

THE
SOUTH CAROLINA
HISTORICAL MAGAZINE

JULY 2000

VOLUME 101 • NUMBER 3

Centennial Volume
1900-2000

This issue is dedicated to

Mrs. Mary P. Anderson and Dr. Charles R. Anderson

in honor of their generous and longstanding support of
the South Carolina Historical Society

Publication of this issue is made possible
in part by the Frederick Horner Bunting
Publication Fund and

WACHOVIA

THE SOUTH CAROLINA HISTORICAL MAGAZINE

JULY 2000

VOLUME 101 • NUMBER 3

Centennial Volume 1900-2000

CONTENTS

- Three Articles from a Century of Excellence: The Best of
*The South Carolina Historical Magazine***
by Orville Vernon Burton 182
- Slave Demography in the Lowcountry, 1670-1740: From
Frontier Society to Plantation Regime**
Volume 96 (October 1995)
by Russell R. Menard 190
- Community Evolution and Race Relations in Reconstruction
Charleston, South Carolina**
Volume 95 (January 1994)
by Bernard E. Powers, Jr. 214
- The Devaluation of the Vote: Legislative Apportionment
and Inequality in South Carolina, 1890-1962**
Volume 97 (July 1996)
by Bryant Simon 234
- Book Reviews 253**
- Recently Processed Manuscripts 264**
- Memorials 268**

COMMUNITY EVOLUTION AND RACE RELATIONS IN RECONSTRUCTION CHARLESTON, SOUTH CAROLINA

BERNARD E. POWERS, JR.*

BEFORE THE CIVIL WAR AN INTRICATELY DETAILED BODY OF ordinances and custom regulated virtually every aspect of slave life and established the social subordination of all blacks. With the emancipation of four million slaves, the southern system of labor organization and the region's primary mechanism for controlling race relations were reduced to chaos. During the era of Reconstruction whites often attempted to maintain the antebellum racial order, but their intransigence was met by the United States Army, Republican politicians, unprecedented state and federal legislation, and also by an Afro-American population determined to widen the horizons of its newly won freedom. The result was a significant transitional period in race relations which differed substantially from its predecessor. Furthermore, while evidence of certain practices characteristic of the later "Jim Crow" era could be found, the patterns of race relations during Reconstruction had not yet "crystallized" into the rigid forms which typified the mid-twentieth-century South. The transformation in race relations ubiquitous throughout the South, was most dramatically evident in southern cities. To date there has been no systematic examination of the consequences of emancipation in Charleston, South Carolina.¹ This essay focuses on the new era in race relations there.

After the Union invasion of Charleston in February 1865 and the withdrawal of Confederate forces, the city became the destination for waves of freedmen. These new migrants increased the already large black

This article first appeared in *South Carolina Historical Magazine*, 95 (January 1994), 27-46. It appears here in its original form.

*Associate professor of history, College of Charleston

¹Two general studies examine race relations and the development of segregation for post-Civil War South Carolina. In *South Carolina Negroes*, George B. Tindall argues, "At the end of the Reconstruction period the pattern of racial segregation had not been rigidly defined." But in the two decades following, "segregation rapidly became an established and unquestioned fact in all the institutions and relationships between the two races." In *After Slavery*, a study which draws heavily on social custom, Joel Williamson contends that "well before the end of Reconstruction, separation had crystallized into a comprehensive pattern which, in its essence, remained unaltered until the middle of the twentieth century." Tindall, *South Carolina Negroes 1877-1900* (Baton Rouge: Louisiana State University Press, 1966), pp. 291, 302, 306; Williamson, *After Slavery: The Negro in South Carolina During Reconstruction, 1861-1877* (Chapel Hill: University of North Carolina Press, 1965), p. 275.

TABLE 11
Distribution of African-American Slaves
in South Carolina Probate Inventories, 1721-1724

Slave/ Estate	#Estate	%Estate	Cumm%	#Slaves	%Slaves	Cumm%
1	10	12	12	10	1	1
2	8	9	21	16	1	2
3-5	21	24	45	82	7	9
6-10	19	22	67	142	12	19
11-20	7	8	75	102	8	27
21-50	14	16	91	378	31	58
50-99	7	8	100	501	41	100
Total	86			1,231		
Slave/Estate		14.3				

Notes and Sources: Does not include slaves identified as Indians or Mustees. Records of the Secretary of the Province, 1721-1722, 1722-1726, South Carolina Department of Archives and History; Wills, Inventories & Miscellaneous Records, 1722-1724, 1724-1725, South Carolina Department of Archives and History.

TABLE 12
Distribution of African-American Slaves
in South Carolina Probate Inventories, 1730

Slave/ Estate	#Estate	%Estate	Cumm%	#Slaves	%Slaves	Cumm%
1	2	8.3	8.3	2	0.4	0.4
2	3	12.3	20.8	6	1.3	1.7
3-5	3	12.5	37.3	14	3.1	4.8
6-10	4	16.7	50.0	30	6.6	11.4
11-20	3	12.5	62.5	44	9.6	21.0
21-50	6	25.0	87.5	162	35.4	56.4
50-99	3	12.3	100.0	200	43.7	100.0
Total	24			458		
Slave/Estate		19.1				

Sources: Wills, Inventories & Miscellaneous Records, 1729-1731, South Carolina Department of Archives and History.

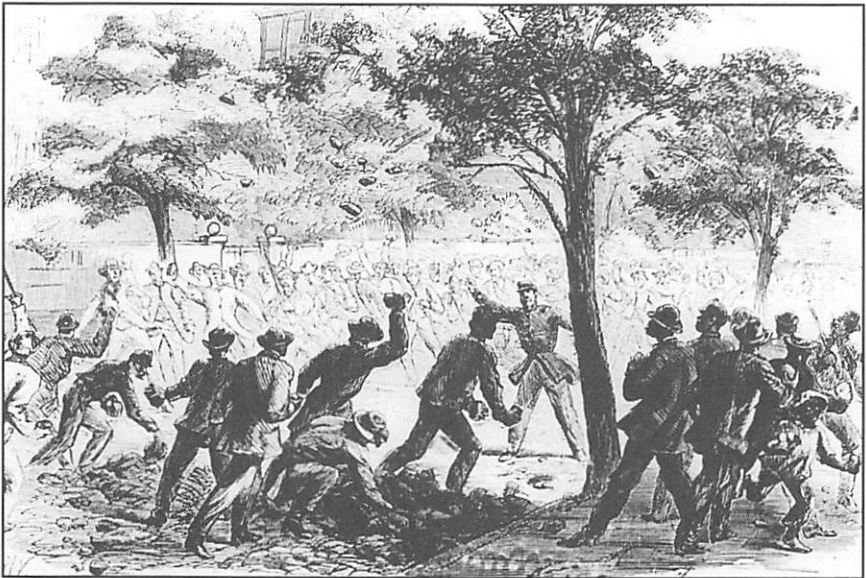
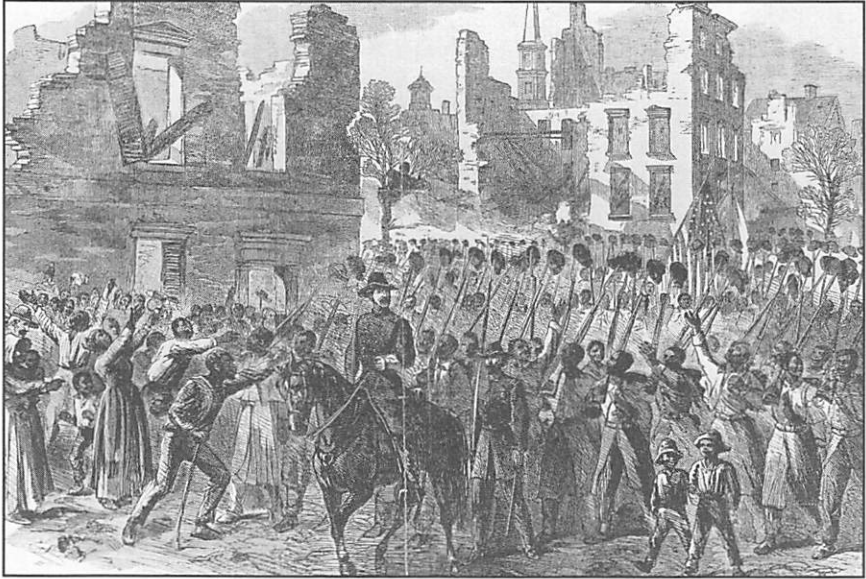
population, which grew from 16,660 or 41 percent of Charleston's population in 1863 to 26,173 or 53 percent by 1870. The presence of thousands of new and potentially rebellious freedmen exacerbated the already tense relations between former masters and slaves and contributed to the general fear of rebellion evidenced throughout the South. In the summer of 1860 members of the Ravenel family were typical, reporting that they lived "in a dreadful state of apprehension of insurrection" and that this was "the general fear" throughout the Lowcountry. A Union army officer observing the volatile climate expected "some insurrectionary movement on the part of the colored people" and feared its consequences once underway.²

The presence of black soldiers among the Union army's forces of occupation was a special source of apprehension. At various times during 1865-1866 blacks from the Twenty-first, Thirty-third, Fifty-fourth, and 102nd Regiments of the United States Colored Troops took possession of public buildings and strategic locations in and around Charleston. Henry W. Ravenel denounced squads of black soldiers who visited plantations near Charleston, disarming and "insulting the whites" while providing the freedmen with weapons. Dr. Benjamin Huger also warned that the history of Charleston would be "written in blood." He believed that unless black troops were removed and the freedmen forced to submit to the civil authorities, "massacre of white or black" would surely occur.³

Under these circumstances, mounting tensions flared into serious and bloody racial clashes during the two years preceding Radical Reconstruction. The most serious were between black citizens and soldiers on the one side

²New York Times, February 22, 1865; U.S. Bureau of the Census, *Population of the United States Compiled From the Eighth Census* (Washington, D.C.: U.S. Government Printing Office, 1864), p. 452; U.S. Bureau of the Census, *Population of Civil Divisions Less Than Counties, Ninth Census of the United States 1870, Statistics of Population Tables I-VIII* (Washington, D.C.: U.S. Government Printing Office, 1872), p. 258; Dan T. Carter, "The Anatomy of Fear: The Christmas Day Insurrection Scare of 1865," *Journal of Southern History* 42 (August 1976), p. 346; Isabella Middleton Leland, "Middleton Correspondence 1861-1865," *South Carolina Historical Magazine* (hereafter SCHM) 65 (April 1964), p. 108; W. L. M. Burger (Assistant Adjutant General) to District Commanders, December 16, 1865, Assistant Commissioner Letters Received, Freedmen's Bureau Papers (hereafter FBP), South Carolina Department of Archives and History, Columbia, S.C. (hereafter SCDAH).

³New York Times, February 22, 1865; Charleston Daily Courier, February 20, 1865; Luis Emilio, *A Brave Black Regiment: History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry 1863- 1865* (Boston: Boston Book Company, 1894), pp. 286, 311-312; Jacob Schirmer Diary, August 21, 1866, South Carolina Historical Society, Charleston, S.C. (hereafter SCHS); Arney R. Childs, ed., *The Private Journal of Henry William Ravenel* (Columbia: University of South Carolina Press, 1947), p. 251; Daniel E. Huger Smith, *Mason Smith Family Letters 1860-1868* (Columbia: University of South Carolina Press, 1950), pp. 231-232.



Top: "The Presence of black soldiers among the Union army's forces of occupation was a special source of apprehension." Here, the arrival in Charleston of the Massachusetts Fifty-fifth, according to a nineteenth-century newspaper. Bottom: "Mounting tensions flared into serious and bloody racial clashes." Here, "The Irrepressible Conflict," according to the caption to this image from *Harper's Weekly*, August 4, 1866.

Both illustrations courtesy of Special Collections, College of Charleston.

and white policemen on the other. After a series of disturbances between freedmen and the police, two discharged soldiers organized a large group of blacks which attacked a detachment of policemen, threatening "to kill all of the d___d rebel sons of ___." One of the ringleaders later bragged that he had killed plenty of rebels during the war and pledged to continue doing so. According to the report of a special Charleston City Council investigation, many such episodes stemmed directly from the presence of black soldiers which it demanded be removed immediately. Military commander General Daniel Sickles disagreed with the city council characterizations and subsequently ordered all policemen to turn in their weapons or face arrest.⁴

Trying to maintain the vestiges of antebellum legal and judicial control over the freedmen, in late 1865 the South Carolina legislature passed its infamous Black Code. This body of legislation established the subordination of the freedmen in part by limiting their ingress to the state, imposing special occupational license fees and taxes, vagrancy provisions, restrictions on the use of firearms, and by outlawing interracial marriage. Blacks accused of violating the code could be arrested by "any" observer and special courts were created to adjudicate cases in which one or both parties were black. The new law was so blatantly repressive and discriminatory that General Sickles disallowed it in January 1866. As a part of new orders he promulgated, all laws were to be applied equitably to the entire population.⁵

In late winter 1867 the Congressional Reconstruction Acts imposed military rule on the South and required a non-racial franchise. Shortly thereafter the Union Republican Party was organized in Charleston. Now any lingering hopes whites had of regaining control over the freedmen were shattered. When a constitutional convention was held in the city during early 1868, over one-half of the delegates were black. This convention instituted universal male suffrage and when the first legislative session of 1868 convened, blacks were present as elected members of the state house of representatives and senate. Political changes were in evidence at the local level also and in February General Edward Canby replaced Mayor Palmer Gaillard with a white military officer. In May thirteen of eighteen aldermen were also removed and seven of their appointed replacements were black.

⁴Childs, *Private Journal*, p. 251; Smith, *Mason Smith Family*, p. 232; *A.M.E. Christian Recorder*, August 5, 1865, September 22, 1866; *Charleston Daily Courier*, July 18, 1866.

⁵Edward McPherson, *The Political History of the United States of America During the Period of Reconstruction* (Washington, D.C.: Solomon and Chapman, 1875; repr., New York: Negro Universities Press, 1969), pp. 34-36; Francis Simkins and Robert Woody, *South Carolina During Reconstruction* (Chapel Hill: University of North Carolina Press, 1932), p. 48.

These seven men were William McKinlay, Robert Howard, William Weston, Rev. Ennals J. Adams, Richard E. Dereef, Rev. Richard H. Cain, and Edward P. Wall. All had been free before the war and represented a new class of leadership in Charleston's black community. Throughout the period, except for the years 1871-1873, half the seats in the city council were occupied by black men and Charleston blacks held other important elective and appointive offices at the local, state, and federal levels.⁶

The reaction of white Charleston to the prospect of black officials was swift and negative. They felt that the seeming social and political equalitarianism of Reconstruction degraded their once glorious city to the depths of a Paris gripped in the throes of the French Revolution. Chagrined at the unfolding scenes of Reconstruction, Eliza Holmes wrote a friend, "we are being made however, day by day, to realize, the . . . equalities of all things." Aghast at the appointment of the black Dr. Benjamin Boseman as postmaster for the city, Holmes continued, "surely our humiliation has been great when a Black Postmaster is established here at Headquarters and our Gentlemens Son's [sic] to work under his biddings—" Bearing incredulous witness to the changes in the city council under military rule, Augustine Smythe wrote in disgust, "we actually have negroes in Council. It is the hardest thing we have yet had done to us." His expectation was that personnel on other municipal boards would be replaced as a prelude to the orphan house, the high school, and even the University of South Carolina being "thrown open to Negro children.... Where it will all end I do not know. It does not seem possible in the dispensation of Providence that the negro can rule over the white man & yet I am sometimes staggered by the turn events are taking."⁷

IN OTHER IMPORTANT ASPECTS OF LIFE, THE NEW ERA IN BLACK-white relations was clearly evident. During Reconstruction Charleston's black community achieved unprecedented cohesion as its members took initiatives to place their newly won freedom on a firm institutional basis. While doing so they often challenged the restrictions of the now moribund antebellum racial order.

⁶Williamson, *After Slavery*, pp. 328-329, 334, 337; Thomas Holt, *Black Over White: Negro Political Leadership in South Carolina During Reconstruction* (Urbana: University of Illinois Press, 1977), pp. 35, 97; *Charleston Daily News*, May 27, 1868; *Charleston Daily Courier*, March 7, 22, 1867, February 21, 1868; William C. Hine, "Frustration, Factionalism and Failure: Black Political Leadership and the Republican Party in Reconstruction Charleston, 1865-1877" (Ph.D. dissertation, Kent State University 1979), p. 460.

⁷Eliza T. Holmes to ____, April 8, 1873, Williams Chestnut Manning Papers, Caroliniana Library (hereafter abbreviated SCL), University of South Carolina, Columbia, S.C.; *Charleston Daily News*, March 19, 1873; Smythe to Janey, May 29, 1868(?), Augustine Smythe Letters, SCHS.

Almost immediately, the freedmen rejected the working conditions and treatment they had tolerated while slaves. The demise of the former racial etiquette among domestics caused havoc in many white households. The frustrated diarist Jacob Schirmer recalled his servant Cornelia now "contended that she has as much right, by virtue of her Freedom, to sit to our table to meals, and use our glassware as she had been to white people besides us where those liberties were allowed." In an even more revealing observation, a correspondent for the *Atlantic Monthly* warned white women to take care when correcting their domestics because "colored domestics give back word for word, and even follow up words with blows, if reprimanded too cuttingly."⁸

Rejection of the old terms of labor was not the mere random product of individual effort. During the period black workers united and sometimes formed organizations and even initiated strikes to improve wages and working conditions. Representative examples of work stoppages occurred among city laborers, tailors, painters, millhands, and also among the most aggressive and militant of all the workers, the longshoremen. As early as 1867 and continuing during Reconstruction, the Longshoremen's Protective Union launched a number of militant strikes, which sometimes crippled the commercial activity on the city wharves. During one such strike at Brown's Wharf, a reporter observed "several hundred" longshoremen gathered together at the site. Most were "noisy and riotous, and . . . were armed with clubs, sticks, rocks and other weapons." When an attempt was made to unload a vessel, the "riotous crowd" forcibly prevented this and while taking full possession of the wharf "finally succeeded, by intimidation, in taking out of the . . . [ship] the men who had gone to work."⁹ Such militancy achieved victories for the union membership and revealed the class consciousness emerging among black labor. As challenges to the economic hegemony of white employers, these and similar events were also indicative of a new era in race relations.

RECONSTRUCTION'S SWEEPING CHANGES WERE ALSO WITNESSED by the transformation of religious life in black Charleston. Following the war, some of the city's antebellum southern churches desired to maintain their black congregations, but in subordinate positions. Such an attitude was betrayed by white ministers from Trinity Methodist Episcopal Church South, who called for blacks and whites to continue worshipping together

⁸"Our Domestic Trials with Freedmen and Others," Jacob Schirmer Diary Index, November 15, 1866, SCHS; A South Carolinian [Belton O'Neill Townsend], "South Carolina Morals," *Atlantic Monthly*, April 1877, p. 474.

⁹Charleston *Mercury*, January 5, 1867, March 23, 1868; Charleston *Daily Republican*, October 14, 1869; Charleston *Daily Courier*, November 4, 1869; Charleston *Daily News*, November 1, 1869; Charleston *News and Courier*, September 3, 4, 5, 10, 1873.

"according to the plan of the old regime," with the former maintaining their "old places in the galleries." It was this "deprecating spirit of exclusiveness" which led a black member of the Second Presbyterian Church to call for "separate organizations . . . to attest to Whites our desire to worship God unmolested under [our] own vine and fig tree." Black Charlestonians now rejected their former memberships in favor of new churches which were free from the stigma of slavery and afforded the prospect of complete participation in church affairs. This process of separation moved apace and by the fall of 1866 eleven major black churches had been established, including Morris Street Baptist, Centenary Methodist Episcopal, Emanuel African Methodist Episcopal, and Mission Presbyterian Church. As evidence of black Charleston's institutional growth and as testaments to its rejection of the old racial order, these and other churches are important. They are also significant because the church provided an important forum for the recruitment and development of black leadership.¹⁰

Some ministers found the field of politics an avenue for the use of their talents. As early as November 1865 the Revs. Francis L. Cardozo, Richard H. Cain, Ennals J. Adams, Benjamin Franklin Randolph, and Jonathan C. Gibbs were among the participants in the Colored People's Convention of the State of South Carolina, held in Charleston. This assembly petitioned the state legislature for the right to vote and for the extension of basic civil rights to the black population. Less than two years later, Revs. Adams, Randolph, and Cardozo had become members of the racially integrated "Committee of Thirteen," which drafted the initial platform for the Union Republican Party of South Carolina.¹¹ Some ministers went on to win elective office. For example, in 1867 the A.M.E. Rev. Richard Cain was elected a delegate to the South Carolina Constitutional Convention, where he promoted measures to assist the freedmen in acquiring land. He subsequently served in the state senate during the years 1868-1870. Cain was later elected to the United States House of Representatives for two terms, 1873-1875 and 1877-1879.

¹⁰A.M.E. *Christian Recorder*, May 19, September 8, 1866; W. H. Lawrence, *The Centenary Souvenir, Containing A History of Centenary Church, Charleston, and an Account of the Life and Labors of Rev. R.V. Lawrence, Father of the Pastor of Centenary Church* (Philadelphia: Collins Printing House, 1885), pp. viii-xiii; "The Colored Churches," Willis Pamphlets 1878-1884, Charleston Library Society, Charleston, S.C.; Morris Street Baptist Church Minute Book, May 9, 1865, Morris Street Baptist Church, Charleston, S.C.; Thomas D. Smyth, *Autobiographical Notes, Letters and Reflections* (Charleston, S.C.: Walker, Evans, Cogswell, 1914), pp. 694-696; Holt, *Black over White*, pp. 81, 90-91.

¹¹*Proceedings of the Colored People's Convention of the State of South Carolina* (Charleston: South Carolina Leader, 1865), pp. 18, 21, 28-31; *Charleston Daily Courier*, March 22, 1867.

The Rev. Francis L. Cardozo, a Congregational minister and teacher, was an active member of the constitutional convention, where he worked with the education committee. In this capacity, his efforts helped create the public-school system, which brought publicly funded education to blacks for the first time. He was subsequently elected to positions as state treasurer and secretary of state.¹²

While ministers gave early and articulate expression of their community's needs, they were joined by others who used politics to obtain the legal leverage to fight against racial discrimination. During Reconstruction black Republican politicians and their white supporters mounted a sustained campaign to secure and protect citizens' civil rights.

In their quest for equality, blacks found Charleston's small businesses among their most intractable opponents. During Reconstruction they were completely excluded from hotels and generally refused service at white-owned barber salons. Soda shops and restaurants usually refused black patrons; when served, blacks were sometimes charged exorbitant rates to discourage future patronage. On at least two occasions in 1869, when the discriminatory practices of proprietors were brought to the attention of the city council, the aldermen, led by white Republican Thomas J. Mackey, voted to deny the licensing petitions for these businesses. When such blatantly discriminatory acts continued, some aldermen attempted to write an anti-discrimination provision into the municipal code. Although the initial attempts failed, black aldermen such as Edward P. Wall and William R. Hampton remained undeterred. By mid-1870 Alderman Wall had organized enough support to amend the municipal licensing law, to include prohibitions against racial discrimination, and to establish suitable penalties for violators.¹³

CHARLESTON'S BLACK LEGISLATORS WERE ALSO ACTIVE AT the state level. The new state constitution of 1868 expressly prohibited racial or complexional distinctions between persons. In 1870 a public accommodations law was instituted. The heated legislative debate which

¹²*Proceedings of the Constitutional Convention of South Carolina* (Charleston, S.C.: Denny & Perry, 1868; repr., New York: Arno Press, 1968), pp. 56, 104-110, 136-137, 379-381, 900-901; Holt, *Black Over White*, p. 230; Eric Foner, *Freedom's Lawmakers: A Directory of Black Office Holders During Reconstruction* (New York: Oxford University Press, 1993) p. 36.

¹³*Charleston News and Courier*, August 19, 1883; *Charleston Daily Republican*, May 23, 1870, July 15, 1871; *Charleston Daily News*, September 29, December 29, 1869, January 5, April 4, June 1, 1870; Bryan L. Dilts, comp., *1860 South Carolina Census Index: An Every Name Index* (Salt Lake City, Ut.: Index Publishing, 1985), Vol. 2, p. 2; *Charleston Daily Courier*, September 8, October 14, 1869; *Shole's Directory of the City of Charleston for 1877-78* (Charleston: A. E. Sholes, 1877), p. 256.

ensued following introduction of the bill revealed a serious rift between black and white Republicans in the matter of civil rights at the state level. The measure was originally introduced by Robert Smalls, the Civil War hero, now state representative from Beaufort. The bill made it unlawful for corporations or businesses for which a charter or license was required to refuse admission or service to patrons or otherwise discriminate between them because of race. The penalties for violators were stiff and included forfeiture of license or charter, a fine of \$1,000, and possible imprisonment for up to three years. After passing the house of representatives, the "Bill to Enforce the Civil Rights Bill of the United States" was forwarded to the senate where some of its provisions were vigorously opposed by white Republican senators led by Daniel T. Corbin, chairman of the Judiciary Committee. The bill's opponents amended it to reduce drastically its penalties, modify the section on burden of proof, and delay implementation until May 1, 1870. In the acrimonious debate which followed, black politicians from Charleston labored assiduously to protect the original bill. The Rev. Richard H. Cain was a leading opponent of amendment in the senate. One of the leading speakers at a public indignation meeting, South Carolina Representative Robert C. DeLarge, denounced the amendments as attempts to deny equal rights to people who had fought, bled, and died for the Republican cause in the recent Civil War. When it became known that Senator Corbin's desire to delay implementation was a concession to Charleston's Academy of Music, black representatives were outraged. The reaction of Representative Alonzo Ransier of Charleston was typical, when he exclaimed that the pecuniary interests of businesses weren't matters of public concern. Furthermore, he "was not willing that his wife should be insulted till the first of May to oblige anybody." Representative Ransier's objections reflected a larger concern, though, which was rooted in the issue of black-white relations within the Republican Party. There were many blacks who distrusted their white Republican compatriots. The debate over the Civil Rights Bill demonstrates why. In Ransier's view, Senator Corbin and whites with similar views "disregarded those who had elevated" them and their actions "marked the palpable determination to give only back seats to the colored man." Despite the acrimony and internal Republican divisions surrounding the Civil Rights Bill in the state legislature, the measure passed with little modification of its original provisions.¹⁴

Armed with the passage of the new civil-rights legislation, a group of blacks, including Representative Ransier and Councilman William R.

¹⁴*Acts and Joint Resolutions of the South Carolina Legislature, 1869-70*, pp. 179, 386-388; T.M. Haddock and J.E. Baker, comps., *Charleston City Directory 1875-76* (Charleston: Walker, Evans, Cogswell, 1875); p. 95; *Journal of the South Carolina House of Representatives, 1869-70*, p. 289; *Charleston Daily News*, February 18, 22, 1870.

Hampton visited several white restaurants and saloons to investigate compliance with the law. At some of the establishments they received drinks gratis, but several proprietors openly refused the patronage of the blacks who promptly had them arrested. In reaction, white restaurateurs and saloon keepers banded together to test the constitutionality of the civil-rights legislation. By the summer, indictments were returned against the accused but nine months later these civil-rights cases were struck from the Court of General Sessions docket because the litigants reached an out-of-court settlement. According to one of the attorneys, "all parties had long since complied with the requirements of the law—persons were admitted to all public places without discrimination."¹⁵

BLACK CHARLESTONIANS' AGGRESIVE PURSUIT OF EQUAL rights eventually led to controversy at the Academy of Music, the city's major performing-arts facility. While under construction in 1869, plans were already formulated for the segregation of black patrons. Blacks were to be consigned to the upper tiers while whites enjoyed complete access to the dress circle on the main floor. Many blacks despised such arrangements, not only because the facilities were segregated but because their seats were inferior to the accommodations for whites. In January 1870 Joseph P. Howard and John T. Claussen were denied admission to the dress circle and consequently had the proprietor arrested for civil-rights violations. An indictment was returned but the plaintiffs dropped all charges after an out-of-court settlement was reached, granting blacks free access to all seats at the academy. It is not absolutely clear how long blacks enjoyed unrestricted access to the academy but it seemed to continue through Reconstruction. In 1873 a woman despaired that "even the Theater is an uncertain pleasure," because "you know that you may have a negro next to you." Even as late as 1883 one white patron complained about the great "evil" of allowing unescorted black and white women, previously restricted to the family circle, to take seats in other parts of the theater.¹⁶

The earliest major challenge blacks made to their exclusion from public

¹⁵Charleston *Daily News*, March 17, 28, 29, June 23, 1870; Charleston *Daily Republican*, September 29, 1869, March 21, 1871.

¹⁶During the antebellum years municipal law excluded slaves and free persons of color from the theater, unless they were attending whites. Even then special permission was required from city authorities. *Digest of the Ordinances of the City Council of Charleston From the Year 1783 to July 1818* (Charleston, S.C.: Archibald E. Miller, 1818), p. 82; *Jowitt's Illustrated Charleston City Directory And Business Register 1869-70* (Charleston, S.C.: Walker, Evans, Cogswell, 1869), p. 107; Charleston *Daily Courier*, September 7, November 29, 1869, January 10, 1870, April 21, October 14, 1883; Charleston *Daily News*, January 10, February 16, 1870; Charleston *Daily Republican*, January 12, 1870, March 22, 1871; quotation in Williamson, *After Slavery*, p. 292.

facilities antedated passage of the first public accommodation laws and was directed at Charleston's street cars. The city's first street-railway system was constructed in 1866 by the Charleston City Railway Company. Few whites doubted the right of blacks to patronize the street cars, but during the first months of operation no decision was made on how the black ridership would be accommodated. Although proposals were made either for separate cars or for sections of cars reserved exclusively for their use, both alternatives were rejected by black Charlestonians, who demanded equal access to the railway system. The result was their de facto exclusion, unless they chose to ride on the platforms outside the cars. Before the railway company resolved this matter, blacks made several attempts to ride inside the street cars and each time they were forcibly ejected and sometimes jailed by the police. On one dramatic occasion in March 1867, crowds of freedmen invaded several street cars simultaneously, overpowered the conductors, and threatened them with bodily harm to compel equal treatment. The arrival of the police disbursed the unwanted passengers who regrouped after leaving and "tried to interrupt the travel of the cars by placing stones in the track."¹⁷

In April black Charlestonians continued their acts of civil disobedience. On one occasion that month, Mary Bowers, intent on exercising her rights, occupied a seat inside one of the cars and had to be forcibly removed. This incident prompted her to lodge a formal complaint with Assistant Commissioner Robert Scott of the Bureau of Refugees, Freedmen, and Abandoned Lands. In the resultant discussions with company president Jonathan Riggs, Scott urged quiet concessions to black demands. It was bureau intervention, along with militant community activism, which forced the company to end its racial discrimination at this time. Beginning in May 1867 all persons were granted free access to all seats in the cars. Because of this, the editor of the *Charleston Mercury* predicted the company would lose much of its white patronage. However exactly two months later, the paper reported that the street cars were more heavily patronized than before. At first whites were reluctant to ride with black commuters and in early May an observer noted "it was common during the day to see the inside [of the cars] occupied by a few freedmen, while white people stood on the platform." Separation of this kind did not long endure, though, and there were numerous examples of black and white passengers seated indiscriminately

¹⁷Charleston *Mercury*, December 17, 1866, March 27, 1867, April 2, May 4, July 4, 1867; Charleston *Daily Courier*, October 15, 1866, March 27, 1867; New York *Times*, January 7, 1867.

aboard the cars throughout Reconstruction.¹⁸

Initially steamboat companies were bastions of segregation. In 1866 Francis L. Cardozo, the prominent black minister and American Missionary Association educator, repeatedly complained of steamship companies discriminating against his black teachers. During the summer of that year he explained to his superiors that transportation from Charleston could be more expensive for black teachers because the cheaper steamboat lines "would not permit colored people to go in any other way but the steerage." Shortly after military rule commenced, Commander Sickles abolished discrimination on public conveyances and recalcitrant ship masters who discriminated between the races were sometimes arrested as a result. An important example occurred in late 1867. At this time Frances Rollin, a prominent black teacher in the city freedmen's schools, was denied first-class steamer accommodations while traveling between Charleston and Beaufort. Miss Rollin soon filed charges in the provost court against Captain W. T. McNelty of the *Pilot Boy* for violating General Sickles's orders. In the legal proceedings which followed, she was advised by Major Martin R. Delany, a well-known northern black activist who came to postwar Charleston as an army officer and freedmen's bureau agent. Frances Rollin's complaint was upheld and the ship captain was fined \$250.¹⁹

The discriminatory policies of steamboat companies came under additional pressure after the state constitution was rewritten and civil rights legislation eventually passed. In the fall of 1868 Elizabeth Hyde Botume, a Freedmen's Bureau teacher returning to South Carolina from the North, noticed several changes when she took a steamer from Charleston to Beaufort. Before this time she remarked, "no colored person was allowed on the upper deck, now there were no restrictions . . . [and] they were everywhere, choosing the best staterooms and the best seats at the table." Although discrimination continued, there is evidence of steamers continuing to admit black passengers without discrimination as late as 1884. In that year when irate whites demanded that the Sullivan's Island Ferry Company exclude or segregate blacks, company representatives refused and explained

¹⁸Hine, "The 1867 Charleston Streetcar Sit-Ins: A Case of Successful Black Protest," *SCHM* 77 (April 1976), p. 114; Jno. S. Riggs to Major Genl. R. K. Scott, May 3, 1867, Assistant Commissioner Letters Received, FBP, SCDAH; Charleston *Mercury*, May 6, 1867; Jacob Schirmer Diary, May 4, 1867, SCHS. For examples of blacks freely riding street cars see: Unsigned to Lannie, October 28, 1867, Adger-Smyth Flynn Family Papers, SCL; Charleston *Daily News*, August 20, 1872; Charleston *New Era*, September 22, 1883.

¹⁹F. L. Cardozo to Wm. E. Whiting, July 4, 1866, American Missionary Association Papers (hereafter AMAP), SCDAH; Willard B. Gatewood, Jr., "The Remarkable Misses Rollin," *SCHM* 92 (July 1991), pp. 172, 177; Victor Ullman, *Martin R. Delany: The Beginnings of Black Nationalism* (Boston: Beacon Press, 1971), p. 394.

that such a policy violated the law.²⁰

During Reconstruction, while most blacks preferred the less expensive seats on passenger trains, it was not unusual to find some riding first class among the whites. According to one South Carolinian, even in the late 1870s this was "so common as hardly to provoke remark." Even so, "if a negro enters a car" of whites, they "plainly evince aversion, and if practicable a wide space is left around such intruders." This wasn't always possible, and on one occasion a white passenger was so astonished to find that all the double seats in the first-class car were occupied by blacks, he complained, "can't I sit down even here without being beside a nigger?" After looking carefully, he spied a group of Charleston men engaged in conversation. on the seat opposite sat the light complexioned Robert C. DeLarge, now the state land commissioner, who also participated in the conversation. Thinking it all right, the white man sat down beside him. But DeLarge, not wishing to be disturbed, turned and exclaimed, "Look here . . . I'm a 'nigger' too." This was too much to bear and the exasperated intruder beat a hasty retreat.²¹

Access to first-class cars did not end abruptly with the ouster of the final Republican government in 1877. In fact certain state policy decisions unwittingly led to even greater racial mixing on board trains in the early 1880s. In 1882 the State Railroad Commission eliminated second-class seats and, according to the editor of the *News and Courier*, as a result, "the colored people sometimes crowd into the first-class carriages." Although whites were usually offended by the presence of large numbers of blacks in the first-class cars, in the early 1880s segregation was far from universal. In fact the editors of the *News and Courier* argued that it was unwise to segregate all blacks regardless of their "respectability and means." The presence of black passengers in first-class cars was "not always or necessarily an evil" because "it has been the rule, also for well-to-do colored persons, particularly women to travel first class." In the view of the editors, an upsurge in white complaints in 1883 resulted from the change in the number and character of blacks riding first-class cars. During the decade of the 1880s there were numerous examples of blacks riding on South Carolina railroads unrestricted, which suggests that even at this time race had not yet completely

²⁰Elizabeth H. Botume, *First Days Amongst the Contrabands* (Boston: Lee and Shephard, 1893; repr., New York: Arno Press, 1968), pp. 143-44; *Charleston Daily Republican*, September 4, 1869; *Charleston News and Courier*, April 20, 1884.

²¹A South Carolinian, "South Carolina Society" *Atlantic Monthly*, June 1877, p. 676; *Charleston Daily Republican*, May 23, 1870. For other examples of blacks riding first class in Charleston and South Carolina see: *Charleston Daily Republican*, December 12, 13, 1869.

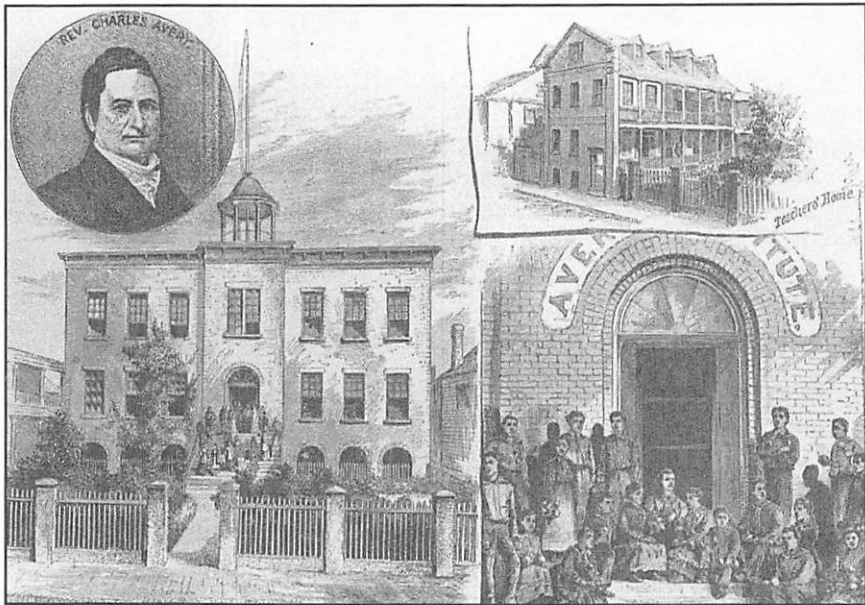
overshadowed class in determining race relations on the trains.²²

MANY FREEDMEN MIGRATED TO CHARLESTON SEEKING THE benefits of municipal services and Republican leaders took steps to accommodate their needs. Nevertheless, throughout the period, Charleston's municipal institutions reflected the prevailing sentiment among whites for separation of the races. Public schools serve as an excellent example. At the end of the war, public education in Charleston fell under the control of the Union army and the freedmen's bureau. Morris Street School, the first school opened for freedmen, was unusual in that it was attended by children of both races initially. There was no attempt to create racially integrated classrooms, though, and black students were taught on the first and third floors of the building, while the second floor was for the exclusive use of whites. Even this arrangement was too bold for the times and by mid 1866, all white students had been removed. When the schools reverted to the Board of School Commissioners, controlled by the Democratic Party, beginning in 1867, Morris Street School was reserved for black students and the other schools for whites.²³

Before long, the white community's fears of racial integration in the schools were revived, when the new state constitution provided for compulsory attendance and, moreover, that state-funded schools be opened to all students regardless of race. But the dreaded scenario so feared by whites never occurred. Their deep-seated opposition was only one reason for this. Another can be found in the attitudes of certain black Charlestonians. While the editor of the *Daily Republican* exaggerated when he claimed blacks were "decidedly in favor of separate schools," some clearly did recognize the unique potential of such institutions if they maintained high standards. As principal of Avery Institute, one of Charleston's most important black schools, and as a delegate to the Constitutional Convention, the Rev. Francis L. Cardozo's observations reveal as much. In his view, an integrated education was desirable, but the new constitution would not require this and he expected that de facto segregation would prevail in most districts,

²²Charleston *News and Courier*, October 5, November 2, 5, 1883. For other examples of blacks riding first class in the 1880s see: Charleston *News and Courier*, June 30, 1880, April 14, 1882, September 13, 1886, July 6, 1887; *A.M.E. Christian Recorder*, April 20, 1882.

²³Alruthus A. Taylor, *The Negro in South Carolina During the Reconstruction*, (Washington, D.C.: Association for the Study of Negro Life and History, 1924), p. 86; R.K. Scott to _____, Bureau Form for Restoration, November 15, 1866, Assistant Commissioner Letters Received, FBP, SCDAH; Benjamin Quarles, *The Negro in the Civil War* (Boston: Little Brown & Co., 1969), p. 328; Charleston *Daily News*, June 4, 1866; Burchill R. Moore, "A History of the Negro Public Schools of Charleston, South Carolina 1867-1942" (M.A. Thesis, University of South Carolina, 1942), p. 8-9.



“Students such as those at Avery ‘would not like to go to a white school’ to be taught by less able and efficient teachers than those already available to them. The student body at Avery Institute was comprised of some of the most able scholars in the city. It maintained college preparatory and normal curricula and quickly gained an outstanding reputation in both black and white communities.” Illustration from *Harper’s Weekly*, November 1, 1879, from the collections of the South Carolina Historical Society.

including Charleston. This was partially because students such as those at Avery “would not like to go to a white school” to be taught by less able and efficient teachers than those already available to them. The student body at Avery Institute was comprised of some of the most able scholars in the city. It maintained college preparatory and normal curricula and quickly gained an outstanding reputation in both black and white communities. As an all black school it served as a forum for demonstrating the community’s educational attainments, commitment to the Protestant ethic, and its quest for moral improvement. Similar sentiments may explain why, in 1876, Samuel R. Cox, a black Republican school board commissioner, urged the creation of two adult evening schools, and specified one should be for blacks and controlled by black commissioners. The other would be reserved for whites and controlled by white school commissioners. This proposal was never acted upon by the school board. During Reconstruction black Charlestonians clearly were more interested in a quality education than in an integrated one. Given the relatively large number of schools in Charleston and the attitudes of both black and white communities, public education

was destined to be conducted on a segregated basis. In the 1879-1880 school year the city maintained four schools for whites and two for blacks.²⁴

OTHER MUNICIPAL INSTITUTIONS ALSO REMAINED FIRMLY segregated during Reconstruction. White paupers were supported in the Charleston Alms House while aged, infirm, or indigent blacks were cared for at the Ashley River Asylum. Orphaned children were also cared for in separate facilities. Whites were placed in the Charleston Orphan House and blacks resided in the Shaw Orphan Asylum, later renamed the State Orphan Asylum. During the 1870s black and white patients were generally kept in separate buildings in the city hospital. The one exception to the rule of segregation was the insane ward, which contained black and white inmates in adjacent rooms. The city also maintained separate cemeteries for the dead of each race.²⁵

Public parks stand out as the sole exception to segregation in municipal facilities during Reconstruction. White Point Garden and the adjacent East and South Bay Batteries, designated the exclusive preserve of whites by antebellum law, underwent a radical transformation after the war. During these years blacks began to frequent this semi-resort, often to the consternation of whites. One white resident noted that while blacks only infrequently visited the gardens on Saturday, "on Sunday afternoon they take complete possession of the Battery." Throughout the period black Charlestonians continued to patronize the Battery and the other public parks and squares in the city without restriction.²⁶

Republican influence led to the appointment of the first blacks to the

²⁴*Proceedings of the Constitutional Convention of South Carolina*, pp. 686-690, 889, 901-902; *Charleston Daily Republican*, September 24, 1869; Edmund L. Drago, *Initiative, Paternalism and Race Relations: Charleston's Avery Normal Institute* (Athens: University of Georgia Press, 1990), pp. 62-63; Minutes from the Commissioners of Free Schools, June 7, 1876, SCHS; *Charleston News and Courier*, September 2, 1880.

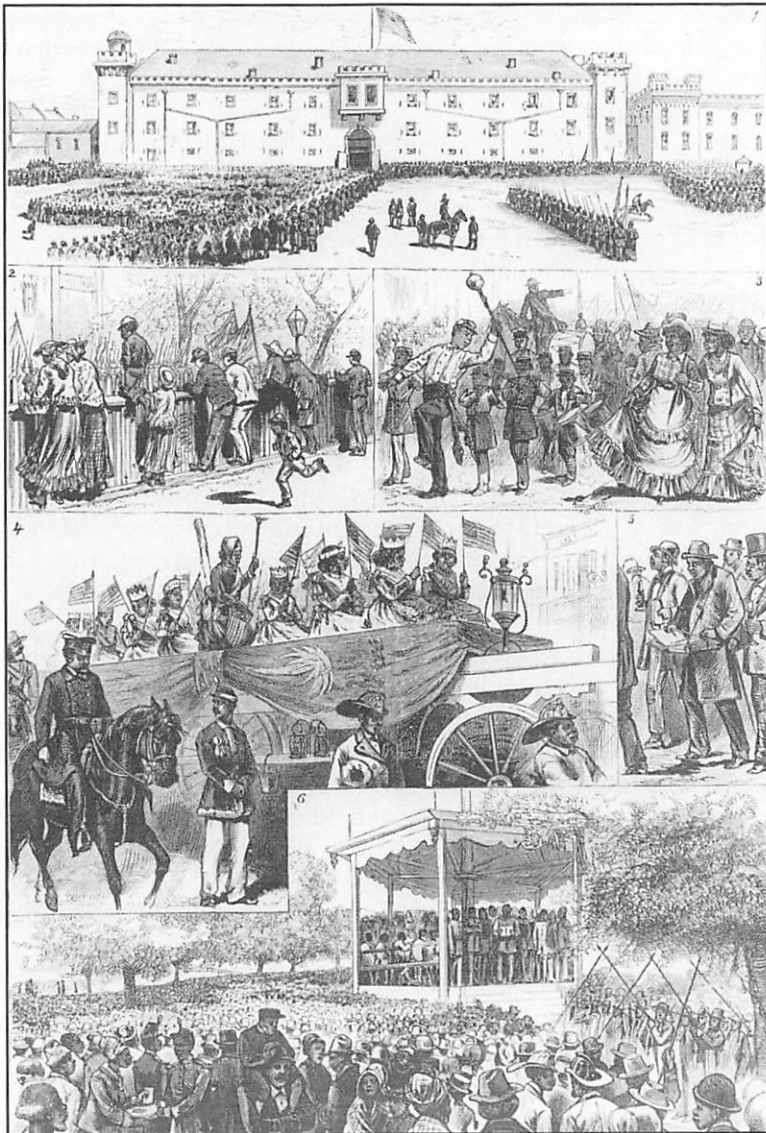
²⁵*Charleston Daily News*, January 27, 1869, October 26, 1870; Manuscript Census of 1880, City of Charleston; *Charleston Daily Courier*, December 18, 1868, February 7, 1873, June 24, 1877, September 2, 1880, July 7, 1882; Elizabeth Boorn to Rev. E. P. Smith, February 15, 1868, AMAP, SCDAH; Tindall, *South Carolina Negroes*, p. 278; U.S. Bureau of the Census, *Population of the United States in 1880 Compiled From the Tenth Census. Social Statistics of Cities* (Washington, D.C.: U.S. Government Printing Office, 1886), Pt. 2, Vol. 18, p. 101. Even the minimal degree of integration found at the City Hospital was eliminated when the facility was reorganized into racially exclusive wards by 1880.

²⁶*Digest of the Ordinances of the City Council of Charleston From the Year 1783 to October 1844 To Which are Annexed the Acts of the Legislature Which Relate Exclusively to the City of Charleston*, p. 24; J. Adger Smyth to Miss Sarah Annie Smyth Adger, n.d., Adger Smyth Flynn Family Letters, SCL; *Charleston Daily News*, November 2, 1866; *Charleston News and Courier*, August 14, 16, September 5, 1886.

police department in 1869. That year Republican Mayor Gilbert Pillsbury dismissed thirty Democratic policemen and filled the vacant positions with an equal number of black and white Republicans. The replacements created racial tensions which were further exacerbated when whites were placed under the authority of black supervisors. The latter was too much even for white Republican officers, who, according to the Democratic *Daily News*, "fumed and fretted" as they sent a delegation to the mayor requesting revocation of the appointments. Working relationships apparently developed on the police force and as late as 1878 one-third of Charleston's policemen were black.²⁷

The Charleston fire department utilized the services of slave and free black firemen during the antebellum and Civil War years. Several of the volunteer fire companies they established survived the war and were eventually joined by new companies created by the freedmen. Despite the efficiency of these men, their companies were only considered unofficial auxiliaries of the fire department. In 1867 and continuing early in 1868, black firemen unsuccessfully petitioned the Democratic-controlled city council for full admission to the fire department. With the advent of Republican government in Charleston, black firemen renewed their efforts to win admission. These initiatives were met with predictable outrage by the white community. Representing its sentiments, the editor of the *Daily News* caustically wrote that "the attempt to make the negro firemen the equal of the white firemen will, if persevered in, cause ill-feeling if not tumult and bloodshed" which would ultimately destroy "the white Fire Department." Such protests and dire predictions notwithstanding, by summer 1869 the cause of black firemen was taken up by white Republican alderman Thomas J. Mackey. At one city council meeting he denounced the blacks' exclusion and also the fact that they were only paid the same wages as antebellum slave firemen. As a solution Alderman Mackey proposed a council bill which would have incorporated the black companies into the department on an equal but segregated basis. Under the original proposal, separate black and white boards of firemasters would have been created to coordinate the companies of each race. Each board ultimately would have been responsible to a single fire chief. When the black fire chiefs learned of the Mackey bill, they requested the elimination of the racially exclusive boards. These provisions were eliminated and in August 1869 a coalition of black and white Republican aldermen passed the necessary legislation and black firemen were formally incorporated into the Charleston Fire Department. In early 1870 white firemen showed their displeasure with the new dispensation when they attempted to abandon the customary practice of having an annual parade followed by an inspection ceremony. Rather than

²⁷Charleston *Daily News*, October 13, 21, 1869; Charleston *News and Courier*, January 9, 1878.



"The celebration of Emancipation Day, January 8th," from *Frank Leslie's Illustrated Newspaper*, February 10, 1877. African Americans are seen "1) assembling on the Citadel Parade [at Marion Square], 2) Watching the procession, 3) The boy drum corps, 4) The Thirteen States [accompanied by black firemen], 5) The Union League, and 6) Reading the Emancipation Proclamation on the Battery." By the end of the century, blacks would be dramatically reduced in numbers in the fire department and forbidden entrance to the Battery.

Illustration courtesy of Special Collections, College of Charleston.

this, they decided to have an inspection only, to avoid the appearance of social equality in the department between firemen of both races. When their intentions became known, the city council instructed the mayor to order white firemen to participate in the customary parade or face dissolution of their companies. With no other recourse, the white fire companies complied. This annual parade, including firemen of both races, continued to be held throughout Reconstruction. During the period integrated fire companies were never created but the inclusion of blacks as an official part of the department was an important departure from antebellum racial practice.²⁸

WITH THE DEMISE OF RECONSTRUCTION AND THE APPROACH of the century's final years, the color line became more tightly drawn around Charleston's black community. In the later years, practices once considered routine were prohibited. As early as 1882 the fire department was reorganized from its volunteer basis into a smaller paid department. In the process, black firemen were forced to bear a disproportionate burden of the retrenchment, when all their units except one were eliminated. Likewise, blacks gradually were eliminated from the police department, such that by 1896 only five remained on the force.²⁹ Despite the fact that these few men constituted less than five percent of the department's manpower in 1896, all were dismissed from the force that year. The state civil-rights law was repealed in 1889, which invited further racial segregation and injustice. After many ill-fated attempts, legislation was finally passed in 1898 separating the races on railroads. First custom and by 1912 state law established "Jim Crow" on Charleston's street railway. According to one observer, by the turn of the century, even the Battery and other parks, once freely enjoyed, had become "forbidden places" from which blacks were excluded by the police.³⁰

Reconstruction was a period of transition in race relations. During this

²⁸*Charleston City Directory 1872-73* (Charleston, S.C.: Walker, Evans, Cogswell, 1872) pp. 302-304; Minutes of the Charleston Board of Firemasters, October 12, 1863, April 15, 1868, April 21, July 21, 1869, SCHS; *Charleston Daily Courier*, August 29, 1867, March 13, 28, 1868, July 22, August 10, 1869; *Charleston Daily News*, August 9, 25, 1869, April 23, 26, 1870, May 21, 1872.

²⁹*Charleston News and Courier*, April 29, 1878, January 18, 1879, January 7, 1881; Laylon W. Jordan, "Police and Politics: Charleston in the Gilded Age 1880-1900," *SCHM* 81 (January 1980), pp. 40, 46.

³⁰Tindall, *South Carolina Negroes*, pp. 300-301; William Archer, *Through Afro-America: An English Reading of the Race Problem* (London: Chapman and Hall, 1910; repr, Westport, Conn.: Negro Universities Press, 1970), pp. 170-176; I. A. Newby, *Black Carolinians: A History of Blacks in South Carolina from 1895 to 1968* (Columbia: University of South Carolina Press, 1973), p. 47; Mamie G. Fields with Karen Fields, *Lemon Swamp and other Places: A Carolina Memoir* (New York: The Free Press, 1983), pp. 52-53, 57-58, 64-65.

era, black Charlestonians expanded the boundaries of their newly won freedom through sustained and sometimes concerted action. They aggressively fought against entrenched racist attitudes and the most egregious forms of racial discrimination, as vestiges of slavery. The institutional growth of black Charleston and the expansion of its leadership group made this possible. Black politicians and their white counterparts institutionalized the demands of their constituents by passing civil-rights legislation. Successes here were translated into social realities, as blacks availed themselves of public facilities and situations from which they had historically been excluded. In most situations, full racial integration was neither the objective of black leaders nor of their white counterparts. Black Charlestonians and sympathetic white leaders were intent upon ensuring that African-American interests were accommodated, even if this could only be achieved realistically on the basis of de facto segregation. Even this in most cases represented a marked departure and significant advance over antebellum practice.³¹ Joel Williamson's study of South Carolina finds that during Reconstruction the color line "was breached only in minor ways." It is clear from the foregoing that this generalization does not adequately describe the Charleston experience. Important examples of racial integration exist for the period, although they were far from universal. Nevertheless, these and other examples suggest that in Reconstruction Charleston, as social patterns, racial segregation and exclusion were neither as pervasive, unyielding, or as entrenched as they would later become.³²

³¹In an important post-Civil War study, Howard Rabinowitz argues that change in urban race relations during Reconstruction must not only be measured against the segregation-integration dichotomy. Changing black-white relations must also consider that post-war de facto segregation usually replaced the antebellum exclusion of blacks from public facilities. See his *Race Relations in the Urban South 1865-1890* (New York: Oxford University Press, 1978), pp. 331-332.

³²Williamson, *After Slavery*, p. 298; George Frederickson, *White Supremacy: A Comparative Study in American and South African History* (New York: Oxford University Press, 1981), p. 261.

THE DEVALUATION OF THE VOTE: LEGISLATIVE APPORTIONMENT AND INEQUALITY IN SOUTH CAROLINA, 1890-1962

BRYANT SIMON*

If power is not immediately derived from the people in proportion to their numbers, we may make a paper confederacy, but that will be all.

—James Madison¹

“THE AMERICAN CONCEPTION OF POLITICAL EQUALITY,” United States Supreme Court Justice William O. Douglas asserted in 1963, “can mean only one thing—one person, one vote.” The logical extension of the principle of one person, one vote, he elaborated, is the idea of one vote, one value of representation. In other words, citizenship must entail not only the right to vote but the right to have each and every vote counted as a full vote. A system of representation that does not do this devalues the vote; in effect, it puts a check on suffrage and distorts democracy.²

The fact that for many years each and every resident of South Carolina did not receive equal representation is by no means surprising. Citizenship and thus representation in the state was for centuries determined by race and sex. Women did not vote until after World War I. All but a few African Americans, except for a promising, but stormy, democratic moment during Reconstruction, were denied the right to vote until the middle of the 1960s. Far less familiar, however, is how South Carolina’s political structure devalued the votes of the majority of the state’s white citizens, all the while inflating the value of a significant minority.

South Carolina’s system of political inequality was established by the state’s 1890 constitution. Pushing aside the qualms of a skeptical electorate, lawmakers approved a new constitution, written under the guidance of the quasi-Populist “Pitchfork” Ben Tillman, that for the most part

This article first appeared in *South Carolina Historical Magazine*, 97 (July 1996), 227-245. It appears here in its original form.

*Assistant professor of history, University of Georgia. J. Morgan Kousser provided much needed guidance and technical assistance with this essay.

¹Madison was quoted by U.S. Supreme Court Justice Hugo Black in his opinion on the reapportionment case, *Wesberry v. Saunders*, 376 U.S. 1 (1964). Black in turn is quoted by David O’Brien, *Constitutional Law and Politics: Struggles for Power and Accountability* (New York: Norton, 1991), p. 683.

²Douglas is quoted by O’Brien, *Constitutional Law and Politics*, p. 671. See also Gordon E. Baker, *The Reapportionment Revolution: Representation, Political Power, and the Supreme Court* (New York: Random House, 1966), pp. 14-15.