconstruction had been replaced by moderate and effective policies which cut out the excess, reduced taxes and provided for continued expenditure on education and other public services. But it was too late. A campaign of violence in 1876 in support of the Democratic candidate for Governor, Wade Hampton, swept away the possibility of consensus. The white population had not been persuaded of the case for multiracial government. It is worth quoting W.E.B. Du Bois again: "if there was one thing that South Carolina feared more than bad Negro government, it was good negro government." As discrimination and Jim Crow replaced inter-racial government, "the slave moved back toward slavery."⁶⁴¹

Francis Cardozo had demonstrated the capacity of African Americans to succeed, in education and in government. His school in Charleston took up the challenge of educating newly freed children and those who had been free before the Civil War. In Washington D.C, he built the M Street High School into

⁶⁴¹ Du Bois, *Black Reconstruction*, 428, 30.

“the best high school, white or black in the nation’s capital,” in effect a “preparatory School for Du Bois’s talented tenth” of college-educated African Americans. Its graduates would go on to play a leading role in African American life in the twentieth century, many of them to achieve the success of which Cardozo had always believed them to be capable.⁶⁴² In both Charleston and Washington, Cardozo’s schools were outstanding. They were a tribute to his qualities as an educator and living proof of his belief that black children could succeed as well as white by the same standards, if given the opportunity.

In politics and government, Cardozo’s achievements were equally substantial. He played a leading part in the Constitutional Convention of 1868. He was the first African American to win election to state-wide office, as Secretary of State. He won election again, as State Treasurer in 1872 and in the disputed elections of 1876. He made a success of the state’s Land Commission, the only such body in the post-war South. He became the personal symbol of integrity and action against corruption within the Republican government. As State Treasurer, he reorganised and stabilised the state’s finances and restored its financial credibility. He led the campaign of reform with Governor Daniel Chamberlain which offered the prospect, though not the reality, of continuing Republican government beyond 1876.

In education and in government. Cardozo’s achievements are deserving of more attention than they have received. It may be that his commitment to “good government,” to financial probity and to demonstrating the capacity of African Americans to succeed in education and in government have not been particularly interesting to historians. He did not attract controversy as some of

⁶⁴² Willard B. Gatewood, *Aristocrats of Color: The Black Elite, 1880-1920* (Fayetteville: University of Arkansas Press, 2000) 267-272.

his South Carolina contemporaries, including Robert Smalls and Robert Brown Elliott did. He was not a national figure, as were Frederick Douglass and Booker T. Washington. As a result, there has been no complete attempt to pull together the disparate elements of Cardozo's life and his achievements, as this dissertation has sought to do.

Francis Cardozo was arguably the most effective and influential African American to hold elected office in the South between the Civil War and the Civil Rights era one hundred years later. He won recognition for his honesty and effectiveness from a press almost universally hostile to his government throughout Reconstruction, though they abandoned him once Reconstruction had been defeated. His record in education, in land reform and in public finance was outstanding. He had more impact on the policy of a state government and secured more real change in the lives of African Americans than those whose personal renown and public speeches gave them more a much higher profile.

Francis Cardozo was the antithesis of the legend of Black Reconstruction which dominated historical writing between the 1870s and the 1950s. He was highly competent in office and manifestly honest in the perception of his contemporaries, black and white during Reconstruction. He was one of a handful of "outstanding cases of notably incorruptible Negro leaders," in Du Bois' conclusions.⁶⁴³ In traducing him, once they had retaken power, the white Democratic government of South Carolina succeeded in completing the picture of Reconstruction as a tragic failure. They and their followers could perpetuate the myth that African Americans were not ready for citizenship.

⁶⁴³ Du Bois, *Black Reconstruction*, 617.

Francis Cardozo was the living embodiment of the dishonesty of those myths. Reconstruction and Cardozo were defeated, but neither was a failure. The progress which he and his colleagues made in Reconstruction for African Americans would not be repeated until the very different circumstances of the Civil Rights movement ninety years later. Cardozo deserves an honourable place in African American history and in the history of the United States in the nineteenth century. His achievements and those of his government were remarkable in their time, for “a brief moment in the sun.”

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