The South Carolina Constitution of 1895: An Introduction

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On September 10, 1895 a Constitutional Convention was convened in South Carolina. This convention marked the culmination of 10 years of effort by Benjamin Ryan Tillman to hold such a meeting to dismantle the Reconstruction Constitution adopted in 1868. That document, which had been the most democratic constitution ever in South Carolina, had been drawn up at a constitutional convention which consisted of 76 African Americans and 48 whites.1

The 1868 Constitution, South Carolina's sixth, included a 41 article Bill of Rights; enjoined the government to create and maintain a free public school system in which racial discrimination was not permitted; protected the property of home owners to $1,000 from seizure for debt; abolished property requirements for holding office and enlarged the electorate by providing for universal male suffrage. This document was submitted to the people for ratification and was approved by a vote of 70,758 to 27,288.2

The Reconstruction Constitution was to survive for only 18 years. From its adoption in 1868 until 1876, Republicans controlled South Carolina's state government. An Ohio native, Robert K. Scott, served two terms as governor from 1868-1872 while South Carolinian Franklin J. Moses, Jr., served one term. Massachusetts native Daniel H. Chamberlain, who was narrowly elected governor in 1874, was the last Republican to serve as chief executive until James Edwards was elected in 1974.

In addition to Republican domination, African Americans were important political actors during the Reconstruction era. When the new state legislature convened in 1868, 10 of the 31 senate members and 78 of the 124 house members were black.3 In addition, two African Americans served as Secretary of State, two were elected as Lieutentant Governor and one served as State Treasurer between 1868 and 1877.
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Native white Democratic rule gradually returned to South Carolina beginning with the election of 1876. In that year, former Confederate General Wade Hampton was elected governor. Hampton, who received an estimated 17,000 Black votes, represented the conservatives and attempted to follow a policy of protecting the rights of African Americans while maintaining white supremacy. In 1878, Hampton was appointed to the United States Senate and efforts to limit the impact of African American voters in South Carolina quickly followed. In 1882, the General Assembly enacted an eight box election law. This law required candidates for different offices to be listed on separate ballots and that each ballot be dropped in the appropriate box. The purpose was to limit black participation by imposing a type of literacy test. It marked the beginning of the end of the conservative-African American alliance in South Carolina and the emergence of the upcountry white farmers in the politics of the state.

The conservative domination was challenged by a Reform party of agriculture and labor groups led by Benjamin R. Tillman in the mid 1880s. Tillman organized the Farmer's Association and led the movement to change the state's political order. He attacked the "lawyers in the pay of finance," "the Columbia Club," the "polluted atmosphere" of the statehouse aristocrats in general and Charlestonians in particular. In 1890 he was elected governor and declared at his inauguration "whites have absolute control of the state government, and we intend at any and all hazards to retain it."

In 1894, Tillman was elected to the United States Senate. He also was successful, by a vote of 31,402 to 29,523, in getting the voters of the state to approve a constitutional convention. This convention was designed to eliminate the alliance between the conservative whites and the 120,000 potential African American voters in the state. The convention delegation consisted of 113 Tillman Reformers, 43 conservatives and six African Americans. The constitution drawn up at this convention firmly established white supremacy by eliminating any meaningful African American input into the political process. In addition, the document became the framework within which the political process in South Carolina has operated for the last 100 years. While numerous amendments have been enacted, the Constitution of 1895 remains the governing document of the state.
as it moves toward the twenty-first century.

This issue of the *Journal of Political Science* is a special issue in recognition of the centennial of this Constitution. It is designed to look at various institutions and groups in South Carolina to see how they have changed during the last 100 years.

The general framework used by contributors to this centennial issue is that of Daniel Elazar. Elazar argues that the political culture of the United States is composed of three subcultures introduced in different sections of the United States, the individualistic, the moralistic and the traditionalistic.

The individualistic political culture originated in the Middle Atlantic states and is seen by Elazar as emphasizing democracy as a marketplace where government serves a utilitarian purpose. In this system the role of government is to provide for those functions which are demanded by the people it is created to serve.²

In contrast, the moralistic political culture envisions politics as a way of creating the good society. Government is an institution which has a positive role to play in the lives of its citizens and hence it has an activist role. This commonwealth concept originated in the New England states.

The southern states are seen by Elazar as the region in which the traditionalistic political culture is rooted. Some of the characteristics of the traditionalistic political culture include: an acceptance of a substantially hierarchial society as part of the ordered nature of things; there is a governmental system that tries to maintain the existing social order; real political power is in the hands of a relatively small self-perpetuating elite, either as a loose one party political system or as a no party system; there is limited political participation; and there is a political system which emphasizes a fine web of social relationships.³ Elazar points out that from its earliest years down to the present, changes have basically occurred within this traditionalistic framework in South Carolina. While the state has begun a climb back economically toward the position it occupied before the Civil War, he argues that the state has never reassumed its intellectual leadership. "The sum and substance of all this is that within the American Union, South Carolina does indeed march to a different drummer, one whose drum beats are not applauded,"⁹ Elazar
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concludes.

One characteristic of traditionalistic political cultures is a large number of constitutions with provisions which have been overturned by the U.S. Supreme Court. Indeed, South Carolina has had seven constitutions. The current constitution, which went into effect on January 1, 1896, is an estimated 22,500 words long and has 463 amendments. In his article "The Evolving South Carolina Constitution" C. Blease Graham examines the constitutional history of South Carolina as well as some of the major changes to the 1895 document.

Daniel Elazar argues that political parties are not important in traditionalistic political cultures because they encourage a degree of openness which goes against the grain of an elitist political order. Political leaders, he argues, play conservative and custodial roles rather than initiatory roles unless pressed strongly from the outside. Robert Steed, Laurence Moreland and Tod Baker examine how political parties have evolved in South Carolina in their article "Electoral and Party Development in South Carolina" and illustrate how the contemporary party system breaks with the concept of the traditionalistic political culture.

Daniel Elazar notes that in a traditionalistic political culture those who do not have a definite role to play in politics are not expected to be minimally active as citizens and, in many cases, they are not even expected to vote. One major purpose of the 1895 constitution was to exclude African Americans, who made up 58 percent of the state's population, from the political arena. This was accomplished through provisions on property ownership as well as a literacy test. In their essay "African Americans in South Carolina Politics," Carol and Robert Botsch examine the role of African Americans in South Carolina as they move from the role of object of politics to participants in the political process.

Nonparticipation in the electoral area also characterized the status of women in South Carolina in 1895. Women's suffrage was an issue which was debated at the Constitutional Convention. The Columbia State argued in favor of women's suffrage asserting that it would have a civilizing effect on the electoral process. Proponents also argued that giving women the right to vote would elevate the moral

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level of politics. But despite petitions from 17 Lexington County males and 40 Barnwell County women, the Convention delegates voted 26 in favor and 121 against women’s suffrage. Following the vote, a Charleston News and Courier byline informed its readers: "White men will rule and they will not drag their women into the mire either." Thus as some suffragists had noted, the delegates had chosen to classify women in the same category as idiots and the insane.

Lynne Ford’s article "Women in South Carolina Politics" reviews the slow progress women have made in the state since 1895, illustrating how the South and South Carolina have lagged behind the rest of the United States in the inclusion of women in the political process.

In the 1890s, the planter class in the lowcountry and the textile executives in the upcountry represented the economic leaders of the state. The established order described by V. O. Key in 1949 included businessmen, bankers, lawyers and planters, many from less populous counties of the state. These individuals had a large stake in the established order and the maintenance of the status quo. William DeSoto examines the contemporary environment for interest group activity in his article "Interest Groups in South Carolina." Based on interviews with a variety of legislators and interest group representatives, DeSoto argues that interest group activity is dominated by business groups today and a pluralistic model has not yet developed in the state.

The delegates to the 1895 Constitutional Convention relied on an old political tradition in South Carolina, legislative dominance. They felt a legislature, with its numerous personalities and conflicting interests, had built in checks on the abuse of power which made it a safer place for power to reside than in the hands of a single individual. "Legislative Government" is how V. O. Key described South Carolina politics in 1949. Much has changed since that time. Charles Dunn examines this change in "Gatekeepers of a Changing Culture: The General Assembly of South Carolina." He concludes his examination of this institution with a calibration of South Carolina’s political culture today and how it relates to the General Assembly.

Legislative dominance resulted in a weak governor under the 1895 Constitution. An overly powerful executive was feared more in South Carolina than was the lack of central direction that the absence
of such an executive might cause is how Susan Bowler and Frank Petrusak describe the situation. The weakness of the state’s chief led V. O. Key to assert in 1949 that “there’s nothing to it except the honor” and “no other southern state has a tradition (or a legislative personnel) so fitted for transition into a responsible cabinet government.” Luther Fred Carter has a unique perspective from which to examine the changing status of the government. Carter, a political scientist by training, was senior assistant for finance and administration to Governor Carroll Campbell and is presently Executive Director of the South Carolina Budget and Control Board. In his article "The Transformation of Gubernatorial Power and Privilege in South Carolina," Carter assesses the changing power of the governor and how this has occurred.

The Constitution of 1895 gave the General Assembly the power to appoint judges and the power over establishing policy for the state’s courts. Much has changed in South Carolina’s judicial system, especially over the last 25 years. In his article, "South Carolina’s Judicial System: Reform in a Traditionalistic Setting," Steven Hays outlines and analyzes the state’s judicial system and concludes that judicial reform is incomplete and characteristics of a traditionalistic political culture remain intact despite the substantive changes which have occurred.

The South Carolina tradition of legislative control of local government, as old as colonial times, was continued in the Constitution of 1895 by default. The document did not provide for locally elected county governing bodies; therefore, the legislative delegation from each county became the county governing board and a special local government session was reserved for the end of each legislature session to pass a budget, or supply bill, for each county. A constitutional change on local government, Article VIII, brought some degree of Home Rule to the state; however, the General Assembly has been reluctant to allow local governments too much autonomy. In "Intergovernmental Relations in South Carolina," Glen Broach examines the relationship between state and local governments in South Carolina and discusses how it reflects the political culture of the state today.
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In conclusion these articles collectively analyze the changes which have occurred in South Carolina in the twentieth century. While Daniel Elazar states that "South Carolina may well be the most traditionalistic state in the Union,"22 much has changed since the present South Carolina Constitution was adopted in 1895.
Endnotes


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14. Ibid.


17. Key, Southern Politics in State and Nation, p. 150.


20. Ibid.


22. Ibid., p. xxx.