

The African American Rhetoric of the 1895 South Carolina Constitutional Convention and the Limits of Deliberative Rhetoric of Equality

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In August 2018, an inebriated driver arrested in Beaufort County, South Carolina, argued that she shouldn't be jailed because of her status as a "very clean, thoroughbred, white girl." When asked to clarify her point, she countered, "You're a cop, you should know what that means... You should know based on the people that come in this room." Assessing her argument, an officer noted, "Making statements such as these as a means to justify not being arrested are unusual in my experience as a law enforcement officer and I believe further demonstrate the suspect's level of intoxication."¹ The officer's conclusion is warranted—the woman's argument indicates insobriety—yet such rhetoric does not flow from the bottle *ex nihilo*. The White supremacy underlying her plea, a doctrine predicated on notions of racial purity prescribing preference for Whites in all aspects of society on the grounds of intellectual, moral, and physical superiority, dates back to the founding of the North American colonies and lives on—both in the open and in shadow—in South Carolina, the South, and the nation. When arrayed against such insular belief, deliberative arguments for racial equality that seem to be compelling in the abstract hold little sway in practice. In this particular case, the rhetor espousing White supremacy lacked the power (legal, spiritual, political, economic, or otherwise) to resist arrest or impede others' rights. But when a person, political party, or movement wields sufficient force, a strong rhetoric of equality can be summarily neutralized.

In the tradition of recovery scholarship, this essay features the underexamined oratory of six South Carolina's post-Reconstruction African Americans, an accomplished civil rights rhetoric that suffered such neutralization. In defense of African American suffrage, the Black delegates to the 1895 South Carolina Constitutional Convention—Thomas Ezekiel Miller, William James Whipper, Robert Smalls, James Wigg, Isaiah Randall Reed, and Robert B. Anderson—employ a skillful rhetorical dialectic, on the one hand identifying with White delegates and, on the other hand challenging them through critique and by firmly asserting the moral superiority of the African American position. In addition, drawing on Bradford Vivian's concept of "public forgetting," I show how the six delegates' challenge White collective memory of Southern history—what is celebrated and what is deliberately pushed aside—for the purpose of protecting African American civil rights.

Furthermore, I discuss how the failure of these able orators to move their fellow White delegates to support the Black franchise, which brings to light the enduring power of White supremacy and the Southern narrative of the Lost Cause, elucidates the limits of deliberative rhetoric, particularly the discourse of those marginalized by ideologically extreme opposition. Finally, I reflect on the twenty-first-century legacy of White supremacy that continues to challenge the rhetoric of racial equality practiced by the spiritual descendants of the six African American delegates. First, though, I will introduce these rhetors, as well as the context in which they spoke.

¹ Jeff Martin, "Woman tells police she's a 'clean, thoroughbred, white girl,'" *Associated Press*, 8 August 2018, apnews.com.

The African American Delegates to the South Carolina Constitutional Convention of 1895

The 1895 South Carolina Constitutional Convention, held in Columbia, the state capital, began September 10 and concluded December 4 with the adoption of a new state constitution. It comprised 160 delegates: 154 White Democrats and 6 African American Republicans. Although many issues were debated at the convention, the elimination of the Black franchise was the White majority's principal concern.² Five of the six African American delegates represented Beaufort County, the sixth delegate nearby Georgetown County.³ Miller (1849–1938), a native of the Sea Islands, was born of free parents and attended African American schools in Charleston. He graduated from Lincoln University in Pennsylvania and studied law at South Carolina College (now the University of South Carolina). In addition to practicing law, he served as a school commissioner for Beaufort County and was elected to the State Legislature and the U.S. Congress. Miller was the first president of the Colored Normal, Industrial, Agricultural, and Mechanical College of South Carolina at Orangeburg (now known as South Carolina State University). Whipper (1834–1907), nephew of noted abolitionist William Whipper, was born in Pennsylvania. He studied law in Detroit and served in the Union army in the Civil War. During Reconstruction, he moved to South Carolina, where he built a formidable legal practice. Whipper was a delegate in South Carolina's 1868 Constitutional Convention and served in the state's House of Representatives. He was also a brigadier general in South Carolina's militia, a newspaper publisher, and a judge in Beaufort.

Unlike Miller and Whipper, Smalls (1839–1915) was born into slavery in Beaufort County. He learned to sail and became the wheelman of the *Planter*, a local cargo ship serving the Confederacy. In 1862, while the White officers of the steamer were ashore, Smalls and a slave crew sailed the vessel out to sea, where he surrendered to the Union naval blockade. Later, he served in the Union navy, eventually as captain of the *Planter*. After the war, he was elected to the State Legislature and the U.S. Congress, and like Whipper, he participated in the 1868 South Carolina Constitutional Convention. Largely self-taught, Smalls was popular with his Sea Island constituents, with whom he spoke Gullah, and became known as the “King of Beaufort County.” The local lore was that he was worshiped on nearly the same level as Jesus Christ. Smalls was a successful newspaper publisher and served as the collector of the port of Beaufort.

² Michael Perman, *Struggle for Mastery: Disenfranchisement in the South, 1888–1908* (Chapel Hill, N.C.: University of North Carolina Press, 2001), 100.

³ The following biographical sketches draw from Luis-Alejandro Dinnella-Borrego, *The Risen Phoenix: Black Politics in the Post-Civil War South* (Charlottesville, Va.: University of Virginia Press, 2016); George Brown Tindall, *South Carolina Negroes: 1877–1900* (Baton Rouge, La.: Louisiana State University Press, 1966); Eric Foner, *Freedom's Lawmakers: A Directory of Black Officeholders during Reconstruction* (Baton Rouge, La.: Louisiana State University Press, 1996); Philip Dray, *Capitol Men: The Epic Story of Reconstruction through the Lives of the First Black Congressmen* (Boston, Mass.: Houghton Mifflin, 2008); Akiko Ochiai, *Harvesting Freedom: African American Agrarianism in Civil War Era South Carolina* (Westport, Conn.: Praeger, 2004); Okon Edet Uya, *From Slavery to Public Service: Robert Smalls, 1839–1915* (New York, N.Y.: Oxford University Press, 1971); Andrew Billingsley, *Yearning to Breathe Free: Robert Smalls of South Carolina and His Families* (Columbia, S.C.: University of South Carolina Press, 2007); Edward A Miller, Jr., *Gullah Statesman: Robert Smalls from Slavery to Congress, 1839–1915* (Columbia, S.C.: University of South Carolina Press, 1995); Lawrence S. Rowland and Stephen R. Wise, *Bridging the Sea Islands' Past and Present, 1893–2006: The History of Beaufort County, South Carolina*, vol. 3 (Columbia, S.C.: University of South Carolina Press, 2015); Stephen Middleton, ed., *Black Congressmen during Reconstruction: A Documentary Sourcebook* (Westport, Conn.: Greenwood Press, 2002); W. Lewis Burke, Jr., “The Radical Law School: The University of South Carolina School of Law and Its African American Graduates, 1873–1877,” in *At Freedom's Door: African American Founding Fathers and Lawyers in Reconstruction South Carolina*, James Lowell Underwood and W. Lewis Burke, eds. (Columbia, S.C.: University of South Carolina Press 2000), 90–115.

Less is known of the other three. Born a slave in the Sea Islands, Wigg worked during the Civil War as a waiter for the occupying Union army and caught the notice of a general, who later saw to his education in Washington, D.C. He became a prosperous farmer and served both as a school commissioner and in the State Legislature. Reed was a Beaufort attorney who helped manage the *Beaufort New South*, an African American newspaper. Anderson was a teacher who served as town warden and postmaster and as a state legislator.

It is important to note that Miller, Whipper, Smalls, and their fellow Black delegates extend, rather than originate, the deliberative efforts of African Americans to defend the rights granted by the 13th, 14th, and 15th amendments. This broad, multifaceted rhetorical campaign is sagely launched by none other than Frederick Douglass, who in 1865 urged the American Anti-Slavery Society not to disband, but continue its greater work, since constitutional amendments in and of themselves would not protect African Americans from discriminatory laws and practices. “Slavery is not abolished until the black man has the ballot,” he insightfully declares. “While the Legislatures of the South retain the right to pass laws making any discrimination between black and white, slavery still lives there.” Providing a specific example of racial discrimination present in the same Southern state featured in this essay, Douglass reveals, “There is something down in South Carolina higher than Constitutional provisions.” Having rehearsed the “many names” slavery has been given, Douglass offers his final warning, which foreshadows the work of the African American delegation to the South Carolina convention thirty years later: “You and I and all of us had better wait and see what new form this old monster will assume, in what new skin this old snake will come forth next.”⁴

Occupying the stage set by Douglass in his 1865 speech, many African Americans, both at the state and national levels, participated eloquently in civil rights deliberation during Reconstruction, striving both to enhance existing rights in some cases while seeking to protect them from destruction in others. For example, Robert Elliot, Joseph Rainey, Richard Cain, and Alonzo Ransier, who represented South Carolina in the U.S. Congress, together with Representatives John R. Lynch (Mississippi), James Rapier (Alabama), and Josiah Walls (Florida), applied their eloquence to help pass the 1875 Civil Act. Although the legislation was struck down by the Supreme Court in 1883, its passage demonstrated the significant presence of Black deliberative rhetoric at the national level. Correspondingly, activists such as Massachusetts House of Representatives member Julius C. Chappelle successfully advocated for state legislation that banned racial discrimination in places of public amusement, transport, and public meetings in 1885. These postbellum figures model the rhetorical practice adopted by the African American delegation to the 1895 South Carolina Constitutional Convention.⁵

⁴ Frederick Douglass, “In What New Skin Will the Old Snake Come Forth?” in John W. Blassingame et al, ed., *The Frederick Douglass Papers*, Series 1: *Speeches, Debates, and Interviews*, 5 vols. (New Haven, Conn.: Yale University Press, 1979-91), 4:83, 85.

⁵ For further discussion of the Reconstruction African American deliberative rhetoric that precedes the arguments featured in this study, see Justin Behrend, “Facts, Memories, and History: John R. Lynch and the Memory of Reconstruction in the Age of Jim Crow,” in *Remembering Reconstruction: Struggles Over the Meaning of America’s Most Turbulent Era*, Carole Emberton and Bruce E. Baker, eds. (Baton Rouge, La.: Louisiana State University Press, 2017), 84–108; Millington W. Bergeson-Lockwood, “‘We Do Not Care Particularly About the Skating Rinks’: African American Challenges to Racial Discrimination in Places of Public Amusement in Nineteenth-Century Boston, Massachusetts,” *The Journal of the Civil War Era* 5, no. 2 (2015), 254–88; Dinnella-Borrego, *The Risen Phoenix*; Alan Friedlander and Richard A. Gerber, *Welcoming Ruin: The Civil Rights Act of 1875* (Boston: Brill, 2019); Kirt H. Wilson, *The Reconstruction Desegregation Debate: The Politics of Equality and the Rhetoric of Place, 1870–1875* (East Lansing, Mich.: Michigan State University Press, 2002).

The African American Delegation's Dialectical Rhetoric

Andrew Billingsley concludes that the African American delegates at the 1895 convention “demonstrated a mastery of rhetorical and forensic skills as well as constitutional history, illustrating the important lesson that excellence in rhetoric, persuasion, and deportment knows no race, creed, or previous condition of servitude.”⁶ Other scholars, as well, have noted this rhetoric but have not explored its characteristics in detail.⁷ I focus on these Black rhetors’ dual efforts to relate to their White audience through cultural accommodation and appropriation (aligning with White South Carolinian and American values and drawing on the *topoi* of White culture) but also challenging the dominant culture through critique, refuting racist arguments, suggesting moral superiority, and seeking to collectively forget the myth of the Lost Cause.⁸ This dialectic of identification and challenge, which characterizes the delegation’s discourse as a whole, resonates with the rhetoric of prominent Reconstruction-era Black rhetors, including those who blazed the trail traveled by the South Carolina delegates in 1895.⁹ Their approach demonstrates the resourcefulness and alacrity to engage rhetorically in civic controversy characteristic of African American rhetors. As Keith Gilyard and Adam J. Banks, who emphasize “the African-American investment in strategic language,” note, “African Americans generally understand rhetorical and/or literate practices to be competitive arenas and have been more disposed to participate in them enthusiastically than to ruminate philosophically about the inadequacy of verbal forms.”¹⁰

Alignment with White South Carolinian and American Values

To create common ground with South Carolina’s White delegates, the six African American orators articulate their devotion to state and country. Miller begins his principal convention speech by characterizing himself as a person “who yields to no man in respect for the laws of the United States and South Carolina” and “who loves the past history of our nation and the dear old State.” He also describes himself “as one who has never by word or vote committed an act that in any way tended to destroy the rights of any citizen, white or black,” then extends his devotion to country and the rule of law to all African Americans, who have “love and affection for the government” and have “borne our part in every struggle,” “answered every call,” and “proven to the world that we are conservative in thought and action, lovable toward our oppressor, living

⁶ Billingsley, *Yearning to Breathe Free*, 179.

⁷ See, for example, Tindall, *South Carolina Negroes*, 83–87, 298–99; Uya, *From Slavery to Public Service*, 142–48; W. E. Burghardt Du Bois, *The Gift of Black Folk: The Negroes in the Making of America* (New York, N.Y.: Johnson Reprint Corporation, 1968), 243–48; Asa H. Gordon, *Sketches of Negro Life and History in South Carolina*, 2nd ed. (Columbia, S.C.: University of South Carolina Press, 1971), 65–68; Walter Edgar, *South Carolina: A History* (Columbia, S.C.: University of South Carolina Press, 1998), 445; Edward Miller, *Gullah Statesman*, 206–14; Rowland and Wise, *Bridging the Sea Islands’ Past and Present*, 76–79; Perman, *Struggle for Mastery*, 112–14; Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (New York, N.Y.: Bobbs-Merrill, 1964), 404–05; Dinnella-Borrego, *The Risen Phoenix*, 186–92; Damon L. Fordham, *Voices of Black South Carolina: Legend and Legacy* (Charleston, S.C.: History Press, 2009), 71–87; August Meier, *Negro Thought in America, 1880–1915: Racial Ideologies in the Age of Booker T. Washington* (Ann Arbor, Mich.: University of Michigan Press, 1988), 39–40.

⁸ The perils and potential of cultural appropriation and accommodation in nineteenth-century African American rhetoric are engaged by Wilson in “The Racial Politics of Imitation in the Nineteenth Century,” *Quarterly Journal of Speech* 89, no. 2 (2003), 89–108.

⁹ In a number of respects, this dialectic aligns with Meier’s dichotomy of “accommodation” and “protest” (*Negro Thought in America*, 69–82).

¹⁰ Keith Gilyard and Adam J. Banks, *On African-American Rhetoric* (New York, N.Y.: Routledge, 2018), 15.

under and by the laws at all times.”¹¹ He appeals to “the spirits of departed patriots, who have shed their blood for the equal rights of man on this soil,” requesting that they “bear witness of our condition and in some way hover over us to guide us to the right.”¹² Aligning with Booker T. Washington’s accommodating Atlanta Exposition Address a month earlier, Miller reveals, “The negroes do not want to dominate. They do not want and would not have social equality.”¹³ He goes so far as to declare, “The negro will never by any act of his seek to destroy white supremacy.”¹⁴ Smalls sounds similar notes, declaring, “I was born and raised in South Carolina, and today I live on the very spot on which I was born...I love the State as much as any member of this convention, because it is the garden spot of the south.”¹⁵

In addition to appealing to general American values and echoing the accommodationist language of Washington, Miller focuses on the importance of protecting the Constitutional rights of White voters, declaring that his subject is “the proposed disfranchisement of the common people of South Carolina, white and black,” who will lose the vote under the literacy and monetary requirements the White majority proposes. He wishes “to see every male citizen, and woman, too, who is not disqualified on account of crime or mental condition, the equal of every other citizen in the enjoyment of inalienable rights, the chief of which is to have a voice in the government.” Eschewing narrow partisan alignment with his own racial constituency, Miller appeals directly to his White audience’s interests: “the conservative force in our State is the common people, the burden-bearing people, and, sir, when you say that \$300 and the capacity to read and write are the requirements to be possessed by voters, you are striking at the root of the tree of universal government.”¹⁶

Miller reiterates this point throughout his oratory, stressing that the proposed changes to voting laws—even though motivated by a desire to deny African Americans the vote—will severely handicap the White race. Positing an advocate of “white supremacy” who writes “fulsomely” in the press of the privilege due his race, Miller sympathetically sketches the harm he will experience: “There is no hope for him, though he wields an eloquent pen, if he is poor. His forefathers may have come here, and, like the negro, spilt his blood, shed his tear, and toiled to plant this magnificent tree of liberty, but if this monstrosity becomes law, there is no hope for him but to toil, grovel in poverty, because for the want of \$300. Though an educated Caucasian, he is no better off than his ignorant brother in black skin.”¹⁷

¹¹ Obviously, Miller’s description of the benevolent African American character elides the slave revolts and conspiracies that occurred in the antebellum South, incidents central to White memory.

¹² “Now on the Suffrage. The Convention at Last Takes Up the Vitally Important Problem. Negro Members Speak. Miller and Wigg Both Make Strong Speeches Before the Convention,” *Columbia (S.C.) State*, 26 October 1895, 2. There are no authoritative texts of the speeches of the African American delegation to the 1895 South Carolina Constitutional Convention. The official account of the event, the *Journal of the Constitutional Convention of the State of South Carolina* (Columbia, S.C.: Charles A. Calvo, Jr., 1895), records very few of the orations delivered there. Thus, I have relied on contemporary newspaper reporting, as well as Sarah V. Smalls’s *Speeches at the Constitutional Convention, by Gen. Robt. Smalls. With the Right of Suffrage Passed by the Constitutional Convention* (Charleston, S.C: Enquirer Print, 1896) and Mary J. Miller’s *The Suffrage: Speeches by Negroes in the Constitutional Convention. The Part Taken by Colored Orators in Their Fight for a Fair and Impartial Ballot* (n.p., n.d.).

¹³ “Now on the Suffrage,” 5. See Booker T. Washington, “Atlanta Exposition Address,” in *The Will of a People: A Critical Anthology of Great African American Speeches*, Richard W. Leeman and Bernard K. Duffy, eds. (Carbondale, Ill.: Southern Illinois University Press, 2012), 187.

¹⁴ “Now on the Suffrage,” 3. August Meier’s description of Miller’s tone at the convention as “obsequious” aligns with such passages (*Negro Thought in America*, 249).

¹⁵ “Smalls and Whipper. Voices from the Past Raised in the Constitutional Convention,” *State*, 27 October 1895, 2.

¹⁶ “Now on the Suffrage,” 2.

¹⁷ “Now on the Suffrage,” 2.

In a related pitch to his White audience's interests, Smalls argues that African American South Carolinians, who tend the cotton and rice fields and provide labor in the phosphate mines essential to the state's economic well-being ("No one but a negro can work them"), should be granted suffrage so that they will not emigrate in search of civil rights.¹⁸ Similarly, Whipper argues, "You have work for the negroes to do...Utilize your uncultivated fields. You need the negroes; their toil and their energy."¹⁹ Smalls's proposed amendment to the draft constitution concerning anti-miscegenation, discussed below, was highly confrontational. Nonetheless, his prefatory declaration that "there is not a colored man or woman of any respectability, not only in South Carolina, but in the whole country, that does not oppose the intermarriage of the races" is clearly accommodationist, particularly since African Americans such as Frederick Douglass and Timothy Thomas Fortune endorsed the practice.²⁰

Reed links his case for African American suffrage to Southern icon Patrick Henry. "Of all the early American citizens and statesmen," he declares, "no one had a keener sensitiveness to the buoyance and enlightening influence of [liberty] and the humiliation and degradation of [slavery] than Patrick Henry, when, for the slavery made by the power of the mother country, he uttered those memorable and laconic words, 'give me liberty or give me death.'" He reminds his White audience of how "this love of liberty" informed the Preamble to the U.S. Constitution, a document that—he notes—was signed by the delegates from the State of South Carolina.²¹ Anderson inventively appeals to his White audience's heritage—declaring his "faith in the fairness and integrity of the Anglo-Saxons of South Carolina, the descendants of an illustrious and noble ancestry, the scions of the Huguenot fathers and the landed gentry of old England, a people who represent the best and highest type of American and Christian civilization"—to resist their plan to annihilate the rights of a class of people because "the hue of their skin and the texture of their hair are unlike their own." Seeking to link the African American franchise to political stability and security for Whites, Anderson notes, "We are aware that a good citizen is a standing safeguard and constant surety for the preservation of the peace and good order of the State and country."²²

¹⁸ "Smalls and Whipper," 2. While making the case that African American emigration would hurt white South Carolinians' interests, Smalls contributes to the national debate among Blacks concerning mass emigration from the South. In contrast with leaders such as John Mercer Langston, who advocated for relocation in Kansas ("The Exodus," in *Freedom and Citizenship: Selected Lectures and Address* (Miami, Fla.: Mnemosyne Publishing, 1969), 232–58), and Timothy Thomas Fortune, who recommended establishing "a bureau of immigration" to diffuse the Southern African American population throughout the nation ("Afro-American League Convention Speech," in *T. Thomas Fortune, the Afro-American Agitator: A Collection of Writings, 1880–1928*, Shawn Leigh Alexander, ed. (Gainesville, Fla.: University Press of Florida, 2008), 145), others such as Frederick Douglass and Blanche K. Bruce opposed mass relocation ("The Negro Exodus from the Gulf States," in Blassingame, *Douglass Papers*, 4: 510–33; Dray, *Capitol Men*, 294–96). Here and elsewhere, Smalls aligns with the latter group.

¹⁹ "Smalls and Whipper," 2.

²⁰ Sarah Smalls, *Speeches at the Constitutional Convention*, 16. Miller expresses a view on interracial marriage similar to Smalls's, although Wigg takes the opposite position ("Recess! To be Taken from Adjournment of Convention Today Until Oct 15," *State*, 4 October 1895, 2). See Douglass, "The Future of the Colored Race," *North American Review*, 142, no. 354 (1886), 437–40; Fortune, "Whose Problem Is This?" in *T. Thomas Fortune*, 225–26; Dinnella-Borrego, *The Risen Phoenix*, 189.

²¹ "Woman's Suffrage. The Issue Presented Squarely to the Constitutional Convention," *State*, 29 October 1895, 2.

²² "Woman's Suffrage," 1. This argument for Black suffrage contributing to law and order is not dissimilar to Ida B. Wells's assertion that fighting lynch law helps preserve "distinctive American institutions" and "the foundation of government" ("Lynch Law in All Its Phrases," *The Will of a People*, 158).

Referencing the *Topoi* of White Culture

The Black convention delegates frequently feature cultural knowledge valued by White audiences. Miller approaches the voting issue “with malice towards none,” a clear reference to Lincoln’s second inaugural address evoking the martyred president’s plea for unity. In addition, he cites Marc Antony’s famous eulogy from Shakespeare’s *Julius Caesar*: “the evil one does lives after him—the good is oft interred with his bones.”²³ Wigg, as well, references White cultural touchstones, including his witty characterization of Edgeworth Delegate Benjamin Tillman as Don Quixote, “crusad[ing] for white supremacy, seconded by the delegate from Aiken, as his faithful Sancho Panza.” Also notable is his suggestion that the White convention delegates, with their willingness to eliminate voting rights for Whites and African Americans in order to undermine the Black vote, act the part of Samson in the Old Testament story of self-destruction, as well as his references to the Magna Charta (which echo Miller’s, discussed below), *Paradise Lost*, and Lincoln’s Gettysburg Address.²⁴ Anderson cites Shakespeare’s *Henry VI, Part 2* and Church Father Tertullian (“The blood of the martyrs is the seed of the church”), closing his speech with allusions to the Gettysburg Address and Oliver Wendell Holmes’s “Army Hymn.”²⁵

Particularly significant is Whipper’s activation of the *topos* of the faithful plantation slave. Hoping to convince White delegates that they should maintain African American suffrage to repay their wartime debt to the Black population, Whipper recalls, “There was the horny-handed laborer of the Confederacy, remaining at home caring for the family of the master, working the planation, discharging every duty, protecting those who were dear to the men who were fighting the battles of the Confederacy.” Whipper’s reference to the dedicated slave—a character type Douglass also enlists to demonstrate the sustained rectitude of African Americans—artfully draws on the mythic race relations of the antebellum South to craft a progressive post-Reconstruction argument about the Black franchise.²⁶

Assertive Critique and Refutation

To effect their rhetorical dialectic, the African American delegates complement accommodation and appropriation with refutation and critique. A master of prolepsis, Miller confronts Tillman’s scheme for limiting suffrage by reading into the record and then explicating a newspaper article the White supremacist had recently published. Through this process, he clarifies that although the proposal appears equitable because it officially forbids all illiterate men—White or Black—from voting, it leaves the question of who qualifies as literate to the discretion of White officials, which means that the approach, although ostensibly color blind, will be racially

²³ “Now on the Suffrage,” 2; Mary Miller, *The Suffrage*, 13.

²⁴ “Now on the Suffrage,” 5.

²⁵ “Woman’s Suffrage,” 1, 2. In a few passages, the effort to identify with their white audience induces members of the African American delegation to scapegoat other marginalized peoples—Native Americans, Chinese immigrants, white strikers, and anarchists (Mary Miller, *The Suffrage*, 22). This strategy differentiates members of the African American delegation from figures such as Douglass and Bruce, who viewed such groups more sympathetically (see Douglass, “Our Composite Nationality,” in *The Speeches of Frederick Douglass*, John R. McKivigan, Julie Husband, and Heather L. Kaufman, eds. (New Haven, Conn.: Yale University Press, 2018), 279–303; Douglass, “A Reform Absolutely Complete,” in Blassingame, *Douglass Papers*, 4: 264–65; Dray, *Capitol Men*, 281.

²⁶ “Smalls and Whipper,” 1; Douglass, “Lessons of the Hour,” in *The Speeches of Frederick Douglass*, 467. For discussion of the faithful slave *topos* of the Lost Cause, see David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, Mass.: Belknap Press, 2001), 260, 274, 284–91.

restrictive. Tillman, to support his argument concerning official policy and actual administration of suffrage, specifically references Mississippi's racist law, which reduced the number of all voters, but particularly African American voters.²⁷ Artfully employing hypophora, Miller addresses the contention that African American suffrage undermines Whites' way of life: "Why do they say that the negro must be disfranchised? Is it because he is riotous in the discharge of the right of suffrage? No! Is it because he is lawless? No!" In this way, he emphasizes that African Americans are no threat to continued White supremacy, declaring that White leadership "flaunts into the face of the American nation, the false flag of the fear of negro domination."²⁸ While refuting Tillman's claim that a history of dishonest South Carolinian Republican politicians disqualifies African Americans from participating in voting and political life, Miller compares the election of "that arch scoundrel" Thomas J. Mackey, a notorious White Republican South Carolinian judge, to that of New York Democrat William Magear Tweed. If the election of the latter figure does not disqualify White voters, he reasons, then the same must be true for the occasional corrupt politician supported by African Americans.²⁹

Like Miller, Wigg directly confronts the notion that the franchise and other basic rights for African Americans constitute a zero-sum game endangering White political and cultural dominance: "The doctrine so persistently taught that the interests of the negro and the Anglo-Saxon are so opposed as to be irreconcilable is...so contrary to reason and [the] logic of history, that one can scarcely refrain from calling in question either the sanity or honesty of its advocates."³⁰ Reed, too, counters arguments raised by White delegates, including their attacks on Black character and their suggestions that African Americans' interests conflict with those of dominant White culture. Responding to the claim that African American suffrage should be curtailed because Blacks "are prone to elect ignorant and unscrupulous men to office," he retorts, "Does not the intelligence of the delegates here elected from Beaufort refute that charge?" In this way, Reed and his colleagues embody the proof they bring before the White majority, epitomizing the wisdom and eloquence required of responsible representatives of the citizens of South Carolina. Reed pushes the argument about the voting record of African Americans further, challenging White delegates to claim that no Black citizens voted for them. Even the openly White supremacist Tillman, Reed suggests, has enjoyed the support of some African Americans. He concludes, echoing Miller and Wigg, "There has never been, nor is there, any negro domination threatened in this [state]."³¹ Also noteworthy are Whipper's sustained efforts to refute arguments that "negro rule" actually existed during Reconstruction or that it currently threatens the doctrine of White supremacy central to the dominant race's identity: "I want the next gentleman who mentions negro rule again in this convention to tell me where the negro did rule. He might have ruled a farm under a white man...There are in this country about 70,000,000 of white men; are they scared of the negro race[?]"³²

Smalls's speeches are distinguished by blunt rejoinder and daring. The "King of Beaufort County" intrepidly mocks his opponents, at key moments delivering stunning rhetorical gut punches.³³ For example, arguing that the new constitution's voting rules should be "fair, honest

²⁷ "Now on the Suffrage," 2-3.

²⁸ "Now on the Suffrage," 3, 5.

²⁹ "Suffrage Settled. The Convention Adopts and Clinches the Plan of the Committee," *State*, 2 November 1895, 1.

³⁰ "Now on the Suffrage," 5.

³¹ "Woman's Suffrage," 2.

³² "Smalls and Whipper," 2.

³³ Edward Miller's contention that Smalls suffered from "an inability to write and to prepare weighty speeches," as well as his claim that "It is difficult to find in transcripts of his speeches or in his few surviving letters turns of phrases

and just” because they will attract the critical eye of the world beyond South Carolina, Smalls relays the cautionary tale of a White delegate who deceives his constituents with impunity because they are too ignorant to detect his falsehoods. “Gentlemen,” Smalls warns, “you can fool the crackers when you talk to them, but if you pass this [discriminatory] ordinance that has been proposed by the committee on suffrage you will fool nobody, for every person in the nation has been informed of your speeches on the stump and you will not be able to explain it away.” Smalls presents an agrarian analogy disparaging Tillman’s ethos by comparing the state’s most powerful politician to a clumsy cow: “I heard [Tillman] make a very eloquent speech on the township government bill, but before he got through he had acted like the good Jersey cow, which gave her two gallons of milk, and, though she did not put her foot in it before she was through, she had shaken so much dirt from her tail into the pail that we could not accept the milk.”³⁴ Such remarks, issued by a former slave, forcefully call out the oppressor.

But the most powerful, searing critique marshaled by Smalls at the convention addresses an article of the proposed constitution forbidding interracial marriage. As noted above, Smalls, like many African Americans of his era—particularly those in the South—publicly opposed miscegenation. Nonetheless, he chafed at the South’s asymmetrical, discriminatory standards for sexual relations. African American men, if suspected of sexual impropriety, were summarily lynched, whereas White men routinely sexually assaulted and cohabitated with African American women with impunity. Smalls daringly moves that the following language be added to the article, triggering a “dignified stampede” from the gallery of the female audience, who find frank talk about sexual behavior uncivil: “And that any white person who shall live and cohabit with a negro or mulatto or person who shall have one-eighth or more of negro blood shall be disqualified from holding any office of emolument or trust in this State, and the offspring of any such living or cohabitation shall bear the name of the father and shall be entitled to inherit and acquire property the same as if they were legitimate.”³⁵ Smalls’s amendment (dubbed “Mephistophelean” by the *Columbia, South Carolina State*) boldly exposes hypocritical White sexual mores protecting the “purity” of White women while allowing White men to degrade African American women and produce children condemned to inequality.³⁶

In his interrogation of White duplicity, Smalls asserts that anti-miscegenation should have no place in the constitution, unless White men lack confidence in their women—who they claim are “as pure women as can be found anywhere in the world”—or themselves. “Can you not trust yourselves?” he taunts. “Is it because that these wrongs have been perpetrated here, since the formation of the Government, that you feel that you can’t be trusted?...Now sir, I say, prohibit intermarriage of the races, also make a law as binding against cohabitation. Then you will make your men as true as your women.” Extending the uncomfortable discussion further, Smalls boldly hypothesizes about the consequences for the convention of the consistent treatment of the sexual behavior of White and African American men. “If a Negro should improperly approach a white woman,” he declares, “his body would be hanging on the nearest tree filled with air holes before daylight the next morning—and perhaps properly so. If the same rule were applied on the other side, and white men who insulted or debauched Negro women were treated likewise, this

or cogent arguments for which he could be remembered,” holds Smalls to a nineteenth-century belletristic aesthetic that underestimates his considerable rhetorical strengths (*Gullah Statesman*, 250).

³⁴ “Smalls and Whipper,” 2.

³⁵ “Question of Color. Sprung by Smalls at Night Session to Bar White Men from Holding Office,” *State*, 3 October 1895, 5.

³⁶ “It is Hard,” *State*, 3 October 1895, 4.

Convention would have to be adjourned sine die for lack of a quorum.”³⁷ Delivered in a region of the nation terrorized by lynching, Smalls’s argument aggressively questions the moral legitimacy of White rule, epitomizing African American rhetorical defiance in the face of lethal power. Capturing the kairotic power of Smalls’s argument, Wigg mocks, “The coons had the dogs up the tree and they were going to keep them there until they acknowledged they were wrong.” Furthermore, Wigg aggressively pushes the White majority to endorse the amendment: “Stand up to the rack like white men...Why not protect our women from the rapacious assaults of white men of South Carolina.” As acknowledgment of the impact of these bold critiques of White sexual hypocrisy, the White delegation and local newspapers accused Smalls and Wigg of incivility.³⁸

Establishing Moral Superiority

The African American delegates approach their adversaries with a sense of moral superiority intended to prompt their audience to reassess their ethical assumptions. Thus, Miller declares, in the spirit of Christian charity, that despite White supremacists’ efforts to oppress African Americans in South Carolina, “We intend to continue to love and forgive you for what you are doing to us.”³⁹ Miller’s superior ethos gains force through his lament that “It is useless to ask the ministers of the gospel to teach us the lesson of [the] Nazarene, ‘Do unto others as you would have them do unto you.’ For if they should come we would receive them not,” a direct reference to the mandate of Matthew 7:12 followed by an equation of contemporary White South Carolinians with those who did not accept Jesus when he lived among them (John 1:11).⁴⁰ Wigg, as well, marshals Christian principles to seize the moral high ground, arguing *a fortiori* that the individual mandates of the Ten Commandments affirm the African Americans’ political position: “The body politic is but the individual ‘writ large.’ And if the decalogue is binding on upon the individual, how more ought it to be binding upon the state?”⁴¹

The African American delegation also wields secular, civic values against their White opponents. Wigg admonishes the assembled White delegates to “meet the issue [of African American suffrage] dispassionately, patriotically and honestly, with a single eye to the public good,” rather than “in a spirit of passion and caste” turning “a deaf ear to the voice of reason and experience, and blindly arrogat[ing] to yourselves rights which you do not justly possess, striving to turn backward on the dial of time the shadow that marks the advancement of liberty and equal rights.” Aligning with progressive activists such as Douglass, Ida B. Wells, and Fortune, Wigg refers disparagingly to the “so-called negro problem,” directly challenging Whites’ efforts to place the responsibility for racial unrest and social inequity on African Americans.⁴² More dramatically, he derisively calls out the White delegates’ obligatory fealty to racism: “White supremacy, you say, must be secured, by honest means if you can, by dishonest means if you must. To this, I believe, every white delegate here stands pledged. Beneath this yoke, humiliating as it is, each one of you had to pass; to this pledge each one of you had to subscribe before you could have the privilege of being counted as a delegate of this convention.”⁴³ Exposing the White delegate’s

³⁷ Sarah Smalls, *Speeches at the Constitutional Convention*, 17–19.

³⁸ “Recess!” 2.

³⁹ “Now on the Suffrage,” 5.

⁴⁰ Mary Miller, *The Suffrage*, 12.

⁴¹ “Now on the Suffrage,” 8.

⁴² “Now on the Suffrage,” 5. Douglass, “The Lessons of the Hour,” 489–91; Wells, “Lynch Law,” 158; Fortune, “Whose Problem Is This?” 221–29.

⁴³ “Now on the Suffrage,” 5.

slavish obedience to racial prejudice, Wigg reverses the traditional moral hierarchy of White and Black.

Wigg reserves some of his most trenchant remarks for Richland Delegate H. Cowper Patton. In his “indignant protest” of Patton’s scriptural justification of slavery, which he condemns as “grop[ing] in the dark” and twisting the divine word, Wigg declares that he pities this White supremacist and offers him his “heartfelt commiseration.” “We are not supplicants for mercy and favor,” he continues, “We are citizens of South Carolina, not aliens, but children of the State. We have a right to demand justice and we do demand it.” Also significant is Whipper’s calling out of White delegates who employ demeaning terms for African Americans: “And just here I will digress to speak of the flippant way the term ‘nigger’ has been used in this convention...When men selected from their various counties...can so flippantly use the word ‘niggers,’ spelt with two ‘g’s,’ it is hurtful and I feel it keenly.”⁴⁴ These are not the requests of obsequious petitioners, but confident assertions of moral authority in the midst of the lynching culture of the 1890s South.

Advocating a Public Forgetting of the Lost Cause

In addition to aggressively pushing back on arguments against the Black franchise and claiming the moral high ground, the African American delegation directly confronts the mythology of the Lost Cause narrative informing White supremacy.⁴⁵ Central to the narrative is the characterization of Southern White men as benevolent, honorable patriarchs who humanely cared for their childlike, helpless, loyal, happy, Christianized, thriving Black slaves and who later oversaw freedmen and their free descendants (who unless violently controlled by Whites undergo moral “retrogression,” manifested most dramatically in assaults on White women) in a society rigidly stratified by race.⁴⁶ White supremacy, thus, functions “as both means and ends.”⁴⁷ The Civil War, it was held, was fought not over slavery, but Southern states’ rights. In his study of commemorations of the antebellum and Civil War South, W. Stuart Townes shows how “the South would try its best to build, through these speeches, monuments, reunions, and celebrations of the Lost Cause, a new society that was as close as possible a mirror image of the old one.” Lost Cause rhetoric, he notes, also included “the additional stories of the black days of Reconstruction, the satisfaction of Redemption, the patriotic appeal of Reconciliation, and...the New and Future South, which included segregation for black southerners.”⁴⁸

In order to challenge this pervasive, oppressive mythology, the African American delegation initiate a deliberative process akin to what Vivian terms “public forgetting.” Vivian argues that although “forgetting is admittedly a tragic force when it simply destroys symbolic affiliations with the past,” it “is desirable to, even necessary for, maintaining cultures of memory

⁴⁴ “Now on the Suffrage,” 8; “Smalls and Whipper,” 2.

⁴⁵ The phrase “Lost Cause” is popularized by Southerners such as Edward A. Pollard in *The Lost Cause: A New Southern History of the War of the Confederates* (New York, N.Y.: E. B. Treat and Co., 1867).

⁴⁶ For further discussion of key components of Lost Cause mythology, see Patricia Roberts-Miller, *Fanatical Schemes: Proslavery Rhetoric and the Tragedy of Consensus* (Tuscaloosa, Ala.: University of Alabama Press, 2009), 13, 17; Blight, *Race and Reunion*, 258–60, 282–83; for retrogression, see Joel Williamson, *A Rage for Order: Black/White Relations in the American South Since Emancipation* (New York, N.Y.: Oxford University Press, 1986), 97.

⁴⁷ Blight, *Race and Reunion*, 259.

⁴⁸ Stuart W. Townes, *Enduring Legacy: Rhetoric and Ritual of the Lost Cause* (Tuscaloosa: University of Alabama Press, 2012), 12, 96. For further discussion of the struggle over collective memory of the Civil War, see Thavolia Glymph, “‘Liberty Dearly Bought’: The Making of Civil War Memory in Afro-American Communities in the South,” in *Time Longer Than Rope: A Century of African American Activism, 1850–1950*, Charles M. Payne and Adam Green, eds. (New York, N.Y.: New York University Press, 2003), 111–39.

that serve the needs of the present as much as they conform to the shape of the past, that nourish immediate social, political, and moral interests as much as they proclaim fidelity with former times, places, and events.” Vivian elaborates, “Memory and forgetting are intermingling forces that nevertheless retain nominally distinct identities...Their intimacy in the context of public culture...implies rhetorical practices with which one invokes the prospect of forgetting not in order to negate collective memory per se but in order to transform its sense and value—to remember anew, in politically or morally transformative ways.” In this spirit, the African American delegates directly complicate White folk histories in order to “remember anew” their collective past, stimulating racial cooperation and equality, rather than division and oppression.⁴⁹

Miller leads the African American delegates’ struggle against the memory of the Lost Cause. Striving to dismantle the very notion that civic, economic, and occupational inequalities are the natural result of racial differences—a belief essential to White Southern memory and to perpetuating systematic racism—he presents a sweeping two-thousand-year account (extending from late Republican Rome to contemporary Europe) of the oppression of working-class Whites at the hands of their wealthy and powerful counterparts. Thus, Miller argues, Julius Caesar supported the common people, only to be foiled by the “lords of the empire.” Similarly, the White peasants of medieval Europe labored for the feudal lords as “nothing other than white slaves,” and Cromwell’s defeat of the “insolent and inhumane Charles I” was negated by the restoration of the English monarchy.⁵⁰

Miller is even more emphatic about causes of the French Revolution, which in his hands demonstrate the apex of class prejudice. “Beautiful white girls,” he declares, “were yoked by the side of the donkey to pull the plow to make money with which to bedeck and grace the forms of their white sister in the castle.”⁵¹ Miller later returns to such class-based analysis to reinforce his dedication to working people in general: “It is against class legislation that I stand here and raise my voice, and in the name of the poor, struggling white man and the peaceful, toiling, loving negro, I ask that this act of feudal barbarism against the poor and common people do not be engrafted into and become a part of the Magna Charta of free white and black South Carolinians.” Miller even characterizes the Civil War, which White Southerners mythologize as the noble defense of the South in the face of North aggression, as class warfare, namely “the struggle of the common people against the slave-holding class.”⁵² Miller’s shift from racial to class analysis directs his White audience’s attention to the common struggles of the poor, rather than the parochial, zero-sum perspective of White supremacy dominating the narrative of the Lost Cause.

Furthermore, Miller grafts to this narrative of European class inequality the American story of freedom. Poor Europeans, Miller explains, immigrated to America “‘to found here a government of the people, for the people, and by the people.’ They recognize the common brotherhood of man coming from a single creation, endowed with equal rights, before and under the law.” His narrative focuses on the heroism of African Americans, who function not as helpless heathens but practically minded, knowledgeable coworkers. European immigrants “faced a savage race and malignant climate. Though resolute, though trained to hardship, though fully imbued with the spirit of success or death, they made little progress, for the odds were too great.” With the help of Africans, however,” European Americans found equal partners capable of guiding them to success: “Hand

⁴⁹ Bradford Vivian, *Public Forgetting: The Rhetoric and Politics of Beginning Again* (University Park, Pa.: Pennsylvania State University Press, 2010), 9, 49.

⁵⁰ “Now on the Suffrage,” 2.

⁵¹ “Now on the Suffrage,” 2.

⁵² “Now on the Suffrage,” 5.

in hand, with a united effort, the white man and the black reclaimed this country and made it the asylum of the oppressed from every clime.” This narrative of interracial collaboration is constructed to supplant the history of child-like African Americans perpetuated by the White delegates.⁵³

By detailing the significant role African American troops played in the major American wars, Miller dismantles the false collective memory that African Americans “did not fight for the ballot” and have acted the role of passive adult children: “We have fought in every Indian war, in every foreign war, and every domestic struggle by the side of the white soldier from Boston commons and Lake Erie to the Mississippi valley and the banks of the Rio Grande.” He compares distinguished black Revolutionary War soldiers with the “beggarly number” of White soldiers mustered from South Carolina over the course of the conflict, including troops who at the battle of Camden “threw down their arms, disobeyed orders and became mutinous in the very presence of the invading foes.” Miller specifically cites White sources to bolster his case that African American soldiers served the United States honorably, deftly reversing the parent-child mythology of the Lost Cause. “I do not make this history,” Miller declares. “It is the white man’s history. I read what he says about the negro soldier with pride and love, and what he says about the [White] soldiers from the southward with tears of sadness, with tears of regret, and account for their conduct under the colossal excuse that being mostly of the master class they were like spoiled children, and could not yield to the rod of discipline and order.”⁵⁴ Continuing to debunk the White supremacist narrative, he declares that despite the fact that “the majority of you blame the poor negro for the humility inflicted upon you during [the Civil War]...it was your love of power and your supreme arrogance that brought it upon yourselves.”⁵⁵

Further challenging the Lost Cause mythology, Miller marshals a series of damning questions to confront the contention that African Americans’ status as aliens (rather than citizens) renders them unworthy of the franchise: “Call us aliens? We aliens? The people who were the foundation of the American civilization?...Then to whom can the term citizen be applied? A residence of our foreparents of nearly 300 years; birth and rearage here; our adaption to the wants of the country; our labor and forbearance; our loyalty to the government—are all these elements indices of an alien race?”⁵⁶ Delegate Patton’s claim that the Bible endorses slavery of African Americans prompts Miller to provide a sophisticated historical exposé of slavery in the ancient world, which he explains was not based on race. Miller reminds “the young gentleman” that “in the city of old Charleston, Anglo-Saxon women were sold as gallery slaves by white men,” a practice that assures that many White South Carolinians, including members of his audience, descended from slaves, just as have African Americans members of the state.⁵⁷ Thus, he suggests that rather than supporting the White supremacist narrative maintaining a cultural, intellectual, and moral gulf between Black and White, slave ancestry actually unites South Carolinians.

In his effort to amend the proposed constitution in order to address the hypocrisy of sexual relations among the races, discussed above, Smalls also interrogates the misleading, destructive collective memory of White South Carolinians, who condemn the presence of people of mixed race, yet overlook the cause. “We have, sir,” Smalls declares, “as pure colored women in South

⁵³ “Now on the Suffrage,” 2.

⁵⁴ “Now on the Suffrage,” 3.

⁵⁵ “Now on the Suffrage,” 5. Aply, George Brown Tindall refers to Miller’s strategy here as “twittering the votaries of the Lost Cause tradition” (*Sketches of Negro Life*, 83).

⁵⁶ “Now on the Suffrage,” 3.

⁵⁷ “Now on the Suffrage,” 5,

Carolina and in this country, as any race upon this earth. Sir, that evil, known as slavery caused all of this [miscegenation]. This wrong was done by you all, owning them as your slaves.” With this firm admonishment, Smalls demands a letting go of the Lost Cause narrative that ignores the reality of Southern sexual relations.⁵⁸

Directly linking the White delegates’ plan to limit the Black franchise to the line of thinking that led to the South’s catastrophic defeat in the Civil War, Miller features a pathos-laden conversation he overhears in Charleston’s Citadel Park between an old White Southerner and his granddaughter. Approaching the monument to John C. Calhoun (erected by the Ladies Calhoun Monument Association in 1887), the young girl asks, “what great, big graveyard stone is that? Who has been buried there?”⁵⁹ Aligned with the guiding myth of the Lost Cause, the monument was intended by its White supremacist sponsors, as Shevaun Watson details, to suggest “that slavery’s most notorious champion was being summoned to shepherd Reconstruction out and usher segregation in.”⁶⁰ Yet the girl’s innocent questions prompt the patriarch to respond not as a devotee of the Lost Cause, with pride in the Southern leader and determination to resist North interference in the sacred Southern way of life, but to divulge the horrific consequences of White Southerners’ child-like adherence to slavery apologist Calhoun’s vision. “We liked his teachings,” the grandfather confesses, “because he spoke to us as though we were spoiled children, and with that we were pleased,” yet the outcome of the policies designed by Calhoun and his cohorts yield disaster: “In that struggle our hopes were crushed; our homes were burned; our prosperity destroyed, and our servants freed.” The old man characterizes the monument as a tomb, as his granddaughter suggested, in which lie “the hearts and the hopes of [her] kindred.” Relaying this poignant counternarrative from the lips of a White son of the South, Miller encourages his audience to let slip the romance of the Lost Cause and to address the mutual suffering it has caused.⁶¹

In a similar effort to forget the Southern memory of the Civil War as an unjust foreign incursion that destroyed an idyllic way of life distinguished by harmonious yet patriarchal race relations, Reed reviews the positive consequences of the “great internecine war of 1861–65,” emphasizing that it delivered the “liberty” essential to the American story since the founding of the Massachusetts colony: “it did form a more perfect Union, it did establish justice, it did ensure domestic tranquility, it did provide for the common defense, it did promote general welfare and secured the blessings of liberty to all of the citizens and their posterity when the 13th, 14th and 15th amendments were accepted and made the negroes full-fledged citizens of the United States and of the States.” Reed’s description of the war as “that great struggle for supremacy” suggests that the White dominance touted by White convention delegates as the natural order of the South—providing a clean arc from the antebellum era up through the convention—was in fact overshadowed by the conflict’s outcome, which replaced racist doctrine with principles of equality inscribed in the Constitution and its recent amendments.⁶²

⁵⁸ Sarah Smalls, *Speeches at the Constitutional Convention*, 18.

⁵⁹ “Now on the Suffrage,” 5.

⁶⁰ Shevaun E. Watson, “Beginning Again, Again: Monument Protest and Rhetorics of African American Memory Work,” in *Nineteenth-Century American Activist Rhetorics*, Patricia Bizzell and Lisa Zimmerelli, eds. (New York, N.Y.: Modern Language Association, 2021), 226.

⁶¹ “Now on the Suffrage,” 5.

⁶² Mary Miller, *The Suffrage*, 22.

Rhetorical Failure, Then and Now

The African American delegation's rhetoric, a dialectic of identification and challenge eloquently built on trends in the Black civil rights and political discourse of the prior thirty years, did not prevail: the White delegates voted virtually unanimously to eliminate African American suffrage. In this sense, the Black delegation's rhetorical efforts extend the arc of "the glorious failure" that Peggy Lamson argues characterizes Black efforts to establish racial equality during Reconstruction. Ironically, Miller's warning concerning the poor White man—"There is no hope for him, though he wields an eloquent pen"—more accurately characterizes the fate of those the African American delegation most sought to protect.⁶³

How should historians and interpreters of nineteenth-century rhetoric understand the dialogic tension between accommodation and confrontation informing the African American delegates' contributions to this debate? A full treatment of this question would require more space than has been allotted here, but I will offer two initial observations. Most obviously, marshaling an array of ostensibly disparate reasons and appeals is understandable when arguing from any position of severe political or legal weakness. It is natural for overmatched advocates, as surely the African American delegates were (one white journalist calls them "helpless and beaten" even before the final vote on Black suffrage was taken), to try multiple angles, tones, and appeals—even if taken as a whole, such tactics may clash with one another—in the hopes that one approach or another could activate a sufficient number of the members of the deliberative or legal body to carry the day.⁶⁴

In addition to this practical reality, however, the African American delegation may have reasoned that if they could win the general respect of their immediate White audience by connecting with them through considerable accommodation and appropriation of dominant values and cultural touchstones, their opposition to the White delegates' plans for Black disenfranchisement—necessarily expressed through critique and refutation—could gain traction. Relying on the rhetorical principle that in the next century Kenneth Burke called identification, they attempt to build a relationship, to establish trust with their adversaries that would render palatable the confrontation required to effect the desired change of position.⁶⁵ It is a difficult, but plausible strategy.

Was the failure of the African American delegation's rhetoric partly a function of this effort to accommodate and to identify with adversaries they simultaneously critique and challenge? Does the African American embrace of strategic language and pragmatic rhetorical action (identified by Gilyard and Banks and mentioned above) play out in this context in crippling incoherence? The white audience's awareness of the Black's delegation inconsistency is suggested by Darlington delegate Henry Castles Burn, who at a memorable moment of the convention accuses his African American adversaries of proving "too much," thus committing the fallacy now known as "kettle logic."⁶⁶ Even if the questions posed at the beginning of this paragraph are answered in the

⁶³ Peggy Lamson, *The Glorious Failure: Black Congressman Robert Brown Elliott and the Reconstruction in South Carolina* (New York, N.Y.: Norton, 1973), 12–13; "Now on the Suffrage," 2.

⁶⁴ A. B. Williams, "The Plea of the Negroes. An Impressive Scene in the Constitutional Convention," *State*, 28 October 1895, 2.

⁶⁵ Kenneth Burke, *A Rhetoric of Motives* (Berkeley, Calif.: University of California Press, 1950), 20.

⁶⁶ "Women's Suffrage," 2. For further discussion of this passage, see Glen McClish, "'Gems of Negro Eloquence': Memorializing the African American Rhetoric of the 1895 South Carolina Constitutional Convention," *New North Star* 3 (2021), 31.

affirmative, though, it is difficult to deny the resourcefulness of the delegation's rhetoric in the face of overwhelming political power.

It is also important to note that beyond the primary audience of assembled White delegates, the debate was followed in the press across the United States and in Europe by secondary audiences of more sympathetic whites and staunchly supportive African Americans. For these readers, the delegation's confrontational stance is more likely to ring true, while their accommodation bolsters their collective ethos by demonstrating admirable goodwill, as well as loyalty to state, country, and the dominant white culture broadly conceived (Black audiences, of course, were free to read such accommodation ironically). Realizing the unlikelihood of prevailing in Columbia, the African America delegation could at least contribute to the national civil rights debate while building Black activism throughout the country.⁶⁷

Extant responses of the white delegates and journalists *in situ*, including Burn's fallacy diagnosis, often express begrudging respect for the African Americans' oratory, but ultimately remain skeptical about its efficacy. For example, after Miller and Wigg spoke, one white pundit notes in the *State*, "The united voice of delegates, visitors and newspapers declare the speeches of the two negroes the ablest and best the convention has heard since it began to be holden and it is not impossible, as I have said already, nothing is, that they may have important effect in the moulding of the suffrage law." Yet the same day, the *State* carries a second article concluding, "The negro members have made strong presentations of the cause of the negroes, and have been listened to with marked attention, though no one could believe they have changed a single vote."⁶⁸

The African Americans' inability to shift White opinion at the convention echoes the catastrophic failure of public deliberation on the future of slavery in the antebellum South chronicled by Patricia Roberts-Miller, whose autopsy of the debate identifies political conditions under which seemingly compelling rhetoric fails to hold sway. In such contexts, she explains, "There are no universal rights, but socially constructed privileges that are distributed unevenly along the social hierarchy. Truth is what those highest in the hierarchy say it is." She argues that when a party such as the proslavery faction fixes on a position, then employs rhetoric to attempt to make others submit to their will, "the people with the most power will necessarily win." "I cannot say strongly enough," she concludes, "that this is an abandonment of public discourse as the discovery of appropriate policies. This was the fatal error of proslavery rhetors, and a self-fulfilling prophecy."⁶⁹ Like the intransigent proslavery rhetors Roberts-Miller discusses, the White delegates at the 1895 Convention forsook "public discourse as the discovery of appropriate policies," and thus the African Americans' inventive rhetorical dialectic of identification and challenge failed to preserve their franchise. The White majority demonstrates, as Paul Finkelman points out, that "even after slavery ended, many [proslavery arguments based on race] remained, being used to defend segregation, racism, and inequality"; and these residual positions have the capacity to render meaningful debate over civil rights irrelevant.⁷⁰ Whipper's hopeful declaration

⁶⁷ For further discussion of secondary audiences beyond the convention itself, see McClish, "Gems of Negro Eloquence."

⁶⁸ Williams, "The Plea of the Negroes," 2; "Not Much Headway Made by the Convention During the Past Week in Reaching Results," *State*, 28 October 1895, 1.

⁶⁹ Roberts-Miller, *Fanatical Schemes*, 216, 210.

⁷⁰ Paul Finkelman, "The Significance and Persistence of Proslavery Thought," in *The Problem of Evil: Slavery, Freedom, and the Ambiguities of American Reform*, Steven Mintz and John Stauffer, eds. (Amherst, Mass.: University of Massachusetts Press, 2007), 111.

that—in the spirit of democratic deliberation—“We are here to consult together for the common good” does not in this forum apply.⁷¹

The failure of the African American delegation’s rhetoric is a sad testament both to the refusal by White South Carolinians to relinquish the Lost Cause in specific and to the limits of rhetoric in the face of bad faith deliberation in general. Civic discourse inevitably fails to yield productive, equitable outcomes when one party to the deliberation superior political power and sufficiently deep-seated prejudice. Furthermore, the rejection of seemingly compelling arguments for the sake of predetermined beliefs, ideologies, and factional purity may continue even when clear advantage is lost. As Joel Williamson argues, White America “has generally evinced a willingness to pay for its racism,” even though disadvantaging African Americans “has been costly, not only to blacks but to whites as well.”⁷²

Well into the twenty-first century, vestiges of deep-seated, rhetoric-resistant racism, allied with a yearning for an America descending directly from the Lost Cause, abide. Finkelman notes, “To this day, remnants of proslavery thought can be found in our public discourse as well as in Americans’ private conversations.” Likewise, in her study of lynching and its contemporary avatars, Ersula Ore elucidates links “between the rhetorics of material practices of lynching in the past and the forms these rhetorics and practices assume in the present” in order to demonstrate “how the debasement and eradication of black life prevail today as vehicles of democratic citizenship.”⁷³ The stubborn presence of proslavery thought and lynch law’s disabling legacy, identified by Finkelman and Ore, respectively, aligns with the implacable prejudice and bad faith deliberation that fuel the White majority’s rejection of the rhetoric of the African American delegation at the 1895 South Carolina Constitutional Convention and that persist today. Charges of incivility leveled against the Black orators (despite the racially based characterizations of the six articulated by White delegates and the local press) continue in the present against African Americans who marshal parrhesia to speak truth to power, even while city council and school board meetings are increasingly disrupted by virulent racism and vulgarity.⁷⁴ The convention’s White majority’s dismissal of the African American delegation’s evidence of Black contributions to American culture and of the damaging legacy of slavery and its attendant racism is currently manifest in mischaracterizations of public school instruction featuring prominent African Americans and frank talk about past racism and oppression as mere wokeism: unpatriotic, divisive revisionist history and Critical Race Theory. The White delegates’ disregard for the Black contingent’s arguments for protecting the franchise of marginalized African Americans is echoed in recent laws created by state legislatures across the country—inspired by vague, non-falsifiable charges of fraud—limiting who votes and how ballots can be cast, as well as enabling legislative

⁷¹ “Negroes Not Responsible for the Reign of Corruption During Radical Times. The ‘Claim of W. J. Whipper,’” *Columbia Daily Register*, 27 October 1895, 2.

⁷² Williamson, *A Rage for Order*, vii–viii.

⁷³ Finkelman, “Significance and Persistence of Proslavery Thought,” 111; Ersula J. Ore, *Lynching: Violence, Rhetoric, and American Identity* (Jackson, Miss.: University Press of Mississippi, 2019), 11.

⁷⁴ As Sharika Thiranagama, Tobias Kelly, and Carlos Forment note, “There is a long tradition of using civility to silence dissent, excluding people and issues from public discussions” (“Introduction: Whose Civility?” *Anthropological Theory* 18, no. 2–3 (2018), 153). Writing of the weaponized nature of civility as applied to the politically weak by the politically empowered, Roberts-Miller makes a similar point: “Dissent is inherently disruptive and necessarily upsetting to anyone who identifies with the current system. Hence, as various scholars have noted, privileging discourse that is not upsetting necessarily furthers the disenfranchisement of the already marginalized” (*Fanatical Schemes*, 5). For discussion of the potential weakness of civility in accommodationist African American rhetoric, see Lisa M. Corrigan, *Black Feelings: Race and Affect in the Long Sixties* (Jackson, Miss.: University Press of Mississippi, 2020), 151–55.

bodies and officials to overturn popular votes. This disregard reverberates, as well, in the Texas Republican Party's call to repeal the Voting Rights Act of 1965. The futility of Miller's stirring counterreading of Charleston's Calhoun monument presages twenty-first-century condemnations of the removals of Confederate statues (originally erected to reaffirm White supremacy and intimidate African Americans) as pernicious cancel culture. Finally, the White delegates' unwillingness to consider the African American rhetors' assurances that they were uninterested in dominating White culture predicts the recent rise of the "Great Replacement" theory, with its attendant cries of "blood and soil" and "you will not replace us." Sadly, Miller's reflections on the final vote to disenfranchise African American South Carolinians eerily foreshadow conditions in a number of states in the early 2020s: "I see no hope, absolutely no hope for [African Americans] in South Carolina to ever have fair and honest elections as long as the men in control see imaginary evils coming through the channels of honest elections and fail to rise up to the necessity of the occasion and make honest, simple election laws."⁷⁵

In short, traces of the unabashedly White supremacist response to the African American delegation's pleas for genuine rhetorical deliberation, for "public discourse as the discovery of appropriate policies," continue to exercise outsized power in the United States, often stymying effective argumentative processes concerning civil rights and racial justice.⁷⁶ Concluding their 2019 study *Welcoming Ruin: The Civil Rights Act of 1875* with a grim historically based assessment of the current trajectory of civil rights in the United States, Alan Friedlander and Richard Gerber dub the present "the time of retreat."⁷⁷ It should come as no surprise, thus, as Lisa M. Corrigan details, that the rhetoric of hope distinguishing Barack Obama's presidential campaign and animating the discourse of his presidency has in many intellectual and political circles given way to Black pessimism.⁷⁸

And, as we have come to understand, rhetorical intractability concerning matters of race easily bundles with a panoply of other reactionary positions, rendered impervious to thoughtful debate, on issues as diverse as immigration, climate change, domestic terrorism and insurrection, political conspiracy, gender identity and sexual orientation, firearm ownership, reproductive rights, epidemiology, and public health. Tillman's spiritual descendants, self-defined "thoroughbreds" of many stripes pledging fealty to contemporary manifestations of the Lost Cause, remain beyond the influence of the rhetorical arts of modern-day Millers, Whippers, Smalls, Reeds, Wiggs, Andersons, their allies, their advocates, and all those who sincerely deliberate to solve social problems. The civil rights odyssey in which these six nineteenth-century orators eloquently participated continues unabated, as it must, but the way is slow and stony.

⁷⁵ "How They View It. Miller, the Negro Delegate, Analyzes the Suffrage Plan Adopted," *State*, 4 November 1895, 6.

⁷⁶ Roberts-Miller, *Fanatical Schemes*, 210.

⁷⁷ Friedlander and Gerber, *Welcoming Ruin*, 629. Friedlander and Gerber's Epilogue, "Then and Now," reads our troubled present as an extension of our racist past as I have sought to do here.

⁷⁸ Corrigan, *Black Feelings*, 155–64.