

RADICAL POLITICS IN REVOLUTIONARY TIMES:  
THE SOUTH CAROLINA SECESSION CONVENTION  
AND EXECUTIVE COUNCIL OF 1862

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## **Abstract**

This thesis examines the political culture and behavior in South Carolina during the secession crisis and first two years of the Civil War. Historians have analyzed antebellum politics in South Carolina but few recent attempts have been made to trace those issues to the larger narrative of state politics during the Civil War. I argue that serious political divisions existed in the Palmetto State during the sectional crisis over the proper method and procedure of secession. Once secession became a reality South Carolina politicians attempted to bury these differences for the sake of unity, but ultimately the pressures of war caused them to appear once again, thereby jeopardizing the harmony and unity that so many politicians in the state hoped for. Secession itself was an external revolution. Yet, another revolution occurred within the state as the war progressed. This internal revolution took the form of an Executive Council that essentially removed the governor of South Carolina from power. The entire experiment represented a decisive departure from the state's long political tradition and culture.

This study demonstrates that little agreement existed in South Carolina on the nature of the external revolution. The establishment of a southern confederacy was clearly the desired end, but the means to achieve this end differed widely in the state. More fundamentally, little unanimity existed on the nature of the proposed southern nation. South Carolina politicians could not come to an ideological agreement on what this revolution was about. Not only was South Carolina the only state in the Confederacy to seriously debate the merits of the Confederate Constitution, but it was

the only state whose secession convention was still in existence two years after leaving the Union.

The result was a lengthy and bitter dispute over the sovereign powers of the convention. Because the actions of the Executive Council were extraordinary, they created an internal revolution within the state. This revolution moved in a direction that nobody quite anticipated. The constitutional functioning of state government was temporarily suspended to meet the exigencies of war. Since the council was a creature of the convention, many came to question the legitimacy of both the council and convention. Eventually the people of South Carolina reacted against them so that the state might return to “constitutional government.”

Yet, for all the division and disagreement that existed, the Executive Council is not an indication of fleeting morale, willpower, or general disillusionment with the war. Instead, it is an expression of Confederate nationalism. The story of the convention and council indicate that South Carolinians were willing to temporarily sacrifice many of their political and cultural values to achieve independence.

## **Dedication**

For my Dad, who never lived long enough to see my interest in history develop.

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Thanks go out to Mr. Churchill who sparked my interest in history before I began high school. His critical thinking on politics has greatly inspired my interest in political history. Mr. Matthews of St. Laurence High School captured my interest not only in history, but in the Civil War. His military history class is largely responsible for my fascination of the Civil War. Dr. King at Moraine Valley Community College gave me the tools I needed to succeed at the University of Florida. My undergraduate advisor at the University of Florida, Dr. Clarissa Confer, turned my amateur interest in history into a professional one. Since then, she has become a reliable mentor and colleague. Her encouragement, support, and advice have also been critical to the completion of this thesis.

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## **Introduction**

Confederate politics has certainly not been neglected by historians. Legislation coming out of the Confederate Congress, its relationship to President Davis, what those relationships say about Confederate nationalism, morale, and willpower, has been analyzed in detail by scholars who study the American Civil War. Unfortunately, the political history of South Carolina during the Civil War has received inadequate attention in recent years. In 1950 Charles Cauthen wrote an excellent book on this very subject and it remains the most comprehensive study to this day. But the state that inaugurated secession and proposed the creation of a southern confederacy deserves a re-evaluation in light of the studies that have appeared since that time. Several excellent monographs exist that deal with the nature of antebellum South Carolina politics but few attempts have been made to connect those issues to the larger story of the Civil War.

This study attempts to bridge that gap. It argues that serious political divisions were created from the sectional crisis that developed in the state over the proper method and procedure of secession. The roots of secession in South Carolina were firmly in place by 1860. Yet, the political disparity over how and when to bring about secession created lasting factions that did not die once South Carolina made its bid for independence. Palmetto State politicians attempted to bury these differences for the sake of unity but ultimately the pressures of war caused these divisions to re-emerge and created an internal revolution within the state that nobody quite anticipated. The end result was a political experiment that constituted a decisive departure from South Carolina's antebellum political tradition and culture.

Lengthy debates ensued in the legislature and state convention over fundamental questions involving the nature of the proposed Confederacy. South Carolina's delegation to the Montgomery convention was hopelessly divided over what kind of government should be created. Robert Barnwell Rhett had a fixed vision of a southern confederacy that never came to be. Other members of the South Carolina delegation wanted provisions included in the Permanent Constitution that were soundly rejected by the other southern states. Nearly all of the resolutions offered by South Carolina were defeated at the Montgomery convention. When ratification of the Permanent Constitution was debated in the state convention another bitter debate ensued between the cooperationists and radicals. No other state in the Confederacy debated the merits of the Confederate Constitution as extensively as South Carolina. The radicals seemed determined to push ahead with the revolution they had done so much to create. The moderates, in turn, tried to stop the revolution from spinning out of control. The revolution did go on, but in 1862 it moved in a direction that did not entirely please either faction. The internal revolution that occurred in South Carolina during the second year of the war threatened to unravel and expose serious divisions all politicians hoped to eliminate for the sake of victory and independence.

Nevertheless, this disagreement should not be interpreted as a rejection of the Confederacy. On the contrary, South Carolina gave the Confederacy its unrelenting support during the first two years of the war. In fact, even before the Confederate Congress passed Conscription Acts and threatened the central tenet of states' rights, South Carolina had already embarked on a extensive program of state centralization that

impinged on the individualism and local autonomy that South Carolinians had held so dear during the antebellum era.

The leadership of Governor Francis Pickens in 1861, or perhaps more accurately, the lack of leadership, resulted in South Carolina experimenting with politics that were unknown in the antebellum period. Pickens controlled the state and made the military decisions in 1861. His failure to secure the South Carolina from federal assaults on the coast resulted in a silent coup that essentially removed him from power. After the fall of Port Royal in November and the Great Fire of Charleston in December 1861, the state convention was reassembled at the request of President David F. Jamison and it proceeded to create an Executive Council that usurped the powers of both the governor and legislature. Throughout 1862 South Carolina had a dual government: a governor and legislature elected under the constitution of 1790 and an Executive Council elected by the Convention of the People. The council functioned as an arm of the convention and assumed both an executive and legislative role. The legislature, technically still the legal law-making body under the constitution, was temporarily relegated to a position of unimportance. Governor Pickens was essentially replaced as Commander-in-Chief by James Chesnut Jr., who became Chief of the Department of the Military, and the Executive Council exercised extraordinary powers that were granted by the convention to take charge of state affairs and put South Carolina on a more permanent war-footing. The legislature, which had adjourned in December 1861, did not meet again until December of 1862. When it did meet, the legislature promptly repealed all measures taken by the

council and disbanded that body so that the state might return to “Constitutional Government.”

The measures taken by the Executive Council were nothing short of revolutionary. Manufacturing was increased to proportions unknown in the antebellum days. Relief was provided to displaced citizens and provisions made to ease the suffering of the poor. That state politics was fundamentally altered by the council can hardly be doubted. By all indications the council not only went about its work with considerable energy but also produced tangible results. In a very real sense the Executive Council was an expression of Confederate nationalism. But the council also aroused fierce resentment over what many considered to be arbitrary measures and abuses of power. Charges were made that the council was legislating and acting as an executive body at the same time, which, of course, was true. This breach of the separation of powers stirred an opposition movement that eventually resulted in the dissolution of the convention and council. In other words, proper constitutional procedure was still important to South Carolinians.

Although the lines of factionalism in the antebellum era were not as clear cut on this issue over the Executive Council, one can detect lingering discontent that was reminiscent of earlier days. It was said that the council was created out of necessity, that the exigencies of war required a stronger executive department, and yet, the entire episode illustrates the limits as to how far the people were willing to go to secure victory. Contradictions abounded and the process of resolving the paradoxical nature of state politics during a time of war was not easy. Sharp disagreement over the powers and sovereignty of the convention mirrored the differences of an earlier time.

In the end, the council's downfall came about because a majority of South Carolinians were unwilling to forfeit all the basic tenets that were fundamental to the constitutional functioning of state government. They were willing to make sacrifices but they could not continue them indefinitely. Although the Confederacy never developed anything resembling political parties, the Executive Council of 1862 is a fine illustration of how factionalism came to take the place of parties. There were radicals and moderates who supported the council just as there were radicals and moderates who opposed it. It cannot be said that the council was the creation of any particular faction but it does demonstrate there were definite limitations on the departure of past political practice these groups would allow. South Carolinians were willing to accept temporary changes to its state government for the sake of victory. The creation of the Executive Council was a product of the war. There can be little doubt that the council was created because South Carolina politicians were uncertain of victory. The war was not unfolding in a way that most South Carolinians imagined it would. Military necessity became the watchword of the day and the council was justified under this ground. Yet, the state's long political tradition could not simply be swept away. The tensions and debates stemming from these political questions created an internal atmosphere that all of South Carolina politicians wanted to avoid. The reality of war made it unavoidable.

## Chapter One

### Prelude to Secession: The Sectional Crisis in South Carolina

Southern nationalism came early to South Carolina. There is something to be said for placing its origins during the Nullification crisis when antidemocratic and proslavery discourse began to form the theoretical foundation of southern nationalism.<sup>1</sup> To be sure, Nullification was a divisive episode that did much to exacerbate the political and social gulf between planter and yeoman. Planters too became divided among themselves over basic assumptions about the exercise of political power and the proper relation between the state and federal government. Ideological and theoretical questions regarding the sovereignty of state conventions appeared during this time and there was no little disagreement on the question of how much power a state convention possessed. Was a state convention limited in its sovereignty? How long could a convention be in session? Could a convention legislate? Was a convention “the people” acting in their highest sovereign capacity, or was a convention merely a representative body called for a specific purpose and limited in its power by the state constitution? Not surprisingly, these difficult and complex questions were not answered definitively by South Carolina politicians. Over thirty years later in 1862, when South Carolina was in the midst of a civil war, these questions would again come to the surface and produce a bitter debate that threatened to tear apart the political fabric of the state.

Paradoxically, for all the divisiveness that Nullification produced it also crystallized South Carolina planter politicians’ commitment to slavery and southern

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<sup>1</sup> Manisha Sinha, *The Counter Revolution of Slavery: Politics and Ideology in Antebellum South Carolina* (Chapel Hill, NC.: The University of North Carolina Press, 2000), 33.

nationalism. The failure of those who advocated unionism helped to prevent a viable political opposition to the proslavery and separatist discourse championed by the nullifiers. Democratic reform and political dissent was checked as the South Carolina state government retained a largely undemocratic structure.<sup>2</sup> In antebellum South Carolina, the legislature was the keystone of the state's political system. The legislature, not "the people," elected the governor, presidential electors, United States Senators, and a plethora of important local officers. This system gave disproportionate power to the legislature and ran against the grain of Jacksonian democracy and acted as a barrier to the creation of a two-party system in the state. It was not that Jacksonian democracy completely bypassed South Carolina but its form took a different shape. As Lacy Ford explains, there were "important idiosyncrasies, differences which placed South Carolina defiantly out of the national Jacksonian mainstream....South Carolina had all the energy of grassroots democracy but none of the chains of the Jacksonian party system, a combination which proved to be a fine prescription for radicalism."<sup>3</sup>

This prescription proved useful to South Carolina planter politicians as sectional tensions began to deepen over the country's Manifest Destiny. On August 8, 1846, Pennsylvania Democrat David Wilmot offered an amendment to an appropriations bill stipulating that any territory acquired by the United States from Mexico as a result of peace negotiations be required to prohibit the institution of slavery. The Wilmot Proviso became a central issue in national politics because it fueled the sectional debate not only

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<sup>2</sup> Sinha, *Counter Revolution of Slavery*, 60-61; for an alternative view that argues antebellum South Carolina was fiercely democratic at the grassroots level, see Lacy K. Ford Jr., *Origins of Southern Radicalism: The South Carolina Upcountry 1800-1860* (New York: Oxford University Press, 1988).

<sup>3</sup> Ford, *Origins of Southern Radicalism*, 143-44.

over slavery in the territories, but also over slavery where it already existed. Reaction in the Palmetto state was swift and immediate. Throughout 1847-1848 mass meetings and public rallies were held across the state denouncing the Wilmot Proviso as “a gratuitous insult to the South.” Even the lifelong Unionist and South Carolina moderate Benjamin F. Perry drafted a set of resolutions at a public meeting in Greenville vowing to resist the proviso “at all hazards and to the last extremity.” He went on to warn that adoption of the proviso would create “alarming and imminent peril” which would hang over “the institutions and sovereign rights of the slaveholding states.”<sup>4</sup> Public gatherings and private correspondence indicate the almost complete unanimity on the reaction to Wilmot’s amendment.<sup>5</sup> Fear and suspicion soon gripped the state and by May 1849 twenty-nine local committees had gathered in Columbia to establish a Central Committee of Vigilance and Safety which acted as a quasi-official advisory body to the governor. By early summer almost every district in the state had endorsed resolutions pledging to resist any further attacks on the institution of slavery.<sup>6</sup>

The ferocity of South Carolina’s defense of slavery and opposition to the Wilmot Proviso can be traced to the political thinking of John C. Calhoun, who had by this time fully developed the doctrine that slavery could not be excluded from a territory prior to its admission to statehood. This theory took shape in a set of resolutions Calhoun introduced in the Senate on February 19, 1847. In its essentials, Calhoun argued that the

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<sup>4</sup> Lillian Adele Kibler, *Benjamin F. Perry: South Carolina Unionist* (Durham, NC.: Duke University Press, 1946), 240.

<sup>5</sup> Lacy K. Ford Jr., *Origins of Southern Radicalism*, 186; David Duncan Wallace, *The History of South Carolina* (New York: The American Historical Society, 1934), Vol. III, 118; Walter Edgar, *South Carolina: A History* (Columbia, SC.: University of South Carolina Press, 1998), 341.

<sup>6</sup> Ford, *Origins of Southern Radicalism*, 187-88.

territories were the common property of the states, and therefore, citizens of any given state had the same constitutional rights to take their property into the common territories. Any discrimination against the property rights of the citizens of various states would be a violation of the Constitution.<sup>7</sup> Often referred to as the “Calhoun Doctrine,” South Carolinians fanatically defended this political theory which would become the basis for the southern political platform throughout the sectional crisis.<sup>8</sup>

If the Nullification episode provided the origins for a nascent southern nationalism, the territorial crisis of 1846-1850 solidified the conception. Although South Carolina had never developed a strong two-party system in the antebellum era, it was during these critical years, particularly the election of 1848, when South Carolina politicians began to disassociate their state from national political parties more than ever before.<sup>9</sup> Manisha Sinha has persuasively argued that the discourse of southern nationalism was firmly grounded in the defense of racial slavery. Formal constitutional and political arguments were of secondary importance compared to “the vindication of slavery as a superior way of ordering society and of a separate identity based on slavery,” which would “constitute the discourse of southern nationalism.” It was the desire to expand slavery into the territories which augmented the idea of southern nationalism. For Sinha, the desire stemmed from a strong belief among southern leaders in the proslavery argument, while the discourse of proslavery politics “provided the ideological coherence

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<sup>7</sup> David M. Potter, *The Impending Crisis: 1848-1861* (New York: Harper & Row, 1976), 59-60.

<sup>8</sup> Sinha, *The Counter Revolution of Slavery*, 70-71.

<sup>9</sup> N.W. Stephenson, “Southern Nationalism in South Carolina in 1851,” *The American Historical Review*, 36, 2, (Jan., 1931), 314-35.

and unity to southern nationalism.”<sup>10</sup> Sinha’s view carries a considerable degree of credibility. However, Emory Thomas reminds us that “nationalism is a compound of many interdependent elements. In the Old South a unique social economy combined with a distinctive “mind,” religious spirit, life style, and culture to produce a nascent nationalism.”<sup>11</sup> In other words, southern nationalism was a nebulous conception composed of many different elements all revolving around a loosely defined “southern way of life.” Thomas’s idea that the “cause” began as a deeply rooted ideology which provided the theoretical basis for a southern nation is more pertinent to this study. In South Carolina, ideology shaped government more than anything else. The southern nationalism that developed early in South Carolina can be partly explained as a reaction to the attacks on slavery from outside the state.

After the Wilmot Proviso was introduced, South Carolina politicians split into two factions and were in serious disagreement over the best strategies and tactics to defend slavery and southern society. One group of conservative politicians tended to be more nationally orientated, complaining that Calhoun was keeping South Carolina out of the national mainstream. This group consisted primarily of old Unionists such as Benjamin F. Perry and James L. Petigru and moderate politicians like James L. Orr who believed that slavery could be best defended through existing party ties. The other group was far more radical, consisting of ambitious men such as Robert Barnwell Rhett and Laurence M. Keitt who urged more aggressive and audacious defiance of the federal government. The radical faction had little qualms about taking South Carolina out of the Union if need be.

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<sup>10</sup> Sinha, *Counter Revolution of Slavery*, 63-64.

<sup>11</sup> Emory M. Thomas, *The Confederate Nation: 1861-1865* (New York, Harper & Row, 1979), 28.

Calhoun was caught in the middle and criticized by both factions. Yet, it was Calhoun who held the political center together, and as long as Calhoun remained alive he could keep the opposing forces in check. Once Calhoun died (March 31, 1850) however, all the issues surrounding the Compromise of 1850 generated an internal debate in state politics that almost took South Carolina out of the Union. South Carolina entered the most critical decade of the sectional crisis “in a state of political turmoil and without the constraint of party fetters to help calm her.” The result was the first secession crisis which produced “the most vigorous and divisive political campaigns since the nullification crisis and revealed how even strategic and tactical disagreements over Southern rights could nearly tear the state apart.”<sup>12</sup>

The Nashville Convention and the first secession crisis in South Carolina have been described in detail by others.<sup>13</sup> While the factional debates and political alignments that ensued in the legislature over the crisis are fascinating, it is inexpedient to fully trace their development here. It suffices to say the legislature passed an act to call a state convention “with the view and intention of arresting further aggressions, and if possible of restoring the Constitutional rights of the South.” If these rights were not restored, said the legislature, the bill would provide “due provision for their future safety and independence.”<sup>14</sup> It seemed that the radicals were having their way and bringing the state ever closer to disunion. However, serious disagreements over how best to provide “future

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<sup>12</sup> Ford, *Origins of Southern Radicalism*, 183-84, quote at 184.

<sup>13</sup> For an older but still excellent study on this movement, see Philip M. Hamer, *The Secession Movement in South Carolina 1847-1852* (Allentown, PA.: H. Ray Haas & Co., 1918).

<sup>14</sup> *Acts of the General Assembly of the State of South Carolina, passed in December, 1850* (Columbia, SC.: From the Steam-Power Press of I.C. Morgan, State Printer, 1850), 55-57.

safety and independence” quickly surfaced. There soon developed two competing factions between “separate state actionists” and “cooperationists.”

This factional split is important because the radicals, or “fire-eaters,” created the atmosphere of secession, generated excitement over it, and provided the framework of debate. Rhett, for example, told delegates at the Nashville Convention (June 1850) that a slave society “must rule themselves or perish.” He was already convinced that there was only “one course left, for the peace and salvation of the South, a dissolution of the Union.”<sup>15</sup> The radicals seemed to operate on the assumption that only separate and immediate action by South Carolina would bring about a program of southern unity. Once South Carolina left the Union, the radicals thought, other southern states would surely stand with her. The radicals’ primary objective was to stir up agitation for immediate secession with the least amount of discussion possible.

At the other end of the spectrum were the cooperationists led by James L. Orr of Anderson district. This faction had an earnest desire to defend slavery and southern rights, but they wanted to do so within the Union if possible. They would certainly choose slavery over Union if the choice was forced upon them, yet Orr and many of his followers had not given up entirely on the Union. Orr believed, like Calhoun, that a successful defense of slavery could only come about from a plan of southern unity. Robert W. Barnwell, a cooperationist and politician who had served South Carolina in various public offices since 1826, agreed and thought “the policy now avowed and zealously pressed into execution, of exciting South Carolina into a separate nation, seems

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<sup>15</sup> William C. Davis, *RHETT: The Turbulent Life and Times of a Fire-Eater* (Columbia, SC.: University of South Carolina Press, 2001), 274, 278.

to me so wide a departure from our past course, and so fraught with danger to the institution which we all desire to defend, that I cannot refrain from expressing...my earnest dissent from it.”<sup>16</sup> Clearly, South Carolina’s most prominent politicians were divided over the best way to protect slavery.

The first secession crisis in South Carolina produced personal bitterness and political wounds that would not heal quickly. The crisis had exhausted state politicians and South Carolinians were emotionally drained from the five year struggle. The cooperationists won the debate over immediate and separate secession because the majority of South Carolina citizens thought it was unwise to leave the Union alone. Fear of an internal slave insurrection, financial and commercial considerations, and a belief that the federal government would use force to keep the state in the Union seem to have been the primary reasons for rejecting separate state action.<sup>17</sup> This does not mean, however, that a strong Unionist sentiment prevailed throughout the state.

Indeed, nearly all South Carolina planter politicians had been in favor of secession, but there was disagreement on the method and proper procedure. Nevertheless, there was little disagreement on the constitutional right of a state to secede. When the state convention convened in the spring of 1852 the vast majority of secessionists and cooperationists passed a resolution confirming the right of secession by a vote of 136 to 19. Of those dissenting were B.F. Perry and a few other Unionists along with the most extreme fire-eaters such as Maxcy Gregg who were disgusted with what they considered

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<sup>16</sup> Hamer, *The Secession Movement in South Carolina 1847-1852*, 94-95; Ford, *Origins of Southern Radicalism*, 195-99; Henry H. Lesesne, “Robert Woodward Barnwell,” in *The South Carolina Encyclopedia*, Walter Edgar, ed., (Columbia, SC.: The University of South Carolina Press, 2006), 50-51; Barnwell quote is in the *Charleston Courier*, May 27, 1851.

<sup>17</sup> Ford, *Origins of Southern Radicalism*, 209-10.

a pointless resolution and a course of action that translated into “absolute submission.”<sup>18</sup> The blueprints for secession had been drawn. The entire episode had been characterized by internal political factionalism. Ironically, factionalism co-existed with a spirit of unity over the right of South Carolina to secede. This trend where both factions agreed on the ends but disagreed over the means would continue up to 1860 and beyond.

Meanwhile, national events continued to fester. The passage of the Kansas-Nebraska Act in 1854 broke the relative calm in the state regarding the question over slavery in the territories. The act essentially repealed the Missouri Compromise by opening territories north of the 36 degrees thirty minutes to slavery. South Carolina accepted the repeal cheerfully and sent some 250-400 men to settle the Kansas territory in the hope of establishing a proslavery government. The majority of South Carolina politicians saw the passage of the act as a triumph for Calhoun’s co-property doctrine, which viewed any congressional restriction of slavery as unconstitutional. But the passage of the act resulted in some unintended consequences that would only exacerbate the growing sectional tension. The most obvious result of this was the creation of the Republican Party which pledged to exclude slavery from all territories and represented the most serious challenge to the perpetuation of slavery. An armed race quickly ensued to win Kansas for freedom or slavery by ballots, or if need be, by bullets. The ideological underpinnings were important to South Carolina as Kansas became the outpost for slavery, and therefore, to the South for white civilization. This renewal of sectional

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<sup>18</sup> Ford, *Origins of Southern Radicalism*, 211.

antagonism gave the radicals like Rhett and Maxcy Gregg another opportunity to push ahead with their agenda for secession and the creation of a southern confederacy.<sup>19</sup>

While radicals in South Carolina continued to push ahead with their plans to secede and possibly form a southern confederacy, politics in the state went on as usual. The economic and political tensions throughout the 1850's did not result in anything resembling a "revolution" in state politics. The legislature continued to play the dominant role in policy-making and the governor of the state retained his nominal and largely ceremonial position as chief executive. However, throughout the 1850's fierce debates in the legislature over representative apportionment, transportation, commerce, and industry, threatened the political harmony that the state had long taken pride in. At times these issues became explosive and "usually centered around fundamental disagreements over what role state and local governments should play in sponsoring or sanctioning economic development."<sup>20</sup>

Yet, even these volatile issues did little to change the basic structure of state government. Efforts at legislative reapportionment met with limited success. The only concession the black-belt districts were willing to give to the white majority in the Upstate was the division of Pendleton district into two new districts, Anderson and Pickens. This compromise did little to solve the inequities in representation and the parishes continued to control state politics to a considerable degree.<sup>21</sup> Although railroads

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<sup>19</sup> Wallace, *History of South Carolina*, 138-39; Sinha, *Counter Revolution of Slavery*, 127, 221.

<sup>20</sup> Ford, *Origins of Southern Radicalism*, 280.

<sup>21</sup> Edgar, *South Carolina*, 346; Ever since 1808, representation in the state legislature had not been apportioned on the basis of white population alone. For the House of Representatives, white population *and* taxable property were the basis for the number of members representing a particular district or parish. For the Senate, each unit of local government was given one senator. As a result, the Lowcountry controlled the

began to appear in the countryside and cotton producers became more firmly entrenched in the market economy, neither this development nor political agitation in the legislature over democratic reform resulted in any fundamental change to the political culture within South Carolina.

Yet, under the surface, important but subtle changes to South Carolina's political culture were taking place. Ever since the Wilmot Proviso South Carolinians increasingly doubted the ability of the national Democratic Party to protect the South's interests. By the time the Kansas-Nebraska Act passed Congress, the foundations for southern nationalism were already laid in South Carolina.<sup>22</sup> When the proslavery Lecompton Constitution in Kansas was defeated in Congress, the radicals' pointed out they had been right all along, that national parties could not be trusted, and that the best way for South Carolina to protect her interests was to pursue an independent course. The strategy the radicals' pursued was one of fear and propaganda. The election of 1860 would be the deciding factor. The *Mercury* predicted "We deem it almost certain that within less than two years all true men in South Carolina or at Washington will stand together. At all events this is our hope. So strong is our conviction of the steady progress and fatal purposes of the powerful Black Republican faction, that this is our belief."<sup>23</sup>

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Senate and were over-represented in the House, although the inland districts did have a majority in the lower chamber. Nevertheless, planter politicians from the Lowcountry continued to dominate the legislature and exert considerable influence, particularly in separatist politics.

<sup>22</sup> This is why James L. Orr's efforts to align South Carolina back into the national Democratic Party struck a raw nerve. A large number of state leaders continued to believe it was wiser to pursue an independent course. Just when the crisis in Kansas was reaching a crescendo, Orr proposed that South Carolina participate in the Democratic national convention in Cincinnati. At that time, South Carolina had not participated in a national convention for over a decade. This issue once again sparked a lengthy and bitter debate in the South Carolina legislature.

<sup>23</sup> Harold S. Shultz, *Nationalism and Sectionalism in South Carolina 1852-1860* (Durham, NC.: Duke University Press, 1950), 166-67; Charleston *Mercury*, November 19, 1858.

Hindsight tells us the *Mercury* was correct in its prediction. Yet, the large middle ground between the extreme States' Rights Party and the moderate National Democrats continued to gain ascendancy during this time of uncertainty. The death of A.P. Butler left a United States Senate seat vacant. On the third ballot James Henry Hammond was elected as a compromise candidate. Hammond's success was curious. He appealed to the radicals but soon disappointed them by allying himself with the moderates. Throughout the summer of 1858 Hammond thought the best policy for the state was to remain in the Union and control the federal government through the cooperation of other southern states. This alarmed the radicals who saw the defeat of the Lecompton Constitution as absolute proof that the National Democratic Party was unreliable when it came to protecting southern interests. According to Drew Faust, the South Carolina legislators "may have viewed Hammond as a convenient means of satisfying popular demands without posing any real threat." The Charleston *Evening News* claimed Hammond was "the people's candidate." His election "represented a new spirit in Carolina politics-a reinstatement of older values and a rejection of the techniques of demagoguery and electioneering that had in recent years made such remarkable inroads in the state."<sup>24</sup>

The comment from the Charleston *Evening News* is instructive on the political culture of South Carolina. George Rable has convincingly argued "the South's dilemma was primarily political, and whatever its economic and cultural effects, secession was a political decision- a decision shaped by the region's political traditions but also by recent

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<sup>24</sup> Drew Gilpin Faust, *James Henry Hammond and the Old South: A Design for Mastery* (Baton Rouge, LA.: Louisiana State University Press, 1982), 338-39; Quote from the *Evening News* is in Charles Cauthen, *South Carolina Goes to War* (Columbia, SC.: University of South Carolina Press, 1950), 10.

and painful experience.” The “recent and painful experience” was not limited to northern attacks on slavery. Indeed, many South Carolina planter politicians were becoming disillusioned with perceived defects in the entire political process. Rable explains that “cries against demagoguery and spoilsmen originated in ancient fears of political corruption. Reservations about democracy-notably the “tyranny of numbers”- along with worries about the security of both liberty and property contributed to this dissatisfaction.” The ultimate fear, then, was that the political corruption which had so tainted the northern states and the nation’s capital would overwhelm southern honor and liberty. Secession, it was presumed, was the only way to avoid political contamination by establishing a “moral quarantine.”<sup>25</sup>

The need to avoid contamination and begin some vague and undefined process of political purification became even more urgent after John Brown raided the federal arsenal at Harper’s Ferry Virginia. Brown’s raid was the capstone of a series of events that generated fear and moved the state ever closer to secession. Reaction to Brown’s raid across the state was convulsive. In the Upstate the *Keowee Courier* laid the blame squarely on the shoulders of the Republican Party, claiming that the “vile clamor of party, the struggle of Republicanism for power, has given an impetus to the abolitionist zeal of old Brown and his comrades, that impelled them forward in their mad career of treason and bloodshed.” In Spartanburg, the *Carolina Spartan* expressed regret at the “morbid feeling and fanaticism” which exists in certain parts of the North. And in the Lowcountry, the Charleston *Courier* uttered sympathy for the citizens of Virginia who

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<sup>25</sup> George C. Rable, *The Confederate Republic: A Revolution Against Politics* (Chapel Hill, NC.: The University of North Carolina Press, 1994), 8-17, quotes on 8, 17.

had not yet recovered from the “civil war” that had engendered “their peaceful community.” Not surprisingly, the harshest words were expressed by the *Mercury*, which referred to the entire affair as a “small eruption on the surface of a diseased body” and warned that “large portions of the North are our enemies.” It went on to predict that “The Harper’s Ferry affair was but premature fruit. A whole harvest of sterner rebellion and bloodier collision is growing up and ripening from the seed these men have sown.”<sup>26</sup> Clearly, the newspapers across the state summarily denounced Brown’s raid and spread fear that the raid was but the first of a series of attempts to bring a race war to the South.<sup>27</sup>

More important was the reaction by the state legislature. Governor William H. Gist’s message to the legislature that December was openly disunionist in tone. After rhetorically asking the members whether South Carolina could rely on the Democratic Party, he went on to say that if the South stood united “we could *enforce equality* in the Union or maintain our independence out of it.” The legislature responded by introducing sixteen radical resolutions in the House and several others in the Senate. Eventually the legislature agreed upon a joint resolution stating that a meeting of the slave states should be called immediately and that the governor should request other states to elect delegates; that a special commissioner be sent to Virginia to express South Carolina’s sympathy and reassure Virginia of the state’s desire to cooperate for the common defense; and finally that \$100,000 be appropriated for military contingencies. Vigilance committees were

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<sup>26</sup> *Keowee Courier*, November, 5, 1859; *Carolina Spartan*, November 3, 1859; *Charleston Courier*, October 21, 1859; *Charleston Mercury*, October 25, 1859.

<sup>27</sup> Edgar, *South Carolina*, 349.

established at public meetings in nearly every community. These committees treated anyone from the North or any stranger as suspect. Violence was the primary means of driving suspicious individuals from the state. In addition, the General Assembly passed several laws clearly meant to intimidate outsiders from visiting South Carolina. These drastic actions were driven by a sense of fear that abolitionists were slowly making their way into the slaveholding communities and homes of South Carolina and that the master-slave relationship might be in jeopardy after John Brown's raid.<sup>28</sup>

Although John Brown's raid did much to rally the radical faction in the state, the radicals had already decided back in March of 1859 to launch a campaign that would prevent South Carolina from being represented at the National Democratic convention at Charleston in May 1860. The arguments advanced by the radicals were essentially the same ones they had used in 1856. The Democratic Party, asserted the radicals, was hopelessly divided on issues dear to the South and as a result could not be trusted to protect southern interests. The national convention met on April 23 but did not go as James Orr planned. It quickly became apparent that the convention was divided between two very different schools of thought regarding the interpretation of the doctrine of popular sovereignty. A showdown between the forces led by Stephen A. Douglas on the one hand and those led by William L. Yancey of Alabama on the other soon consumed much of the debate in the convention. Because popular sovereignty was a vague formula that could be interpreted in many ways, disagreement between the opposing

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<sup>28</sup> Cauthen, *South Carolina Goes to War*, 11-12; Edgar, *South Carolina*, 349; Steven A. Channing, *Crisis of Fear: Secession in South Carolina* (New York, Simon and Schuster, 1970), 17-57, especially 55-57.

interpretations divided the convention.<sup>29</sup> The *Mercury* constantly criticized the convention and complained that “If the National Democratic Party cannot stand the test of principle, matters on which the destiny of the South depends, let us have a sectional party that can. Let the Convention break up.”<sup>30</sup> Clearly, Rhett and the radicals wished to disrupt the convention to guarantee a Republican victory, thereby creating a crisis in which the South would be left no choice but to secede.<sup>31</sup>

Rhett and the radicals got their wish. When the southern platform was defeated, thirteen of South Carolina’s delegates followed Alabama, Mississippi, and Louisiana out of the convention hall.<sup>32</sup> The *Mercury* congratulated the southern states that withdrew from the convention and assured them “they are free of this ignoble struggle.” Not coincidentally, the paper went on to reprint a speech by Calhoun that warned against forging ties with political parties of the North.<sup>33</sup> The unity that Orr and the National Democrats had so eagerly hoped for remained elusive.

With the National Democrats politically fractured there was a discernable trend towards disunion throughout the summer and fall. W.W. Boyce wrote on August 3 that if Lincoln was elected, all the southern states should withdraw from the Union. If they choose not to do so, then South Carolina should secede alone “in the promptest manner, and by the most direct means.” Boyce considered “the success of the Republican party in

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<sup>29</sup> Austin L. Venable, “The Conflict Between the Douglas and Yancey Forces at the Charleston Convention,” *The Journal of Southern History*, 8, 2, (May, 1942), 226-41, 226-30.

<sup>30</sup> *Charleston Mercury*, April 30, 1860.

<sup>31</sup> Davis, *Rhett*, 380.

<sup>32</sup> Cauthen, *South Carolina Goes to War*, 17-18.

<sup>33</sup> *Charleston Mercury*, May 2, 1860.

the Presidential election as involving the necessity of revolution.”<sup>34</sup> These views were echoed by the state legislature, Governor Gist, and every single member of the South Carolina delegation in the federal House of Representatives. Outspoken radicals such as Laurence M. Keitt argued that the Republicans, once they were in control of national politics, would do everything in their power to destroy slavery. John McQueen lost hope that Lincoln would be defeated and recommended immediate action by South Carolina. William Porcher Miles from Charleston threw caution to the wind and epitomized the radicals’ impatience when he complained to James Henry Hammond, “Let us act if we mean to act without talking.” In a letter reprinted in the Charleston *Courier*, Hammond thought that “there never was a sounder policy than at this time.” Even the cautious James L. Orr, leader of the National Democrats in South Carolina, began to change his mind. He wanted secession to be cooperative but admitted that living under Republican rule was impossible. If the South cooperated in a program of secession then “no Black Republican President shall ever execute any law within our borders unless at the point of the bayonet and over the dead bodies of her slain sons.” By all calculations, it was Orr’s influence that helped unify the state on a program of secession. At the end of August, those opposing secession were squarely in the minority.<sup>35</sup>

Why South Carolina came to a general agreement on the question of secession during the summer of 1860 is not entirely clear. There can be little doubt that the two opposing political factions moved closer together after the convention moved to

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<sup>34</sup> Letter of Boyce to D.L. Provence and W.L. Lyles, quoted in *Keowee Courier*, August, 18, 1860.

<sup>35</sup> Cauthen, *South Carolina Goes to War*, 26-27, Orr quote at 27; Rable, *The Confederate Republic*, 18, Miles quote on *Ibid.*, ; Hammond quote is in the *Charleston Courier*, August 25, 1860.

Richmond. This can be partly explained in terms of leadership. It appears most leaders thought that the election of a Republican would mean secession in one form or another. A more likely explanation can be found in the propaganda material circulating throughout the state in 1860. The political leadership of the state had been preparing South Carolina for the issues in 1860 for the past thirty years. A healthy dose of indoctrination in the principles of states' rights and educating the populace of the necessity of secession under certain circumstances seemed to have paid off. The rhetoric stemming from this propaganda was hardly new, but it took a more cohesive form in 1860. Certainly the press contributed its fair share to the excitement and wisdom of secession, which is not to say that all the newspapers agreed with each other on every issue, but almost without exception their editors were "sound" in the doctrine of secession and in increasing number counseled resistance as the probability of Lincoln's election grew in the summer and fall of 1860. Eventually, every newspaper in the state agreed that secession was necessary.<sup>36</sup>

Less obvious but equally important was the political pamphlet. A group of Charleston secessionists organized "The 1860 Association" in September. There can be no question that the material produced by the association was meant to strike fear into the citizenry. John Townsend wrote tract No. 4 entitled *The Doom of Slavery in the Union: Its Safety Out Of It*. As the title makes clear, his thesis was that the Republicans would not stop at anything until slavery was destroyed in the South. Townsend's pamphlet screamed that the South cannot "bend her neck to her enemies, and submit to have her

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<sup>36</sup> Cauthen, *South Carolina Goes to War*, 31-33.

millions of slaves emancipated, her thousands of millions of property taken away from her, her citizens reduced to poverty and want, a servile and debased race elevated to an equality with her citizens, and their families degraded by such an inter course.”<sup>37</sup> The non-slaveholders did not escape the attention of those writing political pamphlets. Tract No. 5, entitled *The Interest of Slavery of the Southern Non-slaveholder*, written by James D. DeBow, essentially reinforced what the slaveholding class in the state had been saying for years. The non-slaveholder, DeBow argued, had an even greater stake in the institution than the slaveholder for slavery had produced a high number of property owners who profited either directly or indirectly from the institution. Most important, emancipation would bring with it equality and a race war from which poor whites would be unable to escape.<sup>38</sup>

References to a race war bring a social dimension into the secession equation. Steven Channing’s important study of secession in South Carolina underscores this critical dimension. Channing has argued that secession “was the product of logical reasoning within a framework of irrational perception.” This perception can be seen in the words of James Henry Hammond who drafted a letter to the South Carolina legislature asserting that the election of Abraham Lincoln was “no mere political or ethical conflict, but a social conflict in which there is to be a war of races, to be waged at midnight with the torch, the knife, & poison.” As this scenario was not frightening enough, Baptist minister James Furman added to the fear when he prophesized that it

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<sup>37</sup> John Townsend, The 1860 Association, *The Doom of Slavery in the Union: Its Safety Out of It* (Charleston, SC.: Evans & Cogswell, 1860) ; Cauthen, *South Carolina Goes to War*, 34-42.

<sup>38</sup> Cauthen, *South Carolina Goes to War*, 34-42.

would only be a matter of time before abolitionist preachers would be readily available “to consummate the marriage of your daughters to black husbands.” For Channing, “the conclusion is inescapable that the multiplicity of fears revolving around the maintenance of race controls for the Negro was not simply the prime concern of the people of South Carolina in their revolution, but was so very vast and frightening that it literally consumed the mass of lesser “causes” of secession which have inspired historians.”<sup>39</sup> Channing’s argument that secession was primarily a means to secure race control is well taken. Still, as Rable noted, secession was essentially a political decision. If controlling the black population in South Carolina was the primary concern of planter politicians, its political manifestation was realized in the act of secession.

The growing unity in the state on the question of secession can be seen in the fall elections for the legislature. Once again, unity of purpose prevailed in the midst of internal factionalism. The difference of opinion was not on the question of whether South Carolina should secede, but if she should secede separately or with the cooperation of other southern states. This was the same basic difference of opinion that had occurred nearly ten years earlier in the first secession crisis. Generally speaking, candidates simply had to pledge their support for a state convention in the event Lincoln was elected president. Only in a few cases were the candidates asked for specifics on their position.<sup>40</sup> When this did occur, their positions were so similar that little can be found to differentiate between them. In Yorkville, nearly all candidates agreed “The Black

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<sup>39</sup> Channing, *Crisis of Fear*, 286-289.

<sup>40</sup> Ollinger Crenshaw, *The Slave States in the Presidential Election of 1860* (Baltimore, MD., The Johns Hopkins Press, 1945), 218-22 ; Cauthen, *South Carolina Goes to War*, 28-29.

Republicans seemed fatally bent on extirpating slavery” and South Carolina must “manfully resist or incur the disgrace of submission.”<sup>41</sup> This type of rhetoric was generally representative of the campaign across the state. The *Mercury* did not relent on its criticism of those who were still hoping to keep the Union together. It charged that those “*vacillating, timid, wait-and-watch politicians* have neglected the great essential principles of our Southern Institutions” and accused them of “personal aggrandizement, to secure favor, office, and banking money power.” The South should stand guard against all “enemies *North*, and Traitors *South*.”<sup>42</sup> If some politicians thought the Union should be preserved, their voices were easily drowned out amidst the secessionist fervor that was quickly sweeping across the state. In any case, the election resulted in a legislature that was almost unanimously pledged to call a state convention if Lincoln was elected.<sup>43</sup>

When the legislature met in special secession on November 5, it seems that cooperationist sentiment existed in the midst of strong secessionist feelings. The differences of opinion were serious, but “they were not in any important degree the disagreements of unionists and secessionists but rather lines of cleavage between sincere cooperationists and separate actionists, between those who would have South Carolina lead and those who preferred that South Carolina follow.”<sup>44</sup> In other words, the factionalism that existed did not mean disagreement over secession but only over the proper method to follow. The Charleston *Courier* proudly claimed “There is now but one sentiment, and that is that we must meet this forced issue with prompt resistance.” It went

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<sup>41</sup> Yorkville *Enquirer*, October 4, 1860.

<sup>42</sup> Charleston *Mercury*, October 6, 1860.

<sup>43</sup> Cauthen, *South Carolina Goes to War*, 29.

<sup>44</sup> Cauthen, *South Carolina Goes to War*, 52.

on to warn that “the enemy” stares South Carolina in the face and “we must either make him surrender or he will complete our destruction.”<sup>45</sup> Unity of purpose continued to outweigh division on procedure.

As the legislature prepared to consider a convention bill a sharp battle ensued over when the convention should meet. Numerous resolutions were offered. For Rhett, the sooner the convention met the better. He suggested November 22, “in order that the members might be home at election day.” But there was a far more important reason for an early date, for longer the delay “the question would no longer be one of disunion, but one of co-operation.”<sup>46</sup> Rhett had little patience for waiting any longer on the rest of the South; if other states choose to wait, then South Carolina should take the lead and act alone. Frustration ensued for the radicals as A.P. Aldrich complained to James Henry Hammond, “I do not believe the common people understand it, in fact I know they do not understand it; but whoever waited for the common people when a great movement was to be made. We must make the movement and force them to follow.”<sup>47</sup>

Eventually the date of the convention was changed to December. The most obvious and important reason for the change occurred when South Carolina received reassuring news from Georgia. At this point cooperation with other southern states seemed more assured than ever. Governor Brown’s recommendation for a convention was well received in Georgia and several federal officers in Savannah and Milledgeville had already resigned. But aside from events in Georgia, there was also considerable

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<sup>45</sup> Charleston *Courier*, November 9, 1860.

<sup>46</sup> Charleston *Courier*, November 9, 1860.

<sup>47</sup> A.P. Aldrich to James Henry Hammond, November 25, 1860, Hammond Papers, quoted in Cauthen, *South Carolina Goes to War*, 133.

public pressure on the legislature to move the convention to an earlier date.<sup>48</sup> The *Charleston Courier* reminded the legislature that “We must look to the moral and political effect of our movement upon the other Southern States and upon the people at large.” Although there was some danger in precipitation, the paper argued that “there is far more danger from that hesitation of policy that, by delaying action, we show to the South that South Carolina trembles in her shoes, and that South Carolina is not prepared to stand up to her principles of the past.” Sterner warnings came from the *Mercury*.<sup>49</sup> Whatever the exact reason for the change, and there is good reason to believe the news from Georgia was decisive, the legislature approved the new date set for December 17 by a vote of 117 to 0 in the House and 42 to 0 in the Senate. On November 10<sup>th</sup> James Chesnut Jr. resigned his seat in the United States Senate followed by Hammond the next day. With the exception of formalities, the Union was no more in South Carolina.<sup>50</sup>

At long last the radicals had finally won the prize. Or had they? As the evidence makes clear, secession had to wait until it seemed certain that other southern states would follow. Rhett and his radical faction had done much to push South Carolina towards disunion over the previous fifteen years but were unsuccessful until Lincoln’s election. Whatever foggy vision the radicals had of southern nationalism during the first secession crisis, their vision was becoming clearer by 1860. Secession was an external revolution; it did not create an internal revolution within the state. Political harmony was created from an outside threat, and therefore, what appeared to be a movement of unity on the surface

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<sup>48</sup> Cauthen, *South Carolina Goes to War*, 57.

<sup>49</sup> *Charleston Courier*, November 12, 1860; *Charleston Mercury*, November 9, 1860.

<sup>50</sup> Cauthen, *South Carolina Goes to War*, 61.

was actually artificial. The question of method had been answered when cooperation was assured in 1860 but now other and perhaps more difficult questions were raised. The political divisions that were formed throughout the 1850's and during the secession crisis are important because they give shape not just to secession but to joining the Confederacy as well. What was this new southern confederacy to look like? Was South Carolina merely interested in preserving the antebellum status quo, or were serious political, economic, and social alterations the desired end? Would the intense factionalism that existed in the state continue once a southern confederacy was formed, or would it be reshaped in a way that was unintended? What would happen to the state's existing political system should war occur? Would the legislature continue to exert primary control over state policy in this new situation, or would the governor be given expanded powers? What role would the state convention play in this process? In short, what was this "revolution" about? There was no shortage of differing opinions regarding these complex and ideological questions and as South Carolina politicians pondered these questions and proposed tentative answers, many must have wondered how much political continuity from the antebellum era would remain.

## Chapter Two

### The Nature of the Revolution

In declining a nomination to the South Carolina secession convention, Andrew Magrath wrote to the editor of the *Mercury* and urged “we must avoid distraction:-we must banish division. Let us not have, in the selection of those who will represent us in that Convention, the influence of those feelings which belong to the action of ordinary political parties. In this issue we have but one party-that is our State.”<sup>51</sup> The *Mercury* itself, which had been at the forefront of creating political divisions in the state during the preceding decade, claimed that “Personal preferences should have no place in our counsels.” It asked South Carolinians to “endeavor and see first whether a ticket of our best and ablest and soundest men, irrespective of any previous political and personal affinities, cannot be so arranged and brought out as to meet the views of the community at large, and obtain a general support.”<sup>52</sup>

Magrath’s letter and the *Mercury*’s editorial are indicative of the type of political culture South Carolina politicians hoped secession would create. George Rable has termed this desire “A Revolution Against Politics.” The divisive effect of partisanship and factionalism would be eliminated in the interest of harmony. It was hoped that selfish men would no longer make politics a profession. Rable explains that “a glorious past of wise statesmanship would be restored. Low taxes, limited government, and civic virtue would characterize a perfected republic built on the twin foundations of white liberty and black slavery.” The construction of this new republic would rest on social

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<sup>51</sup> Charleston *Mercury*, November 14, 1860.

<sup>52</sup> *Ibid.*

harmony, political consensus, and unquestionable legitimacy.<sup>53</sup> Yet, old habits die hard, especially in South Carolina where a long history of political division had existed and specifically over the question of secession for the better part of the antebellum era. Whether the state's leading politicians could agree and form a consensus on the nature of their revolution and on a program that would provide a basis for a southern slaveholding republic was by no means clear.

On December 6 South Carolinians elected delegates to the secession convention. The nomination process was generally marked by mass meetings with candidates nominated to a single ticket. The idea was to fuse differing factions and present a delegation that was united on the issue of immediate secession. The effort to bury old party differences for the sake of unity caused some trouble in Charleston and reflected the bitter feelings still being felt between the cooperationists and radicals.<sup>54</sup> Despite the *Mercury's* insistence that "Personal preferences should have no place in our counsels," it proceeded to classify candidates as "explicit" or "not explicit" on the question of immediate and permanent secession.<sup>55</sup> This action caused much resentment on the part of the moderates who claimed that it was they who had helped unify the state on a program of secession. Cooperationists resented the arbitrary labeling of candidates who were sincere in their desire to protect the interests of South Carolina. Addressing a meeting at Institute Hall in Charleston, Edward McCradly explained the position of the cooperationists. "I have heard that I have been accused during the present canvass by

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<sup>53</sup> George Rable, *The Confederate Republic*, 28-31.

<sup>54</sup> Cauthen, *South Carolina Goes to War*, 63-65.

<sup>55</sup> Charleston *Mercury*, November 14, 1860.

some of those who acted with me at that time [the first secession crisis], that I had receded from the position I then occupied. It is not so. What I was in 1850, I am in 1860...But what was unattainable in 1850 is now within our reach, and I then insisted that this time would come.”<sup>56</sup> Most districts across the state accepted the single ticket plan and nearly every candidate nominated to the convention was committed to immediate separate action.<sup>57</sup> But the context had changed after Lincoln’s election. Now just about everyone in the state was committed to cooperation. Still, the episode reveals that factionalism within the state had not entirely disappeared in the weeks leading up to secession.

That factionalism was still lingering in state politics can be seen in the election of a new governor. Senator James Chesnut Jr. was nominated by the *Charleston Courier* and Robert Barnwell Rhett by the *Charleston Mercury*. Benjamin J. Johnson was also a likely candidate. But a nomination also came from Edgefield, where Francis W. Pickens had recently returned from serving as ambassador to Russia.<sup>58</sup> Soon after his return, Pickens addressed a crowd in Edgefield. He explained how South Carolina had been wronged by the federal government and reaffirmed his belief that secession was the “clear and indisputable right of a sovereign people.” Pickens was then invited to address the General Assembly and did so on November 30. His speech clearly catered to the wishes of the radical secessionists and he assured them “I would be willing to appeal to the god of

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<sup>56</sup> *Charleston Courier*, December 4, 1860.

<sup>57</sup> Cauthen, *South Carolina Goes to War*, 65-66.

<sup>58</sup> *Edgefield Advertiser*, November 28, 1860.

battles-if need be, cover the state with ruin, conflagration, and blood rather than submit.”<sup>59</sup>

Pickens was paving the way to the state’s executive office by first appealing to the cooperationists and then apparently changing his position to a more radical one. He thus seemed to satisfy both factions by acting as a compromise candidate, which was no doubt a central reason for his nomination. Rhett, who had done so much to bring about secession, was passed over for governor. The primary reason seems to have been a lack of trust in his leadership abilities. The famous botanist and diarist from Charleston, William Henry Ravenel, thought Rhett to be “the most untrustworthy politician in the State.” He lacked good judgment and “can never be relied on for statesmanship as a leader.”<sup>60</sup> After five ballots in the legislature, Rhett withdrew his name and Pickens was elected on the seventh ballot.<sup>61</sup>

The nomination of Pickens in order to bury differences seems to have worked. In Charleston, the *Courier* proclaimed “All rejoice that F.W. Pickens is elected governor at last. All parties are reconciled to the result.” In the state capital, the *Southern Guardian* presented Pickens as “a gentleman in every way competent to discharge the high and responsible duties of the office to which he has been chosen.” And in the Upstate, he was considered “a man of ability and experience, and withal, prudent in action.”<sup>62</sup> Meanwhile, the secession convention met as planned on December 17 in Columbia. One study of the

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<sup>59</sup> Edgefield *Advertiser*, December 19, 1860.

<sup>60</sup> Arney Childs, ed., *The Private Journal of William Henry Ravenel: 1859-1887* (Columbia, SC.: University of South Carolina Press, 1947), June 1, 1860, hereafter cited as *Ravenel Journal*.

<sup>61</sup> John B. Edmunds Jr, *Francis W. Pickens and the Politics of Destruction* (Chapel Hill, NC.: The University of North Carolina Press, 1986), 151-53.

<sup>62</sup> Charleston *Courier*, December 17, 1860; Edgefield *Advertiser* quoting the *Southern Guardian*, December 19, 1860; *Keowee Courier*, December 22, 1860.

secession conventions has identified that of the 169 delegates to the South Carolina convention, the average delegate possessed a total wealth of \$104, 053.86. Moreover, 153 delegates, or 90.5 per cent held slaves in 1860. The average holding based on total membership in the convention was 58.8 slaves, while the median was 37 slaves.<sup>63</sup> Clearly this was a body composed of South Carolina's planter-elite who no doubt spoke for their own interests. This had always been the intention of South Carolina politicians. To them, it was only natural that the state's elite should rule.

David F. Jamison, who was president of the convention, addressed the members. After providing a detailed explanation as to why South Carolina was unsafe under the United States Constitution, he declared "Written Constitutions are worthless, unless they are written, at the same time, in the hearts, and founded on the interests of a people; and as there is no common bond of sympathy of interest between the North and the South, all efforts to preserve this Union will not only be fruitless, but fatal to the less numerous section." He then closed his speech with Danton's declaration before the critical battle of Valmy during the French Revolution: "To dare! and again to dare! and without end to dare!"<sup>64</sup>

Jamison's decision to quote Danton is curious. Was he serious? Did secession mean revolution? Perhaps so, but the kind of revolution secession was supposed to be remained ill-defined. Southerners wanted to link their revolution to the American Revolution of 1776. But Thomas Jefferson's assertions of human equality understandably

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<sup>63</sup> Ralph A. Wooster, *The Secession Conventions of the South* (Princeton, NJ.: Princeton University Press, 1962), 16-19.

<sup>64</sup> *Journal of the Convention Of The People of South Carolina, Held in 1860, 1861, and 1862, Together with the Ordinances, Reports, Resolutions, ETC* (Columbia, SC.: R.W. Gibbes, 1862), 3-4, hereafter cited as *Convention Journal*.

caused unease among secessionists hoping for the creation of a slave republic firmly rooted in ideas of inequality. The Declaration of Independence then, was central to secession. It could be used by South Carolina politicians to deny egalitarian principles but it could also be invoked to defend an oppressed people from a tyrannical government. In this case, Lincoln and the Republicans surely represented a threat to white liberty. But there was another problem that had little to do with Lincoln and the Republicans. This was the threat to liberty that could come from revolution itself. George Rable has argued that by its very nature the “right of revolution was such a latitudinarian idea that by implication it might well lead to the kind of radical-and if one dared think it-Jacobinical revolution that the cooperationists had warned against and the secessionists feared.” At the very least, contemporary southern politicians embraced the notion of a “conservative revolution.” Seemingly paradoxical in nature, Rable has observed that southerners “could redefine revolution to suit their present situation...A Southern revolution would presumably harmonize with Southern traditions of state sovereignty, individual liberty, and slavery.”<sup>65</sup> But would the sovereignty of states, individual liberty, and the institution of slavery remain secure after secession? South Carolina politicians hoped so and probably thought it would be safer in a southern confederacy. Yet, the future remained unpredictable.

Before the convention could proceed to business a resolution was proposed to adjourn to Charleston on account of a smallpox outbreak in Columbia. This caused a temporary panic among some radicals who thought any delay might have an ill effect on

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<sup>65</sup> George Rable, *The Confederate Republic*, 46-48.

other southern states. As a gesture to assure the other cotton states of South Carolina's intentions, John A. Inglis offered a resolution that "South Carolina should forthwith secede from the Federal Union, known as the United States of America" before adjourning to Charleston. The resolution was unanimously adopted.<sup>66</sup> When the convention reassembled in Charleston it began its business of separating the state from the Union. Cooperation with other southern states seemed more assured than ever.<sup>67</sup> On December 20 the committee of an ordinance of secession made its report and was adopted by another unanimous vote of all 169 delegates. All members of the South Carolina delegation in Congress quickly resigned. The convention then moved from St. Andrews Hall to Institute Hall where the governor and both houses of the legislature could be present for the ceremonial signing of the ordinance. The atmosphere in Charleston was explosive. Three thousand people cheered the members of the convention as they walked in to sign the document severing the ties of South Carolina to the Union. The day after the signing, the *Mercury* proclaimed December 20 "an epoch in the history of the human race. A great Confederated Republic, overwrought with arrogant and tyrannous oppressions, has fallen from its high estate amongst the nations of the earth...The problem of self-government under the check-balance of slavery, has secured itself from threatened destruction."<sup>68</sup>

The *Mercury's* editorial is instructive. If the exact nature of the revolution was murky there can be no question as to the basic and fundamental reason that caused the act

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<sup>66</sup> *Convention Journal*, 11-13.

<sup>67</sup> On December 18 the "Address of the Southern Congressmen to their Constituents" appeared in the *Mercury*; The address was signed by 30 senators and representatives from nine southern states.

<sup>68</sup> *Charleston Mercury*, December 21, 1860.

of secession. Fear over the future of slavery was clearly the central and pivotal reason for the act. A. G. Magrath, who would be South Carolina's governor in the closing months of the war, wrote afterwards during his imprisonment at Fort Pulaski near Savannah Georgia on the cause of secession. Magrath's words provide a fascinating illustration of how fundamental the institution of slavery was to daily life and how fear over its future existence lay at the root of secession:

All of the transactions of life were based upon it; all of the arrangements for the progress of society were made with reference to it; and the civilization, I may say, of the people in the States in which slavery existed, were regarded as unavoidably connected with it; inseparably dependent upon it. It was thus that the remarkable unanimity was produced in all of these states. No other cause would have produced it. I have said that other considerations attached themselves to it; they were merely incidents to it; of themselves they could never have produced the same result...It was the apprehension of the invasion of this right of property which...was the motive power of the revolution.<sup>69</sup>

In addition to the Secession Ordinance, the convention also produced two other important documents. The first one, headed by Christopher Memminger, was the "Declaration of the Immediate Causes which Induce and Justify the Secession of South Carolina." The Declaration essentially defended the right of secession under the compact theory of the Union. The exercise of that right was explicitly justified in the document on the basis that the northern states had infringed upon the compact because of their refusal to abide by the Constitution in regard to slavery. In the Declaration, slavery was at the top

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<sup>69</sup> A.G. Magrath to \_\_\_\_, November 20, 1865, Magrath Papers, South Carolinana Library, quoted in Cauthen, *South Carolina Goes to War*, 72.

of the list for justifying secession. Now that Lincoln was about to assume the office of the presidency, the convention believed “slavery is in the course of ultimate extinction.” The Republican Party would wage a war “against slavery until it shall cease throughout the United States.”<sup>70</sup> This brought about some opposition from certain members who were rightfully concerned that such a plainly stated reason for secession might not invoke sympathies around the world. An effort to send the Declaration back to committee failed, however, by a vote of 124 to 31. Laurence Keitt was opposed to any alteration of the document because, he reminded the convention, “slavery is the great central point from which we are now proceeding.”<sup>71</sup>

The second document, written by Rhett, was entitled an “Address to the Slaveholding States,” and intended to show that the entire crisis resulted from the overthrow of the United States Constitution. According to Rhett, the North’s blatant violation of the Constitution was “The one great evil, from which all other evils have flowed.” For Rhett, northerners and southerners were two distinct people with divergent interests. The Constitution was an experiment. “The experiment has failed” said Rhett. It had failed to unite two very different peoples. Moreover, the northern states, by possessing a majority in Congress, had created a “consolidated” government that impinged on the rights of the states. In any case, southerners would constitute a great nation on their own and they deserved their own country. “All we demand of other peoples is, to be let alone, to work out our high destinies.”<sup>72</sup> Rhett’s Address celebrated

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<sup>70</sup> “Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union”; This document can be found in the *Convention Journal*, 461-66.

<sup>71</sup> *Convention Journal*, 75-77; Cauthen, *South Carolina Goes to War*, 74.

<sup>72</sup> “Address to the Slaveholding States”; This document can be found in the *Convention Journal*, 467-76.

the breaking up of the United States and left no room for looking back or returning to the Union under any circumstances. He clearly designed it to permanently settle the question of whether an independent southern confederacy should be formed.<sup>73</sup>

The convention answered the question with an affirmative. However, in the meantime, South Carolina would operate as an independent republic. To realize the new situation South Carolina leaders would have to alter the existing administrative organization of the state. Well before the first shot was ever fired the convention began to change the existing status quo in regard to the state's long history of political practice and culture. The most obvious and drastic changes made to the State Constitution were in the powers delegated to the governor. To solve the potential problems facing the state as a result of secession, convention members thought that a stronger executive was needed. It was generally understood that the convention had the power to amend the state constitution since this was the primary function and purpose of conventions in the first place. Accordingly, the convention passed an ordinance "To amend the Constitution of the State of South Carolina in respect to the Executive Department." This measure enlarged the duties of the governor and delegated powers to him that were unknown in the antebellum period. Among the newly delegated powers, the governor was authorized to conduct foreign relations, make diplomatic appointments and treaties, and allowed to choose a cabinet<sup>74</sup> responsible to him. In short, the governor was now given powers that were formerly exercised by the President of the United States.<sup>75</sup>

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<sup>73</sup> Davis, *Rhett*, 411-12.

<sup>74</sup> The "cabinet" was called an "Executive Council." The Executive Council of 1861 was merely an advisory board responsible to the governor. The South Carolina Constitution stated "That the Governor shall, in all cases, decide upon his own action," see *Ordinances and Constitution of the State of South*

Unfortunately, Pickens's personality was not well suited for such power. His mien was very authoritative and he did not take well to the opinions of others. A recent biographer of Pickens believes his "aloofness and overbearing personality were real handicaps. Egoism and arrogance were not uncommon in Carolina cavaliers, but Pickens demonstrated these traits to the fullest. He gained notoriety as a pedant. Past political intrigues and battles had caused many of the state's most prominent families to dislike him...He was a man of ideas, an acute observer, but not a man of firm action."<sup>76</sup> His was not a personality that was well suited to handle the delicate situation involving the federal occupation of Fort Sumter.

On the night of December 26 Major Robert Anderson moved his federal garrison from Fort Moultrie to Fort Sumter. Francis Pickens was in an unenviable position. To most South Carolinians, the occupation of the forts surrounding Charleston Harbor by a foreign nation was unacceptable. The story of diplomatic maneuvering in regard to Fort Sumter has been well told by many historians<sup>77</sup> and it is not necessary to recount the story in detail here. However, it is worth noting that the entire episode is but another example of how political factionalism came to play an important role in state politics. From the beginning Pickens was under heavy pressure and constant criticism from the radicals to

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*Carolina*, cited below. This Executive Council of 1861 is not to be confused with the Executive Council of 1862 which essentially usurped the powers delegated to the Governor and replaced him as the Commander in Chief, see *Supra* 66-67.

<sup>75</sup> *Ordinances and Constitution of the State of South Carolina, With the Constitution of the Provisional Government and of the Confederate States of America* (Charleston, SC.: Evans and Cogswell, Printers to the Convention, 1861), 12-13; This was justified by precedent as South Carolina had acted in a similar fashion in 1776 when the governor was given greater powers during the American Revolution.

<sup>76</sup> Edmunds, *Francis W. Pickens*, 153-54.

<sup>77</sup> See for example, James M. McPherson, *Battle Cry of Freedom*, 263-274; Charles Cauthen, *South Carolina Goes to War*, 92-118; Samuel Wylie Crawford, *The Genesis of the Civil War, The Story of Fort Sumter, 1860-1861* (New York, C.L. Webster and Company, 1887).

seize Fort Sumter by force. The *Mercury* kept up a steady fire of attacks on both Pickens and the government in Washington.<sup>78</sup> Several diplomatic blunders by Pickens and his handling of the commissioner's mission to Washington did not improve the situation or his image.<sup>79</sup> Mary Boykin Chesnut observed that when Major Anderson had moved into Fort Sumter, Governor Pickens was "sleeping serenely." She was depressed that the kind of men put in office at the time of the crisis was "invariably some sleeping dead head long forgotten and passed over."<sup>80</sup>

The situation was somewhat complicated by events soon to take place in Montgomery. Using good judgment, Pickens seems to have pursued a conservative policy that sought to obtain Fort Sumter by peaceful means. He understood the state was unprepared to force a demand for surrender but wanted to appear bold and courageous. Accordingly, he used aggressive language but essentially hesitated between independent South Carolina action and delay until a southern confederacy could be formed and assume responsibility. This greatly upset some radicals, especially Rhett, who thought Pickens ought to attack Fort Sumter immediately without waiting for events to unfold at the convention in Montgomery. On January 21 Rhett walked into Pickens's temporary office and demanded that Fort Sumter be taken at once. "Certainly, Mr. Rhett; I have no objection! I will furnish you with some men, and you can storm the work yourself"

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<sup>78</sup> The *Mercury* is full of such editorials; see for example, January 16-19, 26, 31, 1861.

<sup>79</sup> In his first official act Governor Pickens dispatched a letter to President Buchanan on December 17 stating it was necessary to discontinue all work on the forts and allow the occupation of Fort Sumter by South Carolina officers and men. The letter greatly offended President Buchanan. This pleased some radicals but resulted in a more conciliatory approach made by the convention, who resolved to send commissioners to Washington, see *Convention Journal*, 53-54; On the nature of the commissioners mission see *The Correspondence Between the Commissioners of the State of South Carolina to the Government at Washington and the President of the United States: Together with the Statement of Messrs, Miles And Keitt* (Charleston, SC.: Evans & Cogswell, Printers to the Convention, 1861).

<sup>80</sup> C. Vann Woodward, *Mary Chesnut's Civil War* (New Haven, Yale University Press, 1981), 5.

answered Pickens. Rhett responded “But, sir, I am not a military man!” “Nor I either,” retorted Pickens, “and therefore I take the advice of those who are!”<sup>81</sup> The *Mercury* even advocated that South Carolina avoid entering a southern confederacy until Anderson was removed from Fort Sumter, while the Columbia *Southern Guardian* wondered “Why not is Fort Sumter attacked?”<sup>82</sup> Clearly, the pressure on Pickens from the radical faction to act decisively was very great.

On the other hand, there was pressure from moderates as well, such as Alfred Huger, who asked “Is not the refusal on the part of Major Anderson to receive reinforcements binding upon us not to molest him and his handful of men? Should he not be considered as an object of our care instead of assault?”<sup>83</sup> Perhaps Huger’s moderation was atypical in the state, but it was quite typical of the sentiment outside the state. Pickens was under considerable pressure from political leaders across the South to exercise caution. In Virginia Governor Letcher thought the times demanded “coolness, calmness, and firmness, united with prudence, wisdom, moderation and patriotism.” He was fearful that “an error committed now can never perhaps be corrected.”<sup>84</sup> Jefferson Davis suggested Anderson’s presence was a matter of pride and advised Pickens that delay was the prudent course to take. Similar advice was offered by Governor Brown in Georgia.<sup>85</sup>

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<sup>81</sup> Quoted in Davis, *Rhett*, 419-20.

<sup>82</sup> Davis, *Rhett*, 437; Edmunds, *Francis W. Pickens*, 160; *Charleston Mercury*, January 21, 1861; Edgefield *Advertiser* quoting the *Southern Guardian*, January 30, 1861.

<sup>83</sup> Alfred Huger to William Porcher Miles, January 17, 1861, Miles Papers (Southern Historical Collection, University of North Carolina), quoted in Cauthen, *South Carolina Goes to War*, 107.

<sup>84</sup> *Richmond Daily Whig*, January 8, 1861.

<sup>85</sup> Cauthen, *South Carolina Goes to War*, 107-108.

On the whole, the course Pickens chose was a policy of “wait and see.” The tactic worked well, although Pickens upset both factions in the state to some degree. The radicals were disappointed that the newly-elected governor was not more aggressive in his determination to seize Fort Sumter, and they understandably accused him of indecisiveness and delay. It was a charge that would be later used effectively by his political enemies. The moderates, while pleased that Pickens had avoided a confrontation, were somewhat taken back by his decision to take matters into his own hands instead of waiting for responses from the commissioners who had been sent to Washington to negotiate for the forts. It was a situation where no faction would be entirely pleased but Pickens’s course of action on the whole seems to have met with general approval. The legislature, for example, unanimously approved Pickens’s course in regard to the *Star of the West* and Fort Sumter. The legislature further pledged itself to “earnest, vigorous, and unhesitating support,” for every measure that was adopted to defend the state. Fortunately for Pickens, the Confederate government assumed control of the harbor defenses in early March.<sup>86</sup> For the time being, Pickens could breathe a sigh of relief.

While Pickens was handling the situation regarding Fort Sumter, the convention was busy dealing with the first efforts to establish a southern confederacy. Rhett offered the first resolution to put the plan in motion. On December 26 he proposed an ordinance specifying Montgomery as the meeting place and February 13 as the date for a southern convention of slaveholding states. Although Rhett’s ordinance was tabled, the reports and resolutions adopted December 31 were nearly identical to Rhett’s original proposal. They

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<sup>86</sup> Edmunds, *Francis W. Pickens*, 156-62, legislative approval quoted from *Ibid.*, 159.

called for South Carolina to elect a commissioner to each southern state which had called its own state convention and that the commissioners propose a conference of the said states to meet at the earliest possible date before March 4. They further stipulated that the United States Constitution be the basis for a provisional constitution; that voting be done by the states at the proposed conference; that South Carolina's delegates be elected by convention ballot.<sup>87</sup> In accordance with the report, the first commissioners were elected on January 2 and were soon sent out to preach secession to the other southern states.<sup>88</sup>

In the balloting for delegates to Montgomery the convention selected a body of men who were, for the most part, moderate in their political makeup. With the exception of Rhett and Keitt, it was a group that had been in favor of cooperation and moderation in 1852.<sup>89</sup> Emory Thomas has argued that secession was basically a negative process. Once secession became a reality, there remained the task of building a nation. More importantly, Thomas explains that moderation prevailed at the Montgomery convention because "the fundamental goal of the Southern revolution was the preservation of the Southern life style as Southerners then lived it." Southerners wanted to preserve the existing status quo and were "not willing to expand or intensify that status quo." In short, Confederates "were more than happy with the world they already had."<sup>90</sup> There is much to be said for accepting the model offered by Thomas. But is his interpretation applicable to South Carolina? Were Rhett and his supporters merely content to accept the status quo,

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<sup>87</sup> *Convention Journal*, 41, 92-93, 124, 143; Cauthen, *South Carolina Goes to War*, 84.

<sup>88</sup> For an excellent study on the content of the secession commissioners see Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville, VA.: University of Virginia Press, 2001).

<sup>89</sup> Cauthen, *South Carolina Goes to War*, 85.

<sup>90</sup> Emory M. Thomas, *The Confederate Nation*, 38, 44, 65-66.

or did Rhett have a very different vision of the type of government than the one created at Montgomery? If so, what do these differences say about the revolution for the radical faction in the state? Answering these ideological questions can illuminate serious differences not only at Montgomery but in the Palmetto State itself.

In the whirlwind of secession there was little time to debate such important questions and reflect on the nature of the nascent republic. Speed was of the essence to the radicals, whose fear of “reconstruction” of the old Union was ever present. Still, Rhett’s ideas of what the new nation should be was deep and fixed. At heart Rhett was an ideologue. He left little room for compromise and rejected any plans that would appeal to the Border States. His most recent biographer explains that “his vision encompassed really only the most solidly slavery-based states in the Deep South, the cotton, rice, and sugar states that could be trusted to see their interests wholly wrapped up in maintaining their institutions free of the taint of lingering Union pangs.”<sup>91</sup> Rhett’s vision will be analyzed in more detail below, but there can be no doubt that the factionalism which existed in South Carolina over the previous fifteen years accompanied the delegation to Montgomery. Alexander Stephens said of the South Carolina delegation, “No two of them agree. They are all jealous of each other- no news- there is no harmony or cordiality among them- always respectful in debate but they talk about and against each other.” No other delegation stood as evenly divided during the Montgomery convention as did South Carolina’s.<sup>92</sup>

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<sup>91</sup> Davis, *Rhett*, 423.

<sup>92</sup> William C. Davis, *A Government of Our Own: The Making of the Confederacy* (New York: The Free Press, 1994), 111.

Exactly why the South Carolina delegation was so divided is not easy to explain. The delegation certainly played a prominent role at the Montgomery convention. Yet, the delegation was nonetheless divided and there is reason to believe its lack of unity stemmed from Rhett's vision of what the new government should be. Rhett was not looking to create a government that simply protected the existing status quo in the South. His dream was to create a government that was much different than the one that was created in Montgomery. Thomas has correctly pointed out that the "Confederacy created at Montgomery was not exactly what the super-Southerners like Rhett, Ruffin, and Yancey wanted."<sup>93</sup> The first important dispute was on the purpose of the convention itself. For Rhett, the meeting at Montgomery was simply a constitutional convention to establish a permanent government. A provisional government was dangerous since it might result in "reconstruction" of the old Union. One of the first resolutions Rhett offered was to appoint a committee that would "report to this Congress a constitution for a permanent government of the States represented in this Congress."<sup>94</sup> With the exception of Barnwell, the entire South Carolina delegation opposed his view.<sup>95</sup>

The Provisional Constitution created at Montgomery was criticized in South Carolina, especially by the *Mercury*. It was "unfortunate and *mal apropos* that the stigma of illegitimacy of slavery should be placed upon the institution of slavery by a fundamental law against the slave-trade. In our opinion it is a matter of policy, and not of

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<sup>93</sup> Emory M. Thomas, *The Confederate Nation*, 44.

<sup>94</sup> *Journal of the Congress of the Confederate States of America 1861-1865* (Washington, Government Printing Office, 1904), Vol., I, 25, hereafter cited as *Journal of the Confederate Congress*.

<sup>95</sup> Cauthen, *South Carolina Goes to War*, 85-86; Barnwell was, of course, far more moderate than Rhett. However, Barnwell seems to have agreed with Rhett that a permanent government should be created as quickly as possible to show a spirit not only of solidarity but also one of purpose and permanency.

principle.” It regretted “that any Provisional Government was formed at all” and expressed amazement “that any Southern Government, whether for a month or a year, would sanction the policy of Protective Tariffs.”<sup>96</sup> L.W. Spratt voiced his concern that if the slave-trade was not reopened then the future of slavery itself might be in jeopardy. A slave population at least equal to the white was necessary for the institution to continue. Spratt pointed to Virginia where “there are about 500,000 slaves to about 1,000,000 whites; and as at least as many slaves as masters are necessary to the constitution of a slave society.” “Virginia,” Spratt said, “does not truly know whether she is of the North or South in this great movement.” In any case, the Confederacy was a slave republic and any prohibition on the slave-trade would be fundamentally at odds with the principles of a slave society. Even before a Permanent Constitution was adopted Spratt was already predicting that “to this end another revolution may be necessary.”<sup>97</sup>

When the Permanent Confederate Constitution was adopted by the Provisional Congress on March 11, there was little of the South Carolina program in it. Oddly enough, it was Rhett who chaired the committee that drafted the document. Rhett thought the new government must be a slaveholder’s republic in the purest sense. Yet, almost every proposal by the South Carolina delegation was defeated.<sup>98</sup> This included a lengthy list of attempts to remedy what were considered defects in the Permanent Constitution. As previously mentioned, the motion to strike out the constitutional prohibition of the slave trade was supported by some in South Carolina who saw the trade as necessary for

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<sup>96</sup> Charleston *Mercury*, February 12, 1861.

<sup>97</sup> Charleston *Mercury*, February 13, 1861.

<sup>98</sup> *Journal of the Confederate Congress*, Vol., I, 861-62, 866, 873-74, 877, 880, 883-86, 893.

the survival of the institution. More important, supporters of the slave-trade quite reasonably claimed it was inconsistent for a slave republic to contain provisions limiting the expansion of the very institution it was created to protect. To those who supported reopening the Slave Trade, if slavery as an institution was right then the slave trade was a natural extension of the system; it too was right and should be expressed as a principle in the constitution. This motion, however, did not receive the support of any other state.<sup>99</sup>

W.W. Boyce proposed an amendment that would guarantee “the right of secession of any State from this Confederacy.” Here again, the South Carolina delegation stood alone.<sup>100</sup> Obviously, the state which led the secession movement could see no reason why such a fundamental principle would be objected to. Laurence Keitt hoped to strike out the clause by which only three-fifths of the slave population was counted for purposes of representation. Keitt wanted all slaves to be counted for determining representation. Given the number of slaves in South Carolina, this measure would have greatly strengthened South Carolina’s position in the Confederate Congress. This proposal was also lost.<sup>101</sup> The South Carolina delegation also wished to give state legislatures the exclusive power of choosing presidential electors. This is hardly surprising since South Carolina’s constitution did exactly this. The delegation must have been genuinely frustrated when this too was defeated and left to lie on the table.<sup>102</sup>

But it was the failure to prohibit the future admission to the Confederacy of nonslaveholding states that generated the greatest uproar in South Carolina. The *Mercury*

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<sup>99</sup> Cauthen, *South Carolina Goes to War*, 88.

<sup>100</sup> *Journal of the Confederate Congress*, 873.

<sup>101</sup> *Journal of the Confederate Congress*, 861.

<sup>102</sup> Cauthen, *South Carolina Goes to War*, 88.

thundered that “we are in danger, if the views of the Constitution-makers are carried into practice, of being dragged back eventually into the political affiliation with the States and peoples from whom we have just cut loose.”<sup>103</sup> A southern confederacy could never be safe if admission was open to free states since “Anti-slavery has been taken in with their mothers’ milk, grown with their growth and strengthened with their strength, until so thoroughly assimilated into their constitutions as to become a part of their political principles, their ethics, and their religious faith.” Almost without exception “the universal sentiment” in the North “is one of condemnation of Southern civilization and Southern citizens.” Since the North and South are “two distinct people,” would it be sensible for southerners “after ridding themselves of the perilous connection,” to allow a people “so inimical, and whose hostility by that instrumentality has already proved both troublesome and dangerous to the South” to ever join the Confederacy? The answer was self-evident since the question involved “little less than the destinies of the South.”<sup>104</sup> The *Keowee Courier* was hardly less outspoken in its opposition and predicted that the inclusion of Free States would spell disaster for the Confederacy.<sup>105</sup>

If Rhett was frustrated that most of the South Carolina program was rejected at Montgomery, he must have been even more disappointed when he was not given an administrative position in the new government. He certainly felt entitled to the presidency as a reward for his lifelong efforts at establishing a southern nation, and he surely felt that his vision was the best one to shape the new government. This dream, however, quickly

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<sup>103</sup> Charleston *Mercury*, March 25, 1861.

<sup>104</sup> Charleston *Mercury*, March 27, 1861.

<sup>105</sup> *Keowee Courier*, April 6, 1861.

faded as he found his own delegation unwilling to support him.<sup>106</sup> Nor did the South Carolina delegation, composed mostly of former cooperationists, stand by Rhett in his bid for Secretary of State. That prestigious cabinet position went to Robert Toombs of Georgia, much to the dismay of Rhett's supporters in South Carolina. Soon after the appointment, the *Mercury* complained "this post was due to South Carolina, who proposed and inaugurated secession, and whose people have hitherto borne the chief hardships and losses of the Revolution." The editorial went on to say Rhett "would have been pleased" to have received the appointment and did not hide the fact the South Carolina delegation, with the exception of Keitt, "who is no friend to Mr. Rhett- are all of the old co-operation party of 1852."<sup>107</sup> As for the selection of president, the delegation was also divided. "Everyone determined his own course for himself" remarked William Porcher Miles. Boyce expressed violent opposition to Jefferson Davis as did Laurence Keitt. But Robert Barnwell and James Chesnut Jr. supported Davis along with Miles. And it was Barnwell who persuaded Rhett (after strenuous effort) to cast the deciding vote for Davis.<sup>108</sup> It was hardly a showing of solidarity and clearly, the state's long history of political factionalism would not simply fade away for the sake of unity.

It is tempting to over-emphasize South Carolina's opposition to the Permanent Constitution. Obviously there was much disgust that the amendments offered by the South Carolina delegation were rejected. But it would be a profound mistake to assert

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<sup>106</sup> Davis, *Rhett*, 423.

<sup>107</sup> Charleston *Mercury*, February 26, 1861.

<sup>108</sup> Davis, *A Government of our Own*, 110-13, Miles quote on 111; After the war Rhett wrote in his memoir "The most deplored, and the most deplorable act of my life, was my voting for Jefferson Davis for the Presidency of the Confederate States," see William C. Davis, ed., *A Fire-Eater Remembers: The Confederate Memoir of Robert Barnwell Rhett* (Columbia, SC.: University of South Carolina Press, 2000), 118.

that all South Carolinians were unanimously opposed to its ratification. It would be an even greater mistake to assume that dissension and disillusionment with the Confederate experiment was already widespread before the first shot was fired. Indeed, the Permanent Constitution was generally well received in the Palmetto State. The Charleston *Evening News* thought “every one seems pleased” and expressed its hope that “the radicals will not wage a wicked and suicidal opposition to any of its provisions.” From Pickens Court House, the *Keowee Courier* believed the new document to be “the best Constitution yet formed for the government of man.” Even the *Mercury* considered it “the best Constitution, for the security of liberty and justice, the world has ever seen.” However, it was quick to point out there were “several serious defects.”<sup>109</sup> It was on these perceived defects that considerable opposition occurred in the South Carolina convention. The Permanent Constitution held all the cards for factional division in South Carolina. Nearly every point of contention had already been debated in the legislature during the previous fifteen years. Now, when unity was of the utmost importance, the convention’s actions would determine whether South Carolina could accept and ratify the new constitution. The debate can also tell us much about the radicals’ vision and the future of the Confederacy. The radicals may have lost at Montgomery but they were to be heard again once the debate over ratification began in South Carolina.

It is significant that only South Carolina seriously debated the merits of the Constitution. Across the South state conventions were quick to avoid procedural delay

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<sup>109</sup> Charleston *Evening News*, quoted in *Keowee Courier*, March 23, 1861; *Ibid.*, ; Charleston *Mercury*, March 15, 1861.

and ratified the Constitution with near unanimity.<sup>110</sup> But in South Carolina the debate was lengthy and often bitter, reflecting not only the general discourse of South Carolina's political culture but also its reputation as the most radical of the southern states. The South Carolina convention reassembled on March 25 to consider ratifying the Confederate Constitution in secret session. Within three days after the convention reassembled, Gabriel Manigault of Charleston offered a resolution expressing the convention's conviction that the Constitution "is imperfect and objectionable, and ought to be amended on the following points." These were listed as being first, the possibility of "leaving the door open to the admission of non-slaveholding States into this Confederacy"; second, "In adopting the basis of only three-fifths of the slaves in calculating federal population"; third, "In granting the Government of the Confederacy an unlimited power of indirect taxation"; fourth, "In making the prohibition to import Africans a constitutional principle, and not merely giving to the Confederate Government the power to prohibit it as a matter of expediency"; fifth, "In continuing the Post Office monopoly in the hands of the Confederate Government."<sup>111</sup> J. Izard Middleton thought the Constitution did nothing to guarantee "the right and power of self-government at home." He then proposed a resolution stating the Constitution "cannot be accepted by South Carolina, unless it be amended in all the particulars above specified."<sup>112</sup>

As with the Provisional Constitution, it was the first of these grievances that caused the greatest opposition. The *Mercury* was severely critical of the defect, observing

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<sup>110</sup> Rable, *The Confederate Republic*, 61.

<sup>111</sup> *Convention Journal*, 207.

<sup>112</sup> *Convention Journal*, 215.

that “in South Carolina it is looked upon with alarm.” It admitted “there would be some opposition, but no one ever dreamed it would assume so formidable an appearance.”<sup>113</sup> Rhett addressed the issue with a resolution on April 2 which declared “this State does not consider herself bound to enter or continue in confederation with any State not tolerating the institution of slavery within its limits by fundamental law.” The resolution was tabled, however, and nothing further was done.<sup>114</sup> There was general agreement that amendments were needed but a motion to consider amendments before ratification failed to pass by forty-six votes. A motion to immediately call a constitutional convention was also lost by a vote of 101 to 44. The convention did, however, agree to consider amendments after the vote on ratification. It was resolved that once the Confederate government was “securely established and in peaceful operation, the State of South Carolina ought to demand that, two other States concurring, the Congress shall summon a Convention of all the States, to take into consideration the following amendments to the said Constitution, to wit.”<sup>115</sup>

The proposed amendments included remedies to the grievances already indicated. They were agreed to by a vote of 117 to 15 and “indicate the almost unanimous opinion that amendments were desirable but that agitation for them should be postponed until a more appropriate time.”<sup>116</sup> On April 3 the convention voted overwhelmingly in favor of ratification, the vote being 138 to 21.<sup>117</sup> Significantly, Rhett voted in favor of ratification, indicating *general* acceptance of the document for the radical faction. Of course, not all radicals were content. L.W. Spratt, commenting on the prohibition of the slave trade

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<sup>113</sup> Charleston *Mercury*, April 4, 1861.

<sup>114</sup> *Convention Journal*, 229.

<sup>115</sup> *Convention Journal*, 216-221; 243-244; 246; 248-249.

<sup>116</sup> *Convention Journal*, 260-262; Cauthen, *South Carolina Goes to War*, 90.

<sup>117</sup> *Convention Journal*, 236-238.

thought “our whole movement is defeated...thence another revolution. It may be painful, but we must make it.”<sup>118</sup>

This was the second time that Spratt thought another revolution was not only desirable, but absolutely necessary. It was not that Spratt and the radicals were calling for continuous revolution. They did not want one revolution after another. Rather, the radicals did not consider the revolution complete. Radicals were actually conservative men who were seeking to preserve a status quo that was yet to be achieved. Radicals were uncertain if this status quo could be achieved through the Confederate government. For them, the Constitution was one means to an end that was still evolving. Having worked for an independent southern nation for the past decade, the radicals were not content to quietly acquiesce to a document they considered imperfect on several key issues they had so adamantly supported during the antebellum era. Many of the radicals were ideologues who held deeply rooted convictions about what this southern confederacy was supposed to be. For men like Rhett, Keitt, Gist, and others of their tenacity, concern over appeasing the Upper South, let alone the Border States, was of secondary importance to principle. If some have wondered why Rhett displayed such violent anger towards the Confederate government throughout the course of the Civil War, it is reasonable to assume the roots of his discontent can be traced to the debate over ratification of the Permanent Constitution and the creation of the Confederacy.

George Rable was only partially correct when he argued “ardent secessionists seeking to dissolve the Union paid little attention to the long-run consequences. The most

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<sup>118</sup> Quoted in Thomas, *The Confederate Nation*, 44.

earnest Southern “nationalists” (if they can even be called that) spoke and wrote in only the vaguest terms about their “nation’s” characteristics and prospects. Despite their flaming rhetoric, they had no more of a blueprint for the future than did cooperationists, who appealed to conservatism, caution, and fear of revolution.”<sup>119</sup> It is certainly plausible and probably accurate that the radicals paid little attention to the long-run consequences. But Rhett and other radicals in South Carolina did have a vision of what a southern nation should look like. Perhaps they were unrealistic in their expectations but they nevertheless at the time of ratification seemed determined to push ahead with another revolution. It was critical to them because of past political experiences in the Union. More than anyone else, the radicals had voiced violent opposition to the existing political structure of the United States. This was a chance, perhaps their only chance, to purify a political system that had gone wrong. The radicals were aware that war loomed on the horizon and understood that they must make temporary concessions until the Confederacy was peacefully established and stable. They understood the need to be practicable but they also wanted to carry the revolution through to its fullest manifestation, which was the radical agenda Rhett had been espousing for years.

On the other hand, ratification was a clear victory for the moderate faction. For them, the Constitution was both the means and ends of the revolution. They sought to end the movement as quickly as possible so it might not spin out of control and alienate key states in the Upper South. It is difficult to determine exactly how many voting citizens in South Carolina were either radical or moderate. Part of the difficulty is that these

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<sup>119</sup> George C. Rable, *The Confederate Republic*, 20.

positions were not static and they could fluctuate depending on the time, issue, and unfolding of events. But Emory Thomas is probably correct when he observed that “Southerners generally had adopted radical rhetoric and tactics to transform their ideology in to nationalism; but once that transformation had occurred in secession, the radicals became superfluous.”<sup>120</sup> Perhaps the radicals became superfluous in South Carolina as well, but not at first. Their agenda was seriously debated and considered at length in the convention. Nevertheless, considering that the South Carolina delegation to Montgomery was composed of moderates and former cooperationists, and given the lopsided vote in the state convention favoring ratification of the Constitution, Thomas’s point is well taken. The radicals, who were still trying to conserve a status quo that was yet to be achieved, still did not consider the revolution complete. The revolution would go on. But would it go on in a way that moved away from the radical view or from the moderate view? Would the moderates be able to end the revolution and uphold South Carolina’s political tradition of individualism, local autonomy, limited government, and keep power vested in the legislature?

There also remained one larger and nagging question. Before the convention adjourned on April 10, a difference of opinion arose as to whether or not the convention should adjourn *sine die*. There were some who thought that once the Confederate Constitution was ratified, the business of the convention was complete. The convention had written a new constitution, taken South Carolina out the Union, and provided an ordinance to prepare the state for the possibility of war. Those tasks had been

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<sup>120</sup> Emory M. Thomas, *The Confederate Nation*, 65-66.

accomplished and many thought it was the convention's duty to dissolve itself. However, a great many also thought the convention should adjourn subject to call of the president if some possible future emergency arose. After lengthy debate it was agreed that President Jamison could reconvene the body at any time before January 1, 1862. If, however, it was not reassembled by that date then the convention's existence would end.<sup>121</sup> Seemingly a trivial matter, it held all the cards for a fundamental and explosive debate over the proper exercise of power and sovereignty. A war which promised to touch South Carolina's shores would test the cohesion of its long political tradition nearly to its breaking point.

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<sup>121</sup> *Convention Journal*, 241, 284-86; Cauthen, *South Carolina Goes to War*, 139.

## Chapter Three

### The Exigencies of War: The Convention and

#### Executive Council

On the eve of secession South Carolina was ill-prepared for war. The militia system had not been reorganized since 1841 and enforcement of those out-dated provisions had been inadequate.<sup>122</sup> Governor Gist and the legislature took preliminary steps in November 1860 but it was not until December 17, the day the convention met, that the new legislature acted in a decisive manner. It passed “An ACT to Provide an Armed Military Force” which established a volunteer system based on the existing militia. Governor Pickens was authorized “to call into the service of the state, from time to time, such portion of the militia as he may deem necessary and proper.” One volunteer company of infantry from each infantry battalion of the militia was called into service for twelve months and the Governor was authorized to impose a draft if any battalion did not fill its quota in thirty days.<sup>123</sup> State coercion, it seemed, would take the place of local autonomy to help fill regiments. In these first months of secessionist fervor few complaints were voiced against such measures and nobody seems to have commented on their paradoxical nature.<sup>124</sup> While there was general acquiescence to these measures in the beginning it remained to be seen if similar state actions would receive support in the future.

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<sup>122</sup> Cauthen, *South Carolina Goes to War*, 110.

<sup>123</sup> *Acts of the General Assembly of the State of South Carolina, passed in November and December, 1860, and January, 1861*, (Columbia, SC.: Charles P. Pelham, State Printer, 1861), 848-54, hereafter cited as *Acts of the General Assembly*.

<sup>124</sup> W. Scott Poole, *South Carolina's Civil War: A Narrative History* (Macon, GA.: Mercer University Press, 2005), 18.

The act also authorized the governor to raise several cavalry regiments for state defense not exceeding twelve months. All of these forces were to be “fully armed and equipped when mustered into service” by the state.<sup>125</sup> The convention gave the governor further authority on January 1 to call into service “existing Volunteer Companies” attached to the militia “until superseded by the organization of the force provided for by the recent Act of the General Assembly.”<sup>126</sup> This was a response of the convention to Major Anderson’s occupation of Fort Sumter and allowed for the immediate formation of volunteer companies for six months. A regular military establishment was provided for on January 28 by the legislature. This time, the legislature stipulated “all non-commissioned officers and privates shall be enlisted to serve for a period of three years, unless sooner discharged.”<sup>127</sup> With the legislative acts of December 17 and January 28 and the convention resolution of January 1, South Carolina had provided the first troops for the possibility of war. These measures were designed to put the state on a more permanent war-footing. Both the legislature and the convention were doing their utmost to provide for the common defense and at this point, power was exercised evenly between the legislature and the convention. Neither of these measures raised any protest as they were consistent with the state constitution. Governor Pickens had also done a fine job solving the state’s deficiency in small arms by purchasing some 300,000 pounds of cannon and musket powder from Hazard’s Mills in Connecticut.<sup>128</sup> By all appearances

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<sup>125</sup> *Acts of the General Assembly*, December 17, 1860, 848-54.

<sup>126</sup> *Convention Journal*, 150-51.

<sup>127</sup> *Acts of the General Assembly*, January 28, 1861, 854-65

<sup>128</sup> *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, Government Printing Office, 1882), Series I, Vol., 6, 268-69, hereafter cited as *Official Records*.

the legislature, convention, and governor were acting in unison on important military considerations.

Meanwhile, Lincoln issued orders on April 4 to re-supply Fort Sumter and notified Anderson of its coming. A demand for surrender was sent to Anderson on the 11<sup>th</sup> through Colonel James Chesnut, Jr., and Stephen D. Lee, both aides to General Beauregard. Anderson refused but remarked that he would be starved out within a few days. Accordingly, Beauregard referred the issue to Secretary of War Walker in Montgomery. To this Walker replied, “Do not desire needlessly to bombard Fort Sumter. If Major Anderson will state the time at which, as indicated by him, he will evacuate, and agree that in the mean time he will not use his guns against us...you are authorized thus to avoid the effusion of blood. If this or its equivalent be refused, reduce the fort as your judgment decides to be most practicable.”<sup>129</sup> These terms were carried to Anderson soon after midnight on April 12. He agreed to “evacuate Fort Sumter by noon on the 15<sup>th</sup> instant” and pledged not to fire on South Carolina forces “unless compelled to do so by some hostile act against this fort or the flag of my Government.” However, Anderson also stated he would only evacuate “should I not receive prior to that time controlling instructions from my Government or *additional supplies*.”<sup>130</sup>

These last two words struck a raw nerve and were regarded as unsatisfactory. Chesnut informed Anderson “we have the honor to notify you that he [Beauregard] will open fire of his batteries on Fort Sumter in one hour from this time.”<sup>131</sup> At 4:30 am on

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<sup>129</sup> *Official Records*, Series I, Vol., 1, 301.

<sup>130</sup> *Official Records*, Series I, Vol., 1, 14, italics are mine.

<sup>131</sup> *Official Records*, Series I, Vol., 1, 14.

April 12 the first shot was fired on Fort Sumter from Fort Johnson on James Island. Anderson soon surrendered, the people of Charleston celebrated, and Governor Pickens used the occasion to reassure his doubters that the situation had required “exact calculation, and high science.” When South Carolina was prepared, Pickens added, “I was ready to strike the blow for my State and the independence of my country...even if it led to blood and ruin. Thank God the day has come- thank God the war is open, and we will conquer or perish.”<sup>132</sup>

Pickens’s enthusiasm was matched by most South Carolinians, especially the press. According to Cauthen, a majority of citizens still did not think war would even come. Hammond thought coercion would not occur if as many as two states seceded, let alone after seven states had formed a confederacy. Armistead Burt of Abbeville vowed to drink all the blood spilt as a result of secession. The *Mercury* was confident that any aggression from the North would only unite the South and make conquest impossible. Once the slaveholding states were united together, thought the *Mercury*, “the South is invincible.” It predicted some future hostility at Fort Pickens in Florida and admitted the likelihood of a blockade, “But a campaign war- a war of invasion for conquest, by the North against the South, we do not expect to see...in our judgment, it will never take place.” If the educated leaders of South Carolina thought a war would not occur, according to Cauthen, the “masses of the people must have been even less aware of the danger of war. Led by public men to believe disunion could be peaceably effected, they

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<sup>132</sup> Speech of Governor Pickens to a crowd outside the Charleston Motel on Saturday, April 14, printed in the Charleston *Mercury*, April 16, 1861.

seem to have been carried along on a wave of popular excitement without realizing the consequences.”<sup>133</sup>

Those South Carolinians who did anticipate a war would come surely thought it would not last for an extended period of time. In the excitement of those first months of war there was little trouble rallying men to military service. After the fall of Fort Sumter, President Davis’s call for 8,000 men from South Carolina to serve in the Confederate provisional army for twelve months was quickly met. By June 30 Davis was calling on the state for an additional 3,000 men to serve for the duration of the war. Although the response was somewhat less eager, the 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> South Carolina Volunteers were organized and mustered into Confederate service for the duration. Most of these troops were sent to Virginia in the first year of the war.<sup>134</sup> There seems to have been little opposition at first to the sending of South Carolina troops out of the state. Pickens cannot be charged with a lack of foresight regarding home defense in the first months of the war. The same day Davis issued his call for men to serve for the duration, Pickens wrote Secretary of War Walker asking if “I may order back immediately some of the regiments I have sent to Virginia for the defense of our coast” in the event of a federal attack that fall. Pickens understood that South Carolina’s “sea-coast is extensive and quite exposed,” but added that if he could only be assured of plenty of arms and ammunition he could “defend the country or make it not worth conquering.”<sup>135</sup>

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<sup>133</sup> Cauthen, *South Carolina Goes to War*, 133; *Charleston Mercury*, April 17, 1861; Cauthen, *South Carolina Goes to War*, 133.

<sup>134</sup> Cauthen, *South Carolina Goes to War*, 135-36.

<sup>135</sup> *Official Records*, Series IV, Vol. 1, 413-15.

Despite Pickens's efforts at maintaining home defense, general indignation towards the Governor's leadership mounted throughout 1861 as many of the state's important leaders thought Pickens was mishandling the crisis over Fort Sumter and not doing enough to protect the state. As early as January 14 Trescot was writing to Howell Cobb complaining of Governor Pickens's "blunders."<sup>136</sup> Several weeks later Henry William Ravenel recorded in his diary, "There is great dissatisfaction prevailing in the city at the course of Gov. Pickens." Ravenel found the governor to be "overbearing, haughty & rude." Moreover, his personality "caused many resignations & has made himself so unpopular since his election, that were it not for the critical state of affairs now existing, he would be called to account & perhaps impeached." Ravenel blamed the "Rhett party" for his selection and believed that Pickens "ought never to have been elected Governor."<sup>137</sup> William Gilmore Simms described Pickens as an "ass." Simms believed that "he will drive away from him every decent counselor" because his leadership "has caused the most infinite degree of blundering and has offended many."<sup>138</sup> Even Wade Hampton, who remained somewhat aloof from state politics since he was busy fighting the war in Virginia, described Pickens as a "fool."<sup>139</sup> More than anything

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<sup>136</sup> W.H. Trescot to Howell Cobb, January 14, 1861, in Ulrich Bonnell Phillips, ed., *The Correspondence of Robert Toombs, Alexander H. Stephens, And Howell Cobb* (New York: Da Capo Press, 1970), 529-31, quote on 531.

<sup>137</sup> *Ravenel Journal*, January 31, 1861, 51-52; It seems unlikely that Rhett had much to do with the election of Pickens to the governorship as Rhett himself ran for the position. As indicated earlier, Pickens was elected as a compromise candidate.

<sup>138</sup> William Gilmore Simms to James Henry Hammond, June 14, 1861, Hammond Papers, quoted in Cauthen, *South Carolina Goes to War*, 141 and Edmunds, *Francis W. Pickens*, 164 ; D.F. Jamison, the president of the convention, became one of the governor's chief critics, and secretary of state Andrew G. Magrath disassociated himself from Pickens, see Edmunds, *Francis W. Pickens*, 164.

<sup>139</sup> Rod Andrew Jr., *Wade Hampton: Confederate Warrior to Southern Redeemer* (Chapel Hill, NC.: The University of North Carolina Press, 2008), 52.

else, those who were critical of Pickens justified their complaints on his mismanagement of the military situation.

Charges of Pickens favoring the Upstate in regard to military appointments also appeared. The *Marion Star* complained that not only had Pickens neglected the Pee Dee section but his appointment of General Bonham was the “crowning act of injustice.” Similar expressions were voiced in the *Mercury*, which complained that the “men who made the revolution” were not given fair consideration in appointments.<sup>140</sup> More important was the criticism directed at Pickens for inadequately preparing coastal defenses in the likely event of an attack. Throughout June and July the *Mercury* repeatedly urged “efficient organization and immediate preparation” and described the state’s policy as “timid and inefficient.”<sup>141</sup> If a major Union assault did occur along the South Carolina coast and territory was lost, there could be little doubt as to who would shoulder the blame. Clearly, Pickens was in a precarious position.

By early November of 1861 South Carolina had sent an impressive number of men to Virginia. A total of nineteen regiments had been organized with six of them to serve for the duration. But danger lurked off the South Carolina coast. As previously mentioned the *Mercury* sounded several warnings over the summer urging the state authorities to “turn our eyes from the well-fortified banks of the Potomac to the more accessible shores of our own State” and reminded its readers “that in the eyes and thoughts of our enemies South Carolina is the very head and front of this *rebellion*.”<sup>142</sup>

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<sup>140</sup> *Marion Star* quoted in *Keowee Courier*, March 30, 1861; *Charleston Mercury*, June 17, 1861, see also *Mercury* August 7, 1861.

<sup>141</sup> *Charleston Mercury*, July 18, June 13, 1861; see also *Ibid.*, July 3, 10, 24, 1861.

<sup>142</sup> *Charleston Mercury*, July 20, 1861; see also *Ibid.*, July 22, August 24, 1861.

The coast had not entirely been neglected. P.G.T. Beauregard had established plans for coastal defense in May and ordered the construction of two forts (Walker and Beauregard) to guard Port Royal Sound. Fort Walker had been under construction by slave labor on Hilton Head Island throughout the summer and was completed by September but its armaments were wholly inadequate. Instead of the seven ten-inch Columbiad rifled cannons that were supposed to arm the fort, only one was ever installed. The defenders would have make do with old Navy 32 pounders and a handful of smaller guns which would, for the most part, prove ineffective.<sup>143</sup>

While the Union fleet was gearing up for an attack on Port Royal the Governor addressed the General Assembly. His message was not reassuring or encouraging. Rather than addressing the pressing military situation he recalled the glories of secession and seemed more concerned with how historians would remember him. Pickens “confidently” appealed to the future “with the proud consciousness that posterity will exultingly point to every page of history, as tablets on whose marble surface shall be engraved the record of our honor unstained, and of our integrity without a blemish.” He went on to inform the legislature that many troops had already been called into Confederate service, but he described the present state of South Carolina’s military organization as in “a state of comparative disorganization.” He closed with a plea that must have confused most of the sitting members. Pickens urged the legislature to “increase the power and dignity of the State, through all her administrative offices,” but also asked the members to “adhere

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<sup>143</sup> Lawrence S. Rowland et al., *The History of Beaufort County: 1514-1861* (Columbia, SC.: University of South Carolina Press, 1996), 444-45.

firmly to all the conservative principles of our Constitution.”<sup>144</sup> How the two were compatible Pickens did not say. Pickens’s speech had no clear message and certainly he offered no solutions. Two days later Port Royal fell to the Union fleet under Commodore Samuel F. Dupont.

The battle for Port Royal has been well described by others.<sup>145</sup> It suffices to say the Confederate forces were no match for the Union fleet that captured the forts quite easily. More important than the battle were the consequences resulting from the Union victory which had “a catastrophic and immediate effect on slaves and planters alike.”<sup>146</sup> Planters fled inland abandoning their plantations and burned large quantities of cotton. Many tried to take their slaves with them but these efforts were for the most part, unsuccessful. The slave population was well aware of the situation and was not coaxed by their masters into believing their predicament would be worse when the Union army came to occupy the region. When one young slave named Sam heard the sound of the big guns he thought it was thunder but there was not a cloud in the sky. His mother said to him “dat ain’t no t’under, dat Yankee come to gib you Freedom.” This was typical of scenes enacted on nearly every plantation.<sup>147</sup> The fall of Port Royal caused serious disruptions in the master-slave relationship and created general panic among the white population. It also “threw Charleston into a panic comparable to that of Washington after

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<sup>144</sup> *Journal of the Senate of South Carolina: Being the Sessions of 1861* (Columbia, SC.: Charles P. Pelham, State Printer, 1861), Message No., 1, November 5, 1861, 10-25, quotes on 15, 10, 25, hereafter cited as *Senate Journal*.

<sup>145</sup> See, for example, W. Scott Poole, *South Carolina’s Civil War*, 37-43.

<sup>146</sup> Poole, *South Carolina’s Civil War*, 41.

<sup>147</sup> Quoted in Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (New York: Vintage Books, 1964), 12.

the battle of Manassas.”<sup>148</sup> Henry William Ravenel recorded in his journal that there were “thousands of rumors of traitors among our people,” and that “the people of Charleston are apprehensive of an attack.”<sup>149</sup> The *Mercury* also reported that the capture of Port Royal “created great excitement and considerable apprehension” and regretted that the “two previous months were wasted in doing nothing for our defense.”<sup>150</sup> Preston complained to Chesnut about the “miserable confusion, ignorance” and complete “inefficiency” of the state government.<sup>151</sup> There was a genuine and understandable fear among many South Carolinians that they were not only vulnerable to Union forces but also that a slave population on the loose constituted a serious internal threat. Something needed to be done quickly to calm the civilian population and restore order.

Accordingly, on November 11 Governor Pickens issued a call for volunteers under a resolution of the legislature which had been in session for the purpose of choosing presidential electors. Several months earlier the Provisional Confederate Congress passed a bill “to provide for local defense and special service.”<sup>152</sup> The recruits Governor Pickens called for were to serve under the provisions of that bill which required mustering into the Confederate service. Unfortunately, the results were disappointing. Robert E. Lee, who was now in charge of the Department of South Carolina and Georgia, had appointed Col. John S. Preston to overlook the recruitment of volunteers for that purpose. After receiving a discouraging letter from Preston on December 3, Lee reported

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<sup>148</sup> Cauthen, *South Carolina Goes to War*, 137.

<sup>149</sup> *Ravenel Journal*, November 11, 12, 1861, 96-97.

<sup>150</sup> *Charleston Mercury*, November 11, 1861.

<sup>151</sup> J.S. Preston to James Chesnut, Jr., November 14, 1861, Chesnut-Manning-Miller Papers (South Carolina Historical Society, Charleston, SC).

<sup>152</sup> *Journal of the Confederate Congress*, Vol., 1, August 12, 1861, 338.

to Secretary of War Benjamin that “the only transfers made up to this time are four companies for twelve-month’s service.” And even for twelve months, the recruiting was “very languid.” Governor Pickens also admitted “there is great difficulty in enlisting regulars now.”<sup>153</sup>

The lack of men volunteering for service was no doubt due to the realization the war would last much longer than everyone had thought. That the men who volunteered were supposed to serve for the duration did not help matters. The legislature responded to the enlistment problem by drastically amending the militia law of 1841. The new law made all white males between eighteen and forty-five liable to militia duty and required company muster and drill at least once every other week. It also authorized the governor to call out any portion of the militia for twelve months service “either in this State or any of the Confederate States.”<sup>154</sup> The legislature greatly strengthened the potential effectiveness of the militia by this act. But before the measure could be put into place, a great fire broke out in Charleston burning some 540 acres and 575 private homes. Total property losses were estimated between \$5 million and \$8 million.<sup>155</sup>

The realization of a prolonged war, enemy occupation of Port Royal, the fire in Charleston, the fear of an imminent attack on that city, the federal blockade off the coast, rising prices, scarcity of goods, and the problem of enlisting men for the duration of the war constituted a general and immediate emergency in the eyes of many South Carolinians. As mentioned at the end of the last chapter, before the convention adjourned

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<sup>153</sup> *Official Records*, Series I, Vol., 6, 335, 363.

<sup>154</sup> *Acts of the General Assembly*, session of 1861, December 7, 1861, 11-14.

<sup>155</sup> Walter J. Fraser, Jr., *Charleston! Charleston!: The History of a Southern City* (Columbia, SC.: University of South Carolina Press, 1989), 253-55, the fire occurred between the night of December 11 and the morning of December 12.

the previous April it had resolved to dissolve itself by the first day of January 1862 unless “public exigencies shall require” it to be reassembled at the discretion of the president. Members of the convention were losing patience with both Pickens and the legislature. Delegates thought both were moving too slowly to meet the urgent emergency facing the state. President Jamison indeed thought this was a general emergency and in accordance with the power given to him, reassembled that body on the day after Christmas. He explained the perils of the state are “far graver” than at the time of the convention’s last adjournment. Jamison cited the Union occupation “of the wealthiest and best part of our seaboard,” and “a slave population which have come in contact with abolitionism.” He expressed concern that a great number of the state’s citizens were serving in the field and as a result the next fall elections “might be suffered to go by default” which would leave the state “without an organized government.”<sup>156</sup> In other words, the current structure of state government in relation to the emergency facing the state was flaccid. Jamison might have added the general lack of confidence in Governor Pickens and the legislature to handle the military crisis as the primary reason for reassembling the convention but apparently thought it in the state’s best interest to refrain from saying so.

To meet the emergency the convention took drastic action. Convinced that Governor Pickens and the legislature were inadequate to solve the pressing problems, the convention created an extraordinary body to strengthen the efficiency and defense of the state. The creation of an Executive Council by the convention was a radical departure from previous political practice. It was created out of desperate circumstances to bring

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<sup>156</sup> *Convention Journal*, 284-285, 302-303.

order and stability to a state that was increasingly experiencing the pangs of war. The convention ordinance proclaimed “the Governor shall be assisted” by the Executive Council “in the exercise of the powers conferred upon him.” The council would have power to declare martial law if required “by the exigency of public affairs” and to “arrest and detain all disloyal or disaffected persons” if they were deemed “inconsistent with the public safety.” Moreover, the council could order and enforce the “disposition of private property” for public use with due compensation from the state and “draw money from the public Treasury” for “the more efficient execution” of powers given to the body. Ordinances were passed to “suspend certain parts of the Constitution” and for “strengthening the Executive Department.” The council would consist of the governor, lieutenant governor, and three other members chosen by the convention. For all intents and purposes, the governor was usurped of power since he was merely a member of the council. This was not simply a cabinet of advisors. A quorum consisting of the lieutenant governor and two other members of the council could exercise full executive power in the governor’s absence. In short, the council was given the power to do “whatever else may be required for the defense of the State” for the “more efficient execution of the powers hereby confided to them.”<sup>157</sup> That the creation of such a body with remarkable powers heretofore exercised by the governor and legislature was a vote of no confidence in either to conduct the war can hardly be doubted. The day after the Executive Council was created Mary Chesnut described it as “a bundle of sticks and crutches for old Pickens.”<sup>158</sup>

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<sup>157</sup> *Convention Journal*, 793-96, the council consisted of Governor Pickens, Lieutenant Governor Harlee, former Senator James Chesnut Jr., Attorney General Issac W. Hayne, and ex-Governor William H. Gist.

<sup>158</sup> Woodward, *Mary Chesnut’s Civil War*, 275.

This convention ordinance is significant because it raised serious questions not only about South Carolina's political culture in the midst of war but challenged more fundamental political values South Carolinians held dear during the antebellum era. Was centralizing state authority in the hands of five men what the radicals wanted from this revolution? Was it what moderates had envisioned when they made the decision to support secession in December of 1860? State politicians sitting in the convention of both political persuasions had voted for the measure creating the council, the vote being 96 to 23.<sup>159</sup> Perhaps the revolution was going in a direction that neither faction had quite imagined. In the turbulent times of December 1861 little opposition was voiced to such extraordinary measures. The danger facing the state was so great that constitutional objections were swept away amid calls for increasing the effectiveness of the executive department. There were some sputtering concerns on constitutional grounds but these were minimal and quickly brushed aside.<sup>160</sup> Not surprisingly, Governor Pickens sternly objected to the creation of a body that essentially replaced him as Commander-in-Chief. Pickens thought he owed it to the convention "to say that I seriously think the ordinance that you have now passed will, in its practical operation, greatly weaken the Executive as created by the Constitution." Pickens expressed his disapproval of Section Eight which required military orders be submitted to a vote of the council. Pickens feared that any

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<sup>159</sup> *Convention Journal*, 362-367, 373; Those voting against the council were not necessarily opposed to its creation, but rather, wanted to leave the council responsible to the governor instead of the convention, see *Ibid.*, 353-355; those voting in opposition to the resolution were about evenly divided between the up and low country, see Cauthen, *South Carolina Goes to War*, 142.

<sup>160</sup> *Charleston Courier*, January 23, 1862, quoting the *Edgefield Advertiser*; Maxcy Gregg wrote a letter in defense of Governor Pickens on January 4, 1862 in which he claimed the council "could only have been conceived from a distrust of the present Governor" and thought rather than create the council "the direct and proper course would be to depose him", and to appoint in his place the "wisest and best man in the State." Gregg did not specify who that man was, and in any case the letter did not make its way into the press until September, see *Charleston Mercury*, September 17, 1862.

“unusual or arbitrary power will create suspicion and jealousy” and rightfully worried that the council would produce “great imbecility in acting as Commander-in-Chief.”<sup>161</sup>

One suspects that limiting Pickens’s authority was the chief objective in creating the council in the first place. A general lack of confidence in the leadership of Pickens by the end of 1861 reached a crescendo. Desperate times called for desperate measures. George Rable has pointed out the consequence was a resort to desperate politics. State politicians had to confront practical and ideological questions about ends and means. It was more than a simple conflict between those who advocated a consolidated state and those who were unwilling to sacrifice states’ rights to military necessity. Rather, “this new debate marked the beginning of a long contest between a politics of national unity and a politics of individual, community, and state liberty...To sacrifice liberty in order to preserve it: this paradox summed up the Confederate dilemma.”<sup>162</sup> The creation of an Executive Council, composed of the South Carolina’s most talented men to take charge of state affairs, was a response to the trying times. Genuine alarm engulfed the state and there was agreement that something needed to be done. The creation of an Executive Council seemed to be a plausible solution. Pickens stated that he would resign if it were not for the present state of public affairs. In the interest of harmony he pledged to cooperate with the council and would “cheerfully” execute the ordinance “to the letter.”<sup>163</sup> Whatever personal objections Pickens had to the council, it is doubtful he had much to be cheerful about at the beginning of 1862.

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<sup>161</sup> *Convention Journal*, 385-86.

<sup>162</sup> George C. Rable, *The Confederate Republic*, see chapter 7, 132-53, quotes on 138-39.

<sup>163</sup> *Convention Journal*, 385-86.

If there was any question as to who would assume leadership in the council it was answered almost immediately. On Chesnut's motion administrative departments were created with Chesnut becoming Chief of the Department of the Military. Chesnut was given "all such powers as are necessary" to perform his duties which included commanding "all officers and employees in the military organization of the State." All appointments to vacancies in the military service of the State "heretofore vested by law in the Governor, shall be vested in the Chief of the Military Department."<sup>164</sup> Chesnut, not Pickens, would be calling the shots. Lieutenant Governor Harllee and W.H. Gist became heads of the Department of Treasury and Finance, and I.W. Hayne Chief of Justice and Police. Later in the year a Department of Construction and Manufacture was created with Gist as its head. The Executive Council met for the first time on January 9 and proceeded with business. Of the five member council, there was a mixture of radical and moderate behavior during the sectional crisis. The council was not made up of one faction, and perhaps this shows that the revolution was moving in a direction that neither faction had anticipated. Although its members could not have known it at the time, the Executive Council became "the source of the greatest political controversy in the Civil War history of the state."<sup>165</sup>

Why did the council become the source of political controversy? Tentative answers will be put forth on the following pages. However, it should be pointed out that the council was charged with nothing less than transforming a predominantly rural and

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<sup>164</sup> *Report of the Chief of the Department of the Military of South Carolina to His Excellency Governor Pickens* (Columbia, SC.: Charles P. Pelham, State Printer, 1862), 29-30, hereafter cited as *Report of Chief of Military*.

<sup>165</sup> Cauthen, *South Carolina Goes to War*, 145.

agricultural state into one that would be prepared to meet the demands of a prolonged war that became bloodier with each passing day. Emory Thomas has argued convincingly that in their quest for independence southerners experienced many transformations resulting from the demands of war, and by extension, the demands of the Confederate government. The antebellum “southern way of life” was revolutionized by the Confederate experience. Thomas explains that “revolutions, even conservative revolutions, contain a dynamic of their own. They have a way of getting out of hand and transforming even the institutions they were meant to preserve.”<sup>166</sup> This certainly was the case with South Carolina. One need not look to the Confederate government to find a revolutionary experience. It can be found at the state level in the actions taken by the Executive Council.

Evidence for the above assertion can readily be found in the measures taken by the council to improve the sources of supply in the state. The council would transform South Carolina into a nascent industrial society. Among the most pressing shortages were lead and powder. To procure more lead Chesnut sought the help of Professor John LeConte to examine the existing lead mines of the state. LeConte reported that the lead mine in Spartanburg was rich in ore and easily workable. Therefore, arrangements were made “to place it for a time in the hands of the State.”<sup>167</sup> The mine was operated by the state with indifferent success until 1863 when it was sold to the Confederacy.<sup>168</sup> The

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<sup>166</sup> Emory M. Thomas, *The Confederacy as a Revolutionary Experience* (New Jersey, Prentice-Hall, Inc., 1971), 1.

<sup>167</sup> *Report of Chief of Military*, 24.

<sup>168</sup> Cauthen, *South Carolina Goes to War*, 149.

council urged private donations of lead. In Georgetown the Episcopal, Methodist, and Baptist Churches all gave their church bells to the state. The town bell was also given.<sup>169</sup>

The council also experimented with the manufacture of nitre to alleviate the powder shortage. Although there were saltpetre caves within the limits of the Confederacy, Chesnut reported “their yield was far short of our necessities.” He thought there was but one way to supply the deficiency “and that was to produce it ourselves.” Five acres of land were leased in Columbia by the state for that purpose. It was hoped and expected that within eight to twelve months at least one thousand pounds of powder would be produced daily. This would ensure “a sufficient quantity of powder for the wants of the State, at all times.” The Charleston *Courier* thought it was “a business so novel in this country, that no one had any proper knowledge of its details.” The *Courier* went on to applaud the experiment that was “driven by necessity” which was “being conducted on the most extensive scale known in the Confederacy.”<sup>170</sup> Mary Chesnut believed the experiment to be “a brilliant success” and was happy that “Mr. C is proud of it.”<sup>171</sup>

In addition to increasing supplies at home the council sought ways to relieve pressure on the state resulting from the federal blockade. W.H. Gist, head of the Department of Manufacture and Construction “commenced putting up the necessary buildings for a foundry and work shops.” Until those buildings were completed “temporary work shops were established in Columbia for repairing arms.” Old flint and

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<sup>169</sup> Charleston *Mercury*, April 11, 1862.

<sup>170</sup> *Report of Chief of Military*, 24-26; Charleston *Courier*, October 24, 1862.

<sup>171</sup> Woodward, *Mary Chesnut's Civil War*, 307.

steel locks were converted to percussion, bayonets were altered to fit the new guns, and a large number of pikes were made. A state armory was established in Greenville which “progressed rapidly.” Many of these state-sponsored projects were for the exclusive use by South Carolina. Gist considered it “the duty of the State” to “retain the means of defense, and not give up to any other power whatever all her military material.”

According to Gist’s report, his department had spent some \$95,212 by August 1862.<sup>172</sup>

Other projects were meant to serve the needs of the Confederacy. Vessels, for example, were constructed for coastal defense and to bolster the diminutive Confederate Navy. The convention passed an ordinance “Further to provide for the Harbor and Coast Defenses of the State.” The council was authorized to spend \$300,000 “appropriated out of any moneys in the Treasury of the State” for the construction or purchase of vessels. By October the gunship *Chicora* was completed and arrangements were made “to build two more gun-boats as rapidly as possible.” These vessels were constructed for the Confederate Navy on the understanding that the state would be reimbursed by the Richmond government, which it was.<sup>173</sup> It can be said with relative certainty that South Carolina embarked on an extensive program of industrialization and manufacturing which was a decisive departure from the emphasis on agriculture during the antebellum era.

Although the council was primarily concerned with military matters, a social revolution of sorts also occurred. The council took action to alleviate civilian distress.

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<sup>172</sup> *Report of W.H. Gist, Chief of the Department of Construction and Manufacture, to His Excellency, Governor Pickens* (Columbia, SC.: R.W. Gibbes, Printer to the Convention, 1862), 3-7.

<sup>173</sup> *Convention Journal*, 789-90; *Report of Chief of Military*, 26-27.

The shortage of salt created a serious problem for the civilian population who depended on the subsistence for the preservation of meat. A proposition was put forth in the Executive Council chamber “to push forward the manufacture of salt.”<sup>174</sup> The state aided those who were willing to manufacture salt on their own by appropriating \$50,000 for a loan fund.<sup>175</sup> To combat the inflation and speculation of salt the council chastised the profiteers of “unrighteous and unconscientious extortion” who were “daily adding to their gains by raising their prices upon the necessitous and poor.” A committee was organized consisting of Pickens, Hayne, and Gist “to consider and report a tariff of prices for provisions and other necessaries of life.” The council threatened that any violation or evasion would go “punished.” Although price regulations for salt never went into effect, the fact that the council debated the issue at all is remarkable.<sup>176</sup>

Some price regulation did occur, as on the selling of medicine to the various districts. The price of quinine, for instance was “to be fixed by the Chief of Military.” To relieve hunger, small amounts of surplus army beef were distributed to civilians free of cost.<sup>177</sup> As a food saving measure the council resolved that it was inexpedient “to grant any license to distill spirituous liquors from grain,” except to distill exclusively for the purpose of making alcohol, “a license for which may or may not be hereafter granted.”

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<sup>174</sup> Charles E. Cauthen, ed., *Journals of the South Carolina Executive Councils of 1861 and 1862* (Columbia, SC.: South Carolina Archives Department, 1956), March 12, 1862, 119-121, unless otherwise stated all citations refer to the Journal of the South Carolina Executive Council of 1862, hereafter cited as *Executive Council Journal*.

<sup>175</sup> *Convention Journal*, 678-79.

<sup>176</sup> *Executive Council Journal*, April 9, 1862, 139-40; see also Lowry Price Ware, “The Executive Councils of 1861 and 1862” (M.A. thesis, University of South Carolina, 1952), 53.

<sup>177</sup> *Executive Council Journal*, October 21, 1862, 277; Ware, 53-54.

Several weeks earlier the council had resolved to “close all grog shops and prohibit the sale of all intoxicating drinks in the vicinity of the lines of fortifications.”<sup>178</sup>

These measures were strictly enforced by Chief of Justice and Police Hayne. One individual from Pickens District was arrested and placed in jail as well as another from Union District. Six more persons were later arrested and detained from Pickens District. In three separate instances Hayne reported that “bar-rooms have been closed, and the key taken by the Policeman.” Hayne also reported other “public bar-rooms at the termini of railroads and at railroad stations, have been effectually suppressed.”<sup>179</sup> By the end of the year the council resolved “that in view of the alarming increase in the price of corn and the threatened scarcity of provisions...the permits hitherto granted to distill grain under certain restrictions, should be and they are hereby revoked.”<sup>180</sup> By shutting down private businesses, dictating what could be grown on private property, and arresting citizens for distilling liquor, the council was clearly meddling with South Carolina’s history of individualism<sup>181</sup> and intervening on behalf of the state to increase security and relieve civilians from the hardships of war.

If an industrial revolution occurred along with a social revolution as a result of the council’s actions, then surely it can be maintained that a political revolution also gripped

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<sup>178</sup> *Executive Council Journal*, March 1, 1862, 100-105, February 7, 1862, 86-89.

<sup>179</sup> *Report of the Chief of the Department of Justice and Police to the Governor and Executive Council* (Columbia, SC.: Charles P. Pelham, State Printer, 1862), 4-5.

<sup>180</sup> *Charleston Mercury*, November 3, 1862.

<sup>181</sup> Historiography on the Old South has generally characterized southern men as fiercely individualistic. “Individualism” as I use the term here does not necessarily refer to political individualism, but rather, impingement on local authority. However, one should recall that the South Carolina General Assembly appointed a plethora of local officers to serve in various offices, so even “localism” might not be the best term here. For lack of a better term, I mean to imply that the Executive Council generally, and Chief of Justice and Police Hayne particularly, were dictating economic and social policy from a centralized body rather than allowing local officers to make these decisions as had been done in the antebellum era.

the state. Although increasing industrial output and maintaining order was essential business to the council, the council's most important job was the raising of troops. Fortunately for the council this unhappy task was made easier by a resolution of the convention which declared "no part of the militia law shall stand in the way" of the council to organize and call into service any portion of the militia "in such matter and under such regulations as may seem most expedient."<sup>182</sup> Apparently, previous legislation passed by the General Assembly did not seem to concern the convention any longer since the legislature by this point had ceased to function as the primary law-making body. This blanket authority was exercised at once by the convention when on February 2 President Davis called on South Carolina to fill her quota of 18,000 troops to serve in the Confederate army. Chesnut and Hayne studied the situation, came up "with a scheme of action" to fill the vacancies, and obtained the views of the Adjutant General (States Rights Gist).<sup>183</sup> An appeal written by Chesnut appeared several weeks later urging the twelve-month troops in Virginia to re-enlist for the duration and not to leave the field with the enemy in sight. He asked the troops not to tarnish "the bright crown which now gleams on your brow" by leaving after their enlistment term expired and to record their names "on the immortal list" of those who had already resolved to serve "until we shall conquer an honorable and glorious peace."<sup>184</sup>

When the response was less than enthusiastic notice was given that volunteers would only be accepted until March 20, after which the introduction of a system of state-

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<sup>182</sup> *Convention Journal*, 791.

<sup>183</sup> *Executive Council Journal*, February 6, 1862, 85-87.

<sup>184</sup> *Charleston Mercury*, February 18, 1862.

wide conscription would commence. The threat to conscript military-age men across the state came in advance of the Confederate national Conscription Act which was not introduced until April of 1862. In this case, South Carolina was quicker than the Confederate Congress to realize the necessity of conscription. The council also resolved that “no person not now under orders, subject to military duty, in South Carolina, shall be permitted to enter Confederate services for a less time than the war.”<sup>185</sup> The threat of conscription worked well. In the eyes of most military age men it was far more honorable to volunteer than be drafted. A flood of volunteers came pouring in and by March 20 the council decided to extend the acceptance of volunteers until April 15.<sup>186</sup> By April 28, Chesnut was reporting some 21,914 men in Confederate service for the duration.<sup>187</sup> South Carolina had exceeded the Confederate quota by almost 4,000 men. Interestingly, a notable feature of the new system was a provision that commissioned officers were to be appointed by the Executive Council and not elected by the troops. This did harm to the tradition of grass-roots democracy and individualism that had long characterized the state.<sup>188</sup> Nevertheless, the council appeared to be doing its job well and had not exceeded the mandate given it by the convention.

The council was instrumental in assisting Confederate authorities to enforce the national Conscription Act, which was passed by the Confederate Congress on April 14, 1862. President Davis admitted there was “embarrassment from conflict between State and Confederate legislation,” although he assured the Congress that “entire harmony of

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<sup>185</sup> *Executive Council Journal*, March 3, March 5, 1862, 105-08, 109-10.

<sup>186</sup> *Executive Council Journal*, March 20, 1862, 125-26.

<sup>187</sup> *Report of Chief of Military*, 6-7.

<sup>188</sup> Cauthen, *South Carolina Goes to War*, 145.

purpose” continued to exist between him and the executives of the southern states. He asked Congress “that some plain and simple method” be adopted for the enrollment and organization of men into Confederate military service by way of a national draft.<sup>189</sup> As many scholars have noted, this was a significant step away from the traditions of states’ rights and individualism characteristic of the antebellum South. The creation of a truly national army and the draft clearly impinged on the states’ rights doctrine that so many of the Confederacy’s founders held dear.<sup>190</sup> A central government was dictating to the states the method and procedure for mandatory military service. These men might serve anywhere in the Confederacy and find themselves far from their home state.

One might reasonably assume that South Carolina, arguably the state with the most zealous regard for states’ rights and certainly the state which had historically defended the right of state interposition, would come out strongly against such centralized legislation. Yet, the opposite occurred. The Executive Council pledged to waive “all objections to the measure and to give it a cheerful and energetic support upon the ground of imperious public necessity.”<sup>191</sup> The “imperious public necessity” was another way of saying that the war was not going well. Large sections of the western Confederacy were already under Union occupation not to mention wealthy strips of land along the South Carolina coast. The decision to waive all objections to a national draft was justified because South Carolina politicians were aware that the war could be lost if something was not done soon to shore up the shortage of manpower. An editorial in the

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<sup>189</sup> *Journal of the Confederate Congress*, Vol., II, 106.

<sup>190</sup> Thomas, *The Confederate Nation*, 152; Thomas, *The Confederacy as a Revolutionary Experience*, 62.

<sup>191</sup> *Executive Council Journal*, April 22, 1862, 153-55.

*Mercury* entitled “The President and Conscription- Better Late than Never,” thought the bill authorizing national conscription “is decidedly a move in the right direction, and should long since have been taken.” The *Mercury* was “glad to see any awakenings to the necessities of the country.”<sup>192</sup> Necessity, it seems, became the watchword for those favoring the measure and growing centralization. But as Thomas has observed, one must ask how much erosion a political doctrine can sustain and still be a viable war aim.<sup>193</sup> It was, perhaps, a testament to South Carolina’s commitment to the “cause” and an indication of strong southern nationalism that it accepted these changes and innovations. Yet, it also demonstrates that South Carolina was willing to give up some aspects of its cherished devotion to state authority in its bid for independence and quest for security.

There was, of course, some opposition. J.W. Reid, a soldier in the Fourth Regiment of South Carolina Volunteers, was sure that the conscription bill would pass because “Jeff Davis recommended it, and it seems that he is a dictator, and that our Congress will pass any measure that he recommends.” If Congress could constitutionally force soldiers to remain in the army for three years, what could keep it from forcing soldiers to remain for ten years wondered Reid. Further, in his view, if the conscription bill passed Congress, “all patriotism is dead, and the Confederacy will be dead sooner or later.”<sup>194</sup> In some cases outright defiance of the council occurred, as happened in the fourth division of the militia when a draft of 500 men was called for to defend the approaches to Georgetown in 1862. Chesnut reported “with pain” that while there were

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<sup>192</sup> Charleston *Mercury*, April 3, 1862.

<sup>193</sup> Thomas, *The Confederacy as a Revolutionary Experience*, 62.

<sup>194</sup> J.W. Reid, *History of the Fourth Regiment of S.C. Volunteers, from the Commencement of the War until Lee’s Surrender* (Dayton, OH., Morning Side Press, 1975), 73-74.

men in the company “the spirit was wanting.” The draft was eluded by some “who took to concealment” while others “stood in open defiance of the law.” Those who did submit to the draft “refused to obey the orders” of General Harlee. Accordingly, the council adopted swift and stern measures to meet the resistance and several of the “recusants were seized and put into prison,” while others were summoned “for trial before a Court Martial.”<sup>195</sup>

To explain this “unhappy and disgraceful state of affairs” Chesnut blamed “some leading men” who endeavored “to poison the minds of the people by inculcating the idea that the authority from which the orders emanated was unconstitutional- that the Convention of the people of South Carolina was without lawful existence and without power.”<sup>196</sup> These men were encouraged, he said, by “noxious *pabulum* through the channels of an uninformed press” and the result was “ignorance, indolence, selfishness” and “disappointed ambition” which made “coadjutors of Lincoln and all the hosts of abolition myrmidons.”<sup>197</sup> Part of the problem was, as Emory Thomas has observed, that conscription as practiced by the Confederacy was never what President Davis asked for; he had wanted “some plain and simple method” of enlisting men. However, amendments to the Conscription Act and the issue of exemption created not a little trouble for Confederate and state authorities and confusion and tension between them occurred from the outset.<sup>198</sup> Nevertheless, the incidents Chesnut referred to were relatively few in

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<sup>195</sup> *Report of Chief of Military*, 8-9.

<sup>196</sup> *Report of Chief of Military*, 8-9; It was on this issue that the downfall of the council can be attributed to, *Supra* 85-99.

<sup>197</sup> *Report of Chief of Military*, 8-9.

<sup>198</sup> Thomas, *The Confederate Nation*, 154; also contributing to the problem and tension was that exemption was also an exercise of state power. The power of the state to exempt was not a repudiation of centralized

number and the council largely succeeded in its task of raising men for Confederate service. By the end of August Chesnut reported that there were 42, 973 men in Confederate service, which was more than one-seventh of the white population of the state.<sup>199</sup>

Isolated incidents of opposition to conscription therefore should not be interpreted as fleeting willpower, lack of morale, or a determination to secure victory. Nor should one assume that massive resistance to the Confederate government occurred as a result of conscription. In fact, one historian has said of South Carolina that “no state officially cooperated more fully with the Confederate government. Passionately devoted to state rights principles there was nevertheless a disposition, until the very last months of the war, temporarily to sacrifice these opinions in the interest of harmony and victory. Though questioning the constitutionality of conscription, South Carolina gave to it her unprotesting support.” The issue of exemptions, which caused so much trouble in other southern states, did not create considerable backlash in South Carolina. Political leaders in South Carolina exercised state power by insisting on the right to exempt certain classes, especially overseers, but it cannot be said that conscription and exemption created general disillusionment with the Confederate cause.<sup>200</sup>

Moreover, by working closely with the Confederate government, the council was able to advance the interests of South Carolina. But more often the council served the Confederacy by giving local application and authority to many of the policies emanating

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power; it *was* centralized power at the state level. While a citizen might be exempted from military service, this did not mean they were exempted from state service.

<sup>199</sup> *Report of Chief of Military*, 41-43.

<sup>200</sup> Cauthen, *South Carolina Goes to War*, 229.

from the Richmond government. In this way, the Executive Council should be seen as a strong expression of Confederate nationalism rather than as a body which hindered it. On most issues the council yielded to the will of the Confederate government and the concern for internal security superseded objections over state rights. In fact, the council's program for defense "served as a shield for the Confederacy and absorbed much of the criticism which the austerity measures of the Confederacy received in other states."<sup>201</sup> A system of national conscription, enforced by the Executive Council, did not cause enough internal dissent to seriously threaten the war effort or the existence of the council itself.

Such, however, was not the case when the council decided to implement a state-wide system for impressing slave labor on various projects of defense. Furnishing slave labor for coast and harbor defenses proved to be one of the most difficult and volatile issues the council had to deal with. During the Fort Sumter crisis and throughout the summer of 1861 planters seemed more than willing to lend their slaves to the state for defense. By 1862, however, this was no longer the case. Apparently, the legislature of 1861 had debated the issue in secret session and resolved to authorize the governor to employ slaves "either by arrangement with their masters, or by impressment." Chesnut pointed out the 1861 law was "defective in several particulars." For one, the legislation "made no attempt at equalization" nor did it contain any "authority for its promulgation." Chesnut criticized the legislature for its actions and for meeting in secret session, which

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<sup>201</sup> Ware, "Executive Councils," 58.

he considered “a grave error.” He did not mention that the Executive Council also met in secret session nearly everyday.<sup>202</sup>

The council acted quickly to resolve the labor shortage. On May 5 1862 Governor Pickens, with President Davis’s blessing and the approval of the council, exercised the authority given to him by the convention. Pickens proclaimed that “until further orders, martial law is hereby established and proclaimed in and over the City of Charleston and ten miles on all sides beyond the corporate limits thereof.” At the council’s request Pickens also relinquished considerable power to the Confederate authorities. He gave “full power and authority” to the Confederate general commanding in South Carolina “to impress labor of all kinds for public works and defense, in a manner as full and unlimited as if martial law were therein established and proclaimed.”<sup>203</sup> The council did not merely bow to the will of the Confederate government. It ceded power to the Confederacy because the council itself was an extension of the central government and acted as an arm of the convention.

These high-handed measures sparked a storm of protest from the planters in the areas affected who argued that impressment of slaves was not evenly divided across the state, and in many cases they refused to hand over their labor force to Confederate authorities. A steady stream of letters reached the council asking for exemption throughout the summer.<sup>204</sup> Confederate authorities, in turn, complained that requisitions were not being met and that the shortage of labor was becoming critical. Accordingly, on

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<sup>202</sup> *Charleston Mercury*, August 8, 1862.

<sup>203</sup> *Executive Council Journal*, May 1, 1862, 165-66; it should be pointed out that on February 27 the Confederate Congress had authorized President Davis to suspend the writ of habeas corpus and to declare martial law, see *Journal of the Confederate Congress*, Vol., II, 28.

<sup>204</sup> *Executive Council Journal*, June 11, 13, 16, 21.

Chesnut's motion, the council revised the system in late July. The new program adopted was a state-wide system of impressment that divided the state into four districts with equal slave populations. Each district was to furnish one-third of all slaves liable for road duty for one month to Confederate service.<sup>205</sup>

As might be expected, protests and letters asking for relief continued to pour in. James Henry Hammond, for example, protested that the impressment of one-third of his labor force would cost him one-half of his crop.<sup>206</sup> More typical of the protests was that which appeared in the *Mercury* on August 22 from Abbeville district. Four specific grievances were listed and the protest was signed by four delegates to the convention. A plea from the protesters asked if the council might postpone impressment since "the time of fodder-pulling is near at hand." A response from Chesnut was printed that same day and addressed all four grievances listed by the protesters. Chesnut replied that the danger facing the slaves' health was far less than the dangers facing the men in the ranks. Postponement was impracticable since the enemy would not postpone an attack.<sup>207</sup> In some instances there was a sectional aspect to the attacks upon the council. More often than not these came from the Upstate and centered on impressing slaves for coastal labor, which the planters in the Upstate said would be dangerously unhealthy. After visiting "the upper portion of the State," editors for the *Charleston Courier* reported that "the people everywhere seem united in opposition to it and its usurpations of power." It was

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<sup>205</sup> *Executive Council Journal*, July 28, 232-33.

<sup>206</sup> Cauthen, *South Carolina Goes to War*, 149.

<sup>207</sup> *Charleston Mercury*, August 22, 1862; the grievances stated were "dangers from sickness"; "danger of contamination" which would result from intercourse with "bad white persons and with other negroes"; the probability that "the negroes will be much neglected"; and the absence of a large number of white males.

later said that the convention and council violated “principles” by exercising an “unscrupulous disregard of political justice to one part of the State.”<sup>208</sup>

The council officially justified the system since it seemed “under the circumstances, a *necessity*.” It was also pointed out by the council that the “same necessity which justifies the conscription of the white man, justifies the impressment of the negro.” Further, the council claimed the power to impress “is clearly given” under the authority of the convention and that the only question which has arisen “was on the propriety of its exercise.”<sup>209</sup> These plausible justifications did not satisfy the planters who continued to express outrage at the council for impressing their private property.

On the whole, however, there is little evidence that the council abused the extraordinary powers given it by the convention. Though arrests were made, those arrested were soon released or freed on bond. The declaration of martial law was within the limits of power granted to the council and a passport system established in Columbia lasted for only a brief period of time. In other words, “the council exercised its power with not only considerable energy and wisdom but with restraint as well.”<sup>210</sup> Nevertheless, the legislature would abolish the council in December 1862. An examination of what led to the council’s downfall will reveal that opposition originated from deeply held political convictions that began long before the council’s creation. They involve ideological underpinnings that illustrate South Carolina’s long history of political factionalism.

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<sup>208</sup> Charleston *Courier*, May 23, August 20, 1862.

<sup>209</sup> *Convention Journal*, 676-78.

<sup>210</sup> Cauthen, *South Carolina Goes to War*, 151.

## Chapter Four

### Sovereignty and the Demise of the Council

It is tempting to attribute the downfall of the council solely to the measures it passed regarding impressment and conscription. This, however, would be a mistake. Certainly there was resentment towards the council for these actions and there can be no question that the council did ruthless violence to the individualism that South Carolinians had long taken pride in, not to mention the unity and harmony so many politicians had espoused. Moreover, the burdens imposed by the council came at a time when the glorious and heroic visions of war were succumbing to the first manifestations of war weariness. Compulsory military service, shortages from the blockade, rising prices, heavier taxes imposed by the council, a displaced population of slaveholders and slaves along the coast and enemy occupation of South Carolina territory, all these things disrupted normal economic processes and the antebellum social order. These realities understandably brought discontent and a tendency to blame those in authority. Just as Pickens was blamed for the setbacks at the end of 1861, the council came to be criticized for the deteriorating state of affairs throughout 1862. But there was something more important and complicated behind the resentment of the council. The issue was an ideological one which had to do with the theoretical question of the sovereign power of the convention.<sup>211</sup>

For over thirty years most South Carolinians had accepted Calhoun's theory that sovereignty, illimitable and indivisible in nature, was an attribute of the people of the

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<sup>211</sup> Laura A. White, "The Fate of Calhoun's Sovereign Convention in South Carolina," *The American Historical Review*, 34, 4, (Jul., 1929), 757-771, 759-60.

state who exercised this sovereignty through a convention chosen by the people. This theory worked well when it was used against what was considered to be a hostile and centralized federal government before the Civil War.<sup>212</sup> But when it threatened to subject the state's citizenry indefinitely to the rule of the convention and council, the people reacted against it. Cries were heard across the state for a return to "constitutional government." The idea that an all powerful council, unaccountable to the people because it was itself the people, broke down when the war jeopardized the normal functioning of government. Political divisions which had long been a part of the state's history reappeared. In short, "the old clash of opinion between secessionists and nationalists over state sovereignty and the sovereign convention was heard once again like an ironical echo from that earlier, happier day."<sup>213</sup> The factionalism that had created so much political tension in the decade before the war now threatened to re-emerge in the midst of war. Chesnut, Hayne, and Gist had served South Carolina faithfully long before the secession crisis. While their integrity was beyond the shadow of a doubt, now "they suddenly found themselves confronting a storm of misrepresentation and abuse probably unparalleled in the history of the state."<sup>214</sup>

The first murmurings against the council appeared as early as January 1862, and, not coincidentally, they occurred in Edgefield, the hometown of Governor Pickens. It was rumored that the convention, by creating the council, was intended as a slur upon the Governor. If this was true, said the *Edgefield Advertiser*, it would be "detestable and

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<sup>212</sup> In fact, however, the theory had only been tested twice; during Nullification and during the first secession crisis in 1851. It was more of a theory that people bought into during a time of crisis, but as South Carolina found out during both events, its practicality was limited.

<sup>213</sup> Laura A. White, "The Fate of Calhoun's Sovereign Convention in South Carolina," 762.

<sup>214</sup> *Ibid.*, 761.

contemptible, in a sovereign body like this to seek thus cruelly to wound the reputation of a patriotic public servant.” More to the point, if this was indeed the purpose in creating the council, it was to be “regretted” that the convention “did not cease to exist with the close of the previous session.”<sup>215</sup> Less than a month after it reassembled, there were already calls being made that the convention should have dissolved itself. In some instances the criticism directed against the council should have been against Pickens himself. For example, it was he who had introduced a resolution for a census of gold and silver plate preparatory to impressment for establishing a currency. Popular reaction against such a measure was so strong that it was immediately revoked, but it was the council, not Pickens, who got the criticism. Ironically, in fact, it was this resolution offered by Pickens that may have started a general campaign against the council.<sup>216</sup>

A mass meeting was held in Edgefield on April 9 where resolutions were passed criticizing the convention for creating the council and for continuing its own existence. It called upon the Edgefield delegates to the convention to repeal the ordinance that created the council and asked other districts to call similar meetings for that purpose. Later that month a petition with over seven hundred names appeared in the *Charleston Mercury* calling on the delegates from St. Philip and St. Michael’s Parishes to dissolve the convention and the council so that the state government would return to “the rightful operation of the Constitution.”<sup>217</sup> Similar meetings were held in the Marion district where

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<sup>215</sup> *Charleston Courier*, January 23, 1862, quoting the *Edgefield Advertiser*.

<sup>216</sup> *Executive Council Journal*, March 1, 3, 1862; Ware, “Executive Councils,” 60; Cauthen, *South Carolina Goes to War*, 152.

<sup>217</sup> Cauthen, *South Carolina Goes to War*, 152; *Charleston Mercury*, April 29, 1862; It can be said that the convention had become a quasi-permanent amending body to the constitution. The convention, it seems,

“a large and respectable” crowd gathered “for the purpose of dissolving the Executive Council” and expressed its hope that the convention would adjourn “*sine die*.”<sup>218</sup> Other citizens complained that the council members “receive large salaries” while the “the people” were “overwhelmed by taxation and bleeding at every pore.” Charges of this sort were easily made but more common were the constitutional objections. The same citizen who complained about the salaries also stated that “The people are united in opposition to it. It is universally admitted to be an illegal and unconstitutional oligarchy.”<sup>219</sup>

Charges of this nature not only threatened the existence of the council but raised fundamental questions about the political culture of South Carolina. As George Rable has observed, part of the problem was that “few precedents for limiting the powers of the secession conventions existed because antebellum constitutional conventions in the Southern states had routinely exceeded their delegated authority.” Moreover, “in a republic-as opposed to a democracy based on “tyranny” of mere numbers-there was no precedent restricting the authority of a sovereign convention.”<sup>220</sup> For the most part, objections were made on the ground that the council “usurped legislative powers, never designed to be conferred on it.” The council, the *Courier* complained, seemed to operate under the assumption that “We are the State.” Every “attempt to legislate is an assumption of authority on the part of the Council.”<sup>221</sup> In other words, the charge was

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exercised power that was above the constitution. In this sense, it was a “living constitution” that was changing in accordance with the changing circumstances of war.

<sup>218</sup> Charleston *Courier*, May 3, 1862.

<sup>219</sup> Charleston *Courier*, July 2, 1862.

<sup>220</sup> George Rable, *The Confederate Republic*, 34-35.

<sup>221</sup> Charleston *Courier*, May 15, 1862.

made that the council was exercising legislative as well as executive authority, thereby diluting the theory of the separation of powers.

Meeting in secret session, the council was considered by many to be an arbitrary and irresponsible body that threatened the liberties of the people. The editorials in the *Charleston Courier* were relentless in their attacks on the council. It was described as an “odious despotism,” a “Lilliputian Lincolnism,” and its members “usurpers and tyrants.” Moreover, claims were made that the council was creating “dissension and discord among a people hitherto united and harmonious” and it was an unnecessary body since “The Executive Council has proved a dead failure.” In short, it was “a snake which ought to be both scotched and killed.”<sup>222</sup> What accounts for these vicious attacks on the council? As indicated earlier, a good bit of the political factionalism that existed in the decade before the war had now made its way back into South Carolina politics during the war. The factionalism had been reshaped but was essentially what it had been during the sectional crisis.

The factional divisions that occurred as result of the debate over the council’s existence were not as clear cut as they had been during the sectional crisis in the years leading up to the Civil War. Cooperationists and separate state actionists did not disappear but they were less visible, no doubt due to the interest of harmony. Still, one can discern lingering factions on the question of the council. The *Courier*, which had been the organ for the National Democrats and cooperationists before the war (and denounced by the radicals for its heresy) came out against the council more strongly than

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<sup>222</sup> *Charleston Courier*, May 15, July 4, July 2, August 6, July 1, May 15, 1862.

any other newspaper in the state.<sup>223</sup> This was not a coincidence. Lashing out at former political enemies the *Courier* proclaimed, “We differ widely from the prevalent opinion in this State, as to the character and office of Conventions.” The general opinion in the state, said the *Courier*, is that conventions are the people acting in their highest sovereign capacity and are possessed of supreme and absolute power. “We repudiate such a doctrine or theory, as slavish and utterly at war with every principle of Republican Government.” Instead, the “true theory” of conventions, it wrote, is that they are “not the people in the exercise of their highest sovereignty” but rather, “extraordinary delegates” who assembled for “extraordinary occasions” to discharge the functions or perform acts to which the ordinary departments of governments “are incompetent, inadequate, or unsuited.”<sup>224</sup> This was a clear denunciation of Calhoun’s theory and a direct attack on the radicals who espoused it.

On July 1 the *Courier* asked several important questions that struck at the heart of South Carolina’s political tradition. “By what right does the Convention assume to govern the State? By what right does it undertake to supersede the Chief Executive, virtually suspend the Courts, abrogate law, interfere with private rights, issue orders to tax collectors, appoint salaried officers, thrust aside, in a word, the whole constitutional Government of the State, and erect itself into a despotism, irresponsible and unlimited as

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<sup>223</sup> Ironically, the *Courier* never seemed to recognize that the council had become the cooperating body with the Confederate government. The nature of “cooperation” had changed since secession, but factionalism in the state remained.

<sup>224</sup> Charleston *Courier*, February 11, 1862; Laura White argues that the *Courier*, which was denounced by the radicals during the sectional crisis, struck a responsive chord during the debate over the council when it republished arguments that conventions were not the people in their highest sovereign capacity, but merely representative bodies with derivative, not original authority, responsible to the people themselves, who were the only true sovereigns, see White, “Fate of Calhoun’s Sovereign Convention,” 762-63.

to duration or extent of power?”<sup>225</sup> Radicals and those defending the council had a ready response. The *Mercury* replied that “there is a need of all the capacity and activity of the State” since the danger facing South Carolina was still immediate and great. In any case, it argued, the sovereignty “of the State of South Carolina does *not* reside in the Legislature; for that branch of government, as well as the Judicial and Executive branches, is only an agency of the true sovereign.” Therefore, the “supreme power was and is the Convention of the People of South Carolina, whose authority is absolute and illimitable, in point of time as well as subject matter.” When the *Courier* accused the *Mercury* of inconsistency for opposing secret sessions of the Confederate Congress yet endorsing them for the Executive Council, the *Mercury* explained, “There is great difference between an Executive Council and a Legislative Congress.” The former was “an aid to the Executive” while the latter was “a deliberative legislative body, with a constituency directly of the people, and a responsibility to them.” The convention “had a right to try to strengthen the Executive Department” and thought “no great harm has been done.” The *Mercury* claimed it had no disposition to get involved in the debate but “when the right of the Convention is attacked, and that body is denounced and its immediate dissolution demanded, we deem it our business to speak plainly and strongly.”<sup>226</sup>

Defenders of the council said the convention could not be guilty of usurpation since the people could not usurp power from themselves. Nor was the convention guilty of assuming legislative power since it possessed *all* power. To the charge that the convention superseded its authority by encroaching on the executive, convention

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<sup>225</sup> Charleston *Courier*, July 1, 1862.

<sup>226</sup> Charleston *Mercury*, May 24, April 29, August 5, August 7, 1862.

supporters said it was a necessary measure because of Governor Pickens's "lamentable inertness" and the lack of wisdom displayed by the legislature in 1861. Still, the questions raised by the *Courier* were not easily answered, for as Cauthen explains, "there were many shades of opinion as to the exact status and powers of the convention."<sup>227</sup> With so many shades of opinion it's no wonder that Mary Chesnut thought "We are so busy fighting each other...Never mind Yankees-until they have exterminated the council."<sup>228</sup> That political factionalism and political tension mounted as a result of the issue is evident and once the debate started, it "tended of course to reach out to all the old differences."<sup>229</sup>

The metaphysical arguments over Calhoun's theory were important, but they were too complicated for the average South Carolinian who resented the council. Most did not care to question the secession theory put forth by Calhoun nor were they overly concerned with fine constitutional points. By the fall of 1862 the people of South Carolina were tired of the council and the convention. There was even talk of calling another convention for the purpose of dissolving the old one. The *Mercury* warned such an act would constitute revolution in the midst of a revolution and the people who made the revolution of 1860 would not submit to counter-revolution. One might reasonably ask if the actions taken by the council were revolutionary itself. Clearly, an internal revolution in state politics had occurred from the convention's ordinance creating the council, which had been justified under the auspice of "imperious public necessity." Still, there seemed to be general agreement that the council and convention must go on the

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<sup>227</sup> Cauthen, *South Carolina Goes to War*, 154-56, quote on 154.

<sup>228</sup> Woodward, *Mary Chesnut's Civil War*, 301.

<sup>229</sup> Laura White, "Fate of Calhoun's Sovereign Convention," 763.

grounds that the council was causing too much internal political division. A convention was a representative body which was responsible to the people. It was elected for a single purpose, to form or change a government. That had been accomplished with secession and the ratification of the Permanent Confederate Constitution. The convention's duty, then, was to meet as soon as possible to end both the council and itself.<sup>230</sup>

This debate over the council seriously exacerbated political divisions in a state that prided itself on harmony. There were personal rivalries within the council itself. Less than one month after the council's creation Mary Chesnut already thought it "evident there will be no concord among them."<sup>231</sup> Chesnut and Pickens, for example, rarely agreed on military strategy. A look at the Executive Council Journal reveals the two men disagreeing in the chamber on a weekly basis over war policy and mobilization. Some of the personal rivalries among the state's politicians had begun long before the war. Political cliques that were formed before the war reappeared either in support or opposition of the council. This was exactly the kind of danger that South Carolina's leading men wanted to avoid. There were many politicians who emphasized the need for unity and an end to traditional political divisions and the debate over an Executive Council was obviously obstructing this goal. President Jamison, however, made no move to call the convention back into session and it was difficult for the anti-council faction to get the required twenty signatures to reassemble the convention. By the end of August,

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<sup>230</sup> Laura White, "Fate of Calhoun's Sovereign Convention," 764; Cauthen, *South Carolina Goes to War*, 156; Lancaster *Ledger*, September 17, 1862, quoting the *Mercury*.

<sup>231</sup> Woodward, *Mary Chesnut's Civil War*, 287.

however, the twentieth signature had been secured and Jamison was forced to call the convention back into session on September 9.<sup>232</sup>

When the convention assembled in September the campaign against the council was at its height. The newspaper war between the *Courier* and *Mercury* had reached a crescendo at this point, with each accusing the other of inconsistency.<sup>233</sup> When Judge Magrath vacated his convention seat, John Phillips was elected to the convention to replace the vacancy. Phillips ran on a staunchly anti-convention platform and considered it his mandate to bring the convention to a speedy end.<sup>234</sup> The convention would come to an end, it turned out, but not as quickly as some hoped. The convention closely examined the council's actions over the previous nine months. Pickens promptly made a report to the convention. A record book kept by the council along with reports from the heads of different departments and all military correspondence was submitted to the convention for review. Pickens used the opportunity to state that he was "uninformed in regard to the entire objects and purposes to be effected by the Convention in creating this Executive Council" and therefore was "not responsible for many measures." Hayne's report, however, contrasted sharply with Pickens's. He was quick to point out that "Among the first measures in assertion of the extraordinary powers conferred, was the proposition contemplating the *seizure of silver plate* for the use of the State, introduced by your

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<sup>232</sup> *Convention Journal*, 397-99, President Jamison was asked to publish the names of those who signed the petition but refused to do so, see Cauthen, *South Carolina Goes to War*, 156.

<sup>233</sup> *Charleston Courier*, September 1-10, *Charleston Mercury*, September 1-10, 1862.

<sup>234</sup> Laura White, "Fate of Calhoun's Sovereign Convention," 767-68, Phillips received 296 of the 310 votes cast, but as Laura White points out, the "vote was pathetically small-too small to be explained by the war conditions," 768 ; See also *Charleston Mercury*, September 3, 1862; *Charleston Courier*, Sept 1-3, 1862.

Excellency” and he called attention to a plethora of other resolutions offered by Pickens which had created resentment in the state.<sup>235</sup>

The various reports was submitted to a committee of twenty-one which examined them closely. After careful consideration, Robert W. Barnwell made the final report. The committee “discovered nothing in the proceedings of the Governor and Council which seems to them to require any special action on the part of the Convention in the way of repeal, modification, or animadversion.” The duties of the council, which grew “out of the exigencies of public affairs,” were discharged, he noted, with “signal diligence, ability, and success...with an exclusive regard to the public welfare.” Moreover, the members of the council had, he said, devoted themselves “at great personal sacrifice” to meet the “extraordinary demands” which the “peculiar condition of the State” required. After reviewing the reports, the convention was “deeply impressed with the conviction that the ordinary powers of the Executive would have been entirely inadequate” to meet “the exigencies of the times.”<sup>236</sup> This report was adopted by the convention without any modifications.

Opponents of the council became dismayed by these reports and acted quickly to dissolve the convention and council. John Phillips moved to dissolve the convention and repeal all measures of the council “except such as the Governor may deem necessary to the safety of the State.” The council’s defenders could easily point out that nearly all the measures adopted by the council were necessary to the safety of the state.

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<sup>235</sup> *Convention Journal*, 585-86, 660-62, a significant portion of Hayne’s report was of a legal nature defending the sovereignty of the convention.

<sup>236</sup> *Convention Journal*, 734-35.

Nevertheless, several amendments appeared which sparked a short but serious debate. Former Governor Richardson, who opposed the continuance of the convention, thought the council was placed “too high on the dizzy pinnacle of power” and doubted “if Robespierre, Danton, or even Napoleon, ever exercised more supreme power.” At the other extreme, Barnwell declared “We are the people, and they are supreme.” He wondered “How can the people abuse or transcend the power of the people?” Acting on that premise, Barnwell asked the convention not to “quail before the popular clamor, but remain at our posts and do our duty to the country, regardless of the consequences.”<sup>237</sup>

Barnwell was not a hot-headed radical politician of the Rhett type. His old age and wisdom enjoyed great respect from members of the convention and throughout the state. If anything, his statement reveals a deep commitment to Confederate nationalism. But even his influence was not enough to keep the convention from dissolving itself. As for Rhett himself, he seems to have taken little part in the debate on the council. Instead, he was still busy offering resolutions in the convention to amend the Confederate Constitution.<sup>238</sup> The revolution had not gone according to Rhett’s vision. He remained so occupied with denouncing the Confederate government that he never seems to have realized that a political revolution had occurred in his own state. The council was a decisive departure from the antebellum political order and the structure of state government had drastically changed. The executive, which had been so weak for nearly all of South Carolina’s history, had become the most powerful entity in the state. But if

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<sup>237</sup> Charleston *Mercury*, September 18, 1862.

<sup>238</sup> Edgefield *Advertiser*, September 21, 1862; Charleston *Mercury*, September 16, 1862, Rhett’s resolutions were essentially the same ones he introduced in March 1861 when the convention was debating ratification.

the revolution did not unfold according to Rhett's vision, it hardly moved in a direction the moderates had anticipated either. As we have seen, the *Courier* was the fiercest opponent of the council and its actions even though it had been the voice of moderation during the sectional crisis. The political revolution that occurred once South Carolina embarked on its course of independence moved in a direction neither faction had foreseen. The debate over the council continued the contest between those who would sacrifice individual liberty for the sake of independence and those libertarian dissenters who would not yield on principle for the sake of victory. The Executive Council controversy is therefore an excellent example of that long-running debate that plagued so many Confederate politicians.

Many members of the convention accepted the creation of the council as justified to meet the emergency of the times, but with the passage of the Confederate Conscription Acts they believed the situation had now changed and there was a general feeling that the council was less indispensable. The Confederate government was still centralizing power but the more important question revolved around what to do with the convention. Popular agitation had so distracted the state that dissolving the convention seemed to be the only solution.<sup>239</sup> Accordingly, it was agreed that "the General Assembly shall have authority to review, repeal or modify such proceedings of the Governor and Council, or any of them, as to it shall seem proper." The fate of the council would be left to the legislature and an amendment offered by Inglis was adopted that specified that the

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<sup>239</sup> Cauthen, *South Carolina Goes to War*, 158-59.

“Convention shall cease and be dissolved” on December 17, exactly two years after its original organization.<sup>240</sup>

The legislature had not been in session since December of 1861. At its last session the legislature had passed “An Act creating a Military Establishment for the State of South Carolina, and for other purposes.” Now the legislature would consider the fate of the council and its actions would result in the passing of the radicals from power. When the convention adjourned on September 17 the elections to the legislature were only a few weeks away. Probably the foremost issue of the campaign was the existence of the Executive Council but it is difficult to say with precision since the elections received very little coverage in the press. Some coverage of the issue did appear however. For example, an article in the *Charleston Courier* entitled “Our Next Legislature-The Executive Council” asked South Carolinians “to choose such members for that body as would pledge to relieve them from the grievance of the Executive Council by the impeachment of that *anomalous Dictatorship* at the next session of the Legislature.” The article went on to stress the importance of the election since the “imbecile and vascillating” council had caused a “civil revolution.” Another citizen expressed his hope in the *Mercury* that the next legislature would “dethrone” the council.<sup>241</sup>

Inflammatory articles like these were rare, however. More common of the newspaper coverage was that of the *Edgefield Advertiser*, which did not speak to the issue of the Executive Council, but instead, advised that “care should be taken that only those who can be spared from the army should be elected to legislate for us. We are

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<sup>240</sup> *Convention Journal*, 798-99.

<sup>241</sup> *Charleston Courier*, August 6, 1862; *Charleston Mercury*, October 14, 1862.

infinitely more in want of *Soldiers* than *Legislators*.” The *Advertiser* pledged to support “only those who are *legally* and *physically* exempt from military duty.”<sup>242</sup> Similar articles were printed around the state. In Spartanburg, for instance, William M. Foster was endorsed as a candidate because he “sealed his devotion to his principles, and his country’s rights in the battle-field with his blood.” Foster had received a wound at Seven Pines “which incapacitates him from further service in the field-but his devotion to the cause of freedom is as warm as ever.”<sup>243</sup> Patriotic duty and virtue were achieved by serving in the military and in most cases this was enough to qualify as a candidate for the legislature. One historian has observed that this qualification for office is perhaps an indication of the essential nationalism of the people, as Confederate nationalism was tied to military service.<sup>244</sup>

Whatever the exact qualifications were, there can be doubt that the results of the election indicated a rejection of the old leadership in that there were many new faces in the legislature. William Gilmore Simms wrote to Hammond that there were some ninety-six new members “each eager to fire his pop gun” at the convention and council.<sup>245</sup> In his address to the General Assembly in November Governor Pickens criticized the convention for its “remarkable experiment” in government. Claiming that “the Constitution was grossly and needlessly violated,” he asked that the General Assembly,

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<sup>242</sup> Edgefield *Advertiser*, October 1, 1862.

<sup>243</sup> *Carolina Spartan*, September 18, 1862.

<sup>244</sup> Rod Andrew Jr., “The Essential Nationalism of the People,” in Lesley J. Gordon and John C. Inscoe, eds., *Inside the Confederate Nation: Essays in Honor of Emory M. Thomas* (Baton Rouge, LA.: Louisiana State University Press, 2005), 128-46.

<sup>245</sup> Quoted in Cauthen, *South Carolina Goes to War*, 159.

“as the guardians of the Constitution and Law... restore to the State the regular and ordinary Government.”<sup>246</sup>

Pickens need not have worried as several resolutions passed condemning the actions of the convention and council. The General Assembly resolved that it felt an “unabated respect and affection for our State Constitution,” that it still felt the separation of powers “as fundamental and necessary” to the existence of the constitution, that any attempts to set aside that distinction “should be regarded as mischievous,” and that conventions should only be called for important organic changes “and not to conduct the Government of the State.” Finally it expressed regret at any measures “which may have been adopted by the late Convention at variance with these principles.”<sup>247</sup> On December 18 the General Assembly passed “An Act to Abolish the Executive Council Established by the Ordinance of the Convention.” Shortly after this the legislature declared all acts, proceedings, resolutions, and orders from the Executive Council “have not and shall not have the force and effect of law.”<sup>248</sup> With that act, the tumultuous history of the convention and Executive Council was over.

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<sup>246</sup> *Journal of the Senate of South Carolina: Being the Session of 1862* (Columbia, SC.: Charles P. Pelham, State Printer, 1862), 30, 32, 35.

<sup>247</sup> *Journal of the Senate of South Carolina* (1862), 100.

<sup>248</sup> *Acts of The General Assembly of South Carolina, passed in December, 1862, and February and April, 1863* (Columbia, SC.: Charles P. Pelham, State Printer, 1863), 147.

## **Conclusion**

Lacy Ford and Manisha Sinha have contributed greatly to our understanding of antebellum politics in South Carolina. However, both studies end their analysis when South Carolina makes its bid for independence. This leaves a gap in the historical record. Very few studies exist that connect the discourse of South Carolina's antebellum political culture to the Civil War. Charles Cauthen's study, published in 1950, remains the most comprehensive to this date. Unfortunately, Cauthen did not have the luxury of incorporating all the historiography that has appeared since that time on the Confederate experience. Because so many historians have debated the internal struggles, challenges, and achievements of the Confederate government, the role of South Carolina politics needs to be reevaluated in light of those studies. This is what I have attempted to do here.

Factional divisions that were so prevalent during the antebellum era did not simply vanish once South Carolina decided to secede from the Union. It was, ironically, the factional dispute over the proper method and procedure of secession that contributed to South Carolina becoming the first state to secede. Once Lincoln was elected President, the divisions between cooperationists and separate state actionists temporarily faded away because once cooperation was assured with other southern states, the point became moot. The leading politicians of South Carolina were well aware of the differences that were prevalent before the war and they attempted to bury these differences for the sake of unity and harmony. This effort, however, met with limited success. Disagreement occurred from the outset over the proper handling of the Charleston forts. South Carolina certainly did not agree over the nature of the revolution they precipitated.

The debates that ensued at Montgomery and in the state convention were lengthy and often bitter. Radical politicians like Robert Barnwell Rhett and Laurence Keitt could not even agree among themselves over what the new nation was supposed to be. Obviously there were general agreements that slavery should be constitutionally protected and that this institution would define the new nation, but there were arguments over reopening the African Slave Trade, eliminating the three-fifths clause for purposes of representation, and whether the new southern confederacy should allow non-slaveholding states to join, and their differences caused serious disagreement in the state convention. Most of the radical program was rejected at Montgomery. The South Carolina convention agreed that amendments were needed yet they ratified the Permanent Confederate Constitution anyway. The radicals apparently knew that war was a likely possibility and seemed willing to temporarily relent on their various demands in order to be practical, but many were determined to carry their vision of the revolution through to its fullest manifestation. They were not able to do this and, for their part, the moderates, ever afraid of the risks and quite aware that revolutions can spin out of control, attempted to end the revolution quickly for the sake of cooperation with southern states. Yet, an internal revolution did occur in South Carolina that the moderates and radicals never anticipated.

When Francis Pickens was elected governor in 1860 as a compromise candidate it seemed a great way to please both factions. At first his election was applauded and many citizens in South Carolina thought that he would do a fine job. His personality, however, was ill-suited for the task at hand, for he was not a man of decisive action and

his handling of the state's defenses was perceived as inadequate. When Port Royal fell to Union forces in November of 1861 there was widespread criticism of his leadership across the state. The result was a drastic departure from the existing political structure of the state to meet an emergency that many South Carolinians perceived as immediate and urgent. The convention therefore was called back into session to find a solution to the crisis. The result was the creation of an Executive Council to assist the governor exercise his duties. It was clearly a vote of no confidence in Pickens. The council went about its work with considerable energy and vigor and succeeded in placing South Carolina on a more permanent war-footing and did much to prepare the state for a war that lasted longer than anyone foresaw. Although the council's actions addressed the pressing military problems in South Carolina they also created an internal revolution since its powers and actions marked a departure from the state's political traditions.

The Executive Council represented a revolutionary experience for South Carolinians. The council was, as Mary Chesnut observed, "an exigency of the war."<sup>249</sup> The state's long emphasis on agriculture gave way to industrialism. State-sponsored projects greatly increased the industrial output of essential war materials. Some of these projects were meant to serve the state while others served the Confederacy. The council also acted to relieve civilian distress resulting from the blockade and federal occupation of large coastal areas. Orders dictating what kind of food could be grown and for what purposes impinged upon the individualism that South Carolinians valued so highly during the antebellum era. Those who distilled liquor soon found themselves arrested by the

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<sup>249</sup> Woodward, *Mary Chesnut's Civil War*, 332.

police. More fundamentally, the council created a political revolution in the state. For during the antebellum era the governorship was largely a ceremonial office and power was vested in the legislature which made most of the political decisions and controlled state expenditures. The council drastically altered that system by becoming both an executive and legislative body.

Proponents of the council argued that the convention represented the people in their highest sovereign capacity and, therefore, whatever actions the council took were theoretically an expression of the people. Not so said libertarian dissenters. Many of the cooperationists who were mostly National Democrats during the sectional crisis came out strongly against the council. They rejected the theory that a state convention was illimitable in power and duration. To them, the convention was called for the specific purpose of taking South Carolina out of the Union. It did not have the power to blur the separation of powers and act both as an executive and legislative body. Opponents of the council cried out that the state was no longer operating on constitutional principles; the legislature, they said, was the true sovereign body of the state. This argument appealed to many South Carolinians who could easily relate to the political culture they had known for so long and, in the end, the council was abolished because a majority of South Carolinians were unwilling to submit indefinitely to the council's rule.

However, there was little evidence in any of the newspapers or personal correspondence that indicates a lack of willpower to carry the war through until victory and independence was won. Discontent with the council should not therefore be seen as fleeting morale in the Palmetto State. South Carolina citizens wanted to win the war, but

they wanted to win it under a functioning state constitution. There were limits to how far South Carolinians were willing to go in order to secure victory. Many thought that the council had done little to improve the state, while others thought the council had succeeded in its task of placing South Carolina on a more permanent war footing. The real point, regardless of individual perception, was that the entire experiment was clearly something novel in the state. Gary Gallagher has said “the time is ripe to consider the more complex and fruitful question of why white southerners fought as long as they did.”<sup>250</sup> I would suggest that one plausible answer can be found in South Carolina’s experiment with the Executive Council. If South Carolina politicians had not been willing to sacrifice any of their political values then it is quite probable the state would not have been in a position to carry out a protracted war. One reason why South Carolinians fought as long as they did was because the Executive Council made it possible to continue fighting for the duration. The South Carolina Executive Council should be seen as a strong expression of determination and willpower to secure victory. The mere creation and existence of the council reveals that South Carolina politicians and citizens were willing to temporarily sacrifice some their economic, social, and political culture in order that they might achieve independence.

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<sup>250</sup> Gary W. Gallagher, *The Confederate War* (Cambridge, MA.: Harvard University Press, 1997), 153.

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