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Lou Falkner Williams. *The Great South Carolina Ku Klux Klan Trials, 1871-1872.* Athens: University of Georgia Press, 1996. xiii + 197 pp. $35.00 (cloth), ISBN 978-0-8203-1795-3.

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Taxation without representation has long been the rallying cry of angry Americans. The phrase has been used to justify, among other major and minor events in U.S. history, the American Revolution, the Whiskey Rebellion, and, ironically, at least part of the horrors of Ku Klux Klan violence in 1870-1871 against the freedpeople of upcountry South Carolina. In her study of that violence and the subsequent Klan trials, Lou Falkner Williams explains why, despite a high success rate of convictions in the trials, federal officials ultimately failed to extend the power of the government to protect the rights of freedpeople through the Enforcement Acts and postwar constitutional amendments.

Williams's analysis of the background to the Klan terror is clear and convincing. Clinging to a laissez-faire, state-centered definition of federalism holding that government must never attempt to assist one group at the expense of another, white South Carolinians refused to acknowledge the legitimacy of postwar constitutional amendments, particularly the Fourteenth, and of federal legislation that sought to protect the rights of the freedpeople. Building on the idea that legitimate government derives from the consent of the governed, these whites considered the Republican government of South Carolina a fraud. The possibility that political power would be shared with the freedmen was dismissed as unthinkable. Republican-imposed taxes, designed in part to redistribute some of the state's wealth for the benefit of the freedpeople, were denounced as taxation without representation and presented as evidence of the illegitimacy of the state's government. These attitudes, combined with fear of the freedpeople, led whites to proclaim 1870 the "Year of the Happy Deliverance." In the fall election of 1870, despite their campaign of terror and fraud, Democrats failed to recapture control of the government of South Carolina. Upcountry whites then decided to use terror to secure their objectives. Thus began, in November 1870, one of the worst episodes of group terrorism in American history.

The Republican Congress and President Ulysses Grant reacted quickly, and by October 1871, the president had suspended the writ of *habeas corpus* in nine counties of South Carolina. By the end of that year, over six hundred arrests had been made. From that point, the scene of action and the real heart of the book shift to the courts.

As clearly as Williams lays out the cases against many of the defendants, her real interest is in the constitutional issues raised by the trials. Federal prosecutors had three basic goals. They wanted those found guilty to pay for their crimes. They wanted to convince white southerners that the federal government would not tolerate the type of violence that had occurred in South Carolina. Perhaps most important, they sought to have the courts endorse "a broad nationalization of fundamental rights for the freedmen" (p. 122). Prosecutors enjoyed remarkable success in securing convictions, but ultimately lost the struggle to nationalize civil rights. The basic problem was that the great bulk of white Americans–both North and South–rejected the notion of increasing federal power to help secure the rights of the freedmen. The presiding circuit court judges and the majority on the Supreme Court shared that perspective. The Civil War had changed many things, but it had not sufficiently altered most Americans' constitutional principles to the extent that they would endorse the vast increase in federal power that would have been required to guarantee freedmen's rights. The ultimate result was that South Carolinians' intransigence was rewarded. Williams's conclusion–that "former Confederates, although they had lost the war, stood their ground and eventually won exactly the peace settlement they wanted" (p. 147)–seems to be justified.

Williams's argument fits well with other scholarship on Reconstruction, which tends to conclude that, no matter how racially just the policies of the Radical Republicans may have been, those policies simply lacked majority white support throughout the nation. Although racism was surely a factor, the problem was not racism

alone. White Americans would not accept a significantly altered definition of federalism. In short, if successful Reconstruction required justice to the freedmen, failure was unavoidable.

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