1933

Congressional Investigation of the Ku Klux Klan in North Carolina, South Carolina, Georgia, Alabama, and Mississippi

Ernest C. Keith

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CONGRESSIONAL INVESTIGATION
OF THE KU KLUX KLAN
IN NORTH CAROLINA, SOUTH CAROLINA,
GEORGIA, ALABAMA, AND MISSISSIPPI

A Thesis Presented in Partial
Fulfillment of the Requirements
for the Degree of Master of Arts

by
Ernest C. Keith

University of North Dakota
1933
This thesis, submitted by Ernest C. Keith in partial fulfillment of the requirements for the Degree of Master of Arts, is hereby approved by the Committee of Instruction in charge of his work.

Chairman

Director of the Graduate Division
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INTRODUCTION

Conditions in the South, 1865-1871.

The Ku Klux Klan and the violence which accompanied it were results of the chaotic conditions in the south from the end of the war until the completion of Reconstruction. As these conditions are the background of the Ku Klux Klan and its activities it is necessary to understand them before attempting a study of their results.

Economic affairs in this section were completely disrupted. War had laid waste a large proportion of the area, and destroyed a considerable part of the available resources of the people. The immediate result was a marked decline in the price of agricultural products, which were the basis of southern prosperity. Everyone was in dire straits for money, and land was selling for almost any price offered. Near Macon, one of the best sections of Georgia, 100 acres was offered for fifty cents an acre, and any desired amount could be purchased in that locality at $2 an acre. In southwestern Georgia, the heart of the cotton belt, land formerly worth $250 an acre was selling at from $1 to $10 an acre. In Mississippi, land worth $25 to $50 an acre in 1860 was selling at an average of $7.50 in 1865.

Another blow to land values was the cotton situation. The production of 1865 was about one-fifteenth that of 1860. Prices went up, but there were repeated crop failures from 1865
to 1870, and a tax was levied on cotton by the national government in 1866. Cotton crops were confiscated at the close of the war.

Taxation also had its effect on land values. The amounts collected by the various states increased many fold. Assessment systems in some states gave no security against discrimination.

Northern capital was to be an important factor in the rebuilding of the southern economic system, and this the investors from the north were quick to perceive. The result was an influx of men and money from the north. Many northern men with some capital were tempted south by low land prices and high prices of cotton, but they knew nothing about cotton-growing, and large numbers lost what money they had. Many of this group remained in the south, creating new social problems and this probably added to the existing animosity towards people from the north. Others were more successful, and managed to establish some profitable business. For the most part, this latter group seems to have been fairly well received. There is no doubt that northern capital was not only welcomed, but invited, by the thinking portion of the southern population. Klan violence was deplored by many on the ground that it kept out northern capital and was, consequently, a serious detriment to the whole section.

The labor situation was a matter of grave concern because it was a factor that retarded development and caused much trouble. The negro was the only laborer available, but he had
been freed from bondage without the slightest conception of what
his future position in the scheme of things was to be. The first
expectation appears to have been that the land would be taken from
their former masters and turned over to the freedmen. General
Grant, in his report of December, 1865, says, "the late slave
seems to be imbued with the idea that the property of his late
master should by right belong to him." The common report was
that the land of the "rebels" would be confiscated and given to
them in forty-acre plots, with a mule to work each plot. The land
thus promised failed to materialize by Christmas day, 1865, as
first forecast, but the negroes did not lose hope. The testimony
taken by the investigating committee in the south shows that
many were still expecting this land several years later. This
delusion was kept alive for political purposes by Republican
demagogues. The credulity of the negro in this matter also led
to wide-spread swindling in the form of sales of painted stakes
which entitled the owner to mark off and hold the land desired.

Many of the negroes remained with their former masters,
but large numbers seemed to feel that they were not free until
they had actually left the plantation. There seemed to be a marked
tendency for them to leave the plantations and go to the towns.
As there was very little work for them in the towns most of them
became charges on the Freedmen's Bureau. They lived by theft
if the Bureau did not support them. The result of this movement
was a marked decrease in the available labor supply on the
plantations.

Relations between employers and their recently liberated
slaves were uncertain and productive of dissatisfaction to both parties. Various types of contracts were tried. Some employers used a wage system, paying either in money or a portion of the crop. Renting was more common. The employer usually furnished all the necessary equipment and sustained the renter until the crop was harvested. At the end of the season the renter received a portion of the crop. This proportion might be a specified amount, but was more often a fraction, varying from one-tenth to three-fourths, according to the locality. The whites were constantly complaining of the indolence of the negroes, declaring that they would drop any work to attend a political meeting. It was charged that they did not understand their contracts and demanded more than they were entitled to, and that they would even abandon a crop in the middle of the season. On the other hand, the negroes complained that their employers frequently cheated them. They said that provisions were inserted in their contracts whereby they could be dismissed without payment at any time on the merest of pretexts. It was also charged that they were furnished with supplies during the year and then charged as much for the supplies as they had earned in wages or shares. Some declared that the Ku Klux Klan drove them off the land before the end of the season and this would be the basis for claiming that the contract had been broken.

Another aspect of the labor situation was the competition between the negroes and the class commonly known as "poor whites." This class of white people generally seemed to feel that the land should be rented to them instead of to the negroes. This clash
of interests led to violence on the part of the poor whites, as will be shown later.

The emancipation of the negroes created a new social situation hard to deal with. They were unprepared to take the new and higher place in the social scheme which their freedom demanded. Education had previously been denied them by law, and hardly any of them could read or write. The upper class of white people approved of educating them, and often built and supported schools, but the lower classes had no such regard for the future welfare of society as a whole. Many of the whites were uneducated, or poorly educated, themselves, and they felt that educating the negro would raise him to their level. Thus education would be the means of hastening that social equality which they all feared and hated.

The negroes were quite lacking in moral training, and now that the former restraint of their masters was removed they had a tendency to disregard the moral restraints of society. To begin with, slavery had very rarely allowed real family life, and it was many times an unsolved riddle as to who were wives, husbands and children. As freedmen, many of them were inclined to regard rather lightly the ties of marriage or family. Indolence was one of their commonest vices. They much preferred to idle away their time in the towns, enjoying the novelty of the new life there. If they were employed to cultivate the land the old driving force of slavery was lacking, and too often they showed little disposition to work. Their idleness, in itself, was not particularly reprehensible, but it made it necessary that
they support themselves by theft. A majority of the planters abandoned their usual practice of raising their own meat because it became almost impossible for them to keep stock of any kind. A very common practice of the negroes was to steal cotton from the fields and sell it to the numerous small stores in the rural districts which dealt in such trade. Large numbers of negroes were convicted of larceny and punished, but still larger numbers were never apprehended.

With these exceptions, the general conduct of the negroes seems to have been fairly good. They were sometimes charged with insolence towards the white people, but the complaint on this score does not seem to have been very common. There were exceptions to this general rule, however, and these were a matter of grave concern. One of the most common of the disorders came from the organization of negro militia companies. Lawlessness and violence quite often accompanied this practice, and where there was no actual violence they were at least insolent and overbearing. Sometimes they made direct threats against the whites, and as they usually picketed the roads while drilling, traffic was interfered with. This condition was worst in Tennessee, where the Ku Klux Klan originated, and in the Carolinas, but it also appeared in Georgia. In other states armed demonstrations were often made by the negroes, although there was no organized militia. The situation created general uneasiness on the part of the whites, particularly among the women.8

Political meetings were another common source of general disorder. These were first conducted secretly by the Union
Leagues, or Loyal Leagues, as they were more commonly known in the south, and the general opinion of the people was that the carpet-bag and scalawag leaders were teaching the negroes hatred of the whites. The impression was strengthened by a change in attitude toward them on the part of the negroes, and the burning of their property during the period of existence of the Leagues. The League movement died out in most places before 1870, but Republicans continued to hold meetings more or less openly. There were numerous accounts of speeches made to the negroes on these occasions which were calculated to incite them to some kind of violence against the white people. One expression commonly made use of was, "matches are cheap".⁹

The lower class of white people had only jealousy and hatred for the negroes. They had never liked them as slaves, and now they were jealous of the preference given them as laborers. The basis of their dislike was the fear of the extension of political and civil rights to this class, and, ultimately, the establishment of social equality.

The northern people who were moving into the south constituted the basis of another social problem. They could hardly expect to be received with open arms by a people who had so recently been conquered, and still retained their natural pride. There were two classes among these northerners. Those who saw an opportunity to invest money profitably, and went about in a proper and businesslike manner. The other group was there to take advantage of the disturbed conditions in any way that offered itself. A large portion of this latter group were political
adventurers, and behaved as such. Others came to invest in land, but were unsuccessful, and often remained to become mere plunderers. The prejudice which already existed toward northern people was increased still more by the practices of the latter group, so that anyone who bore the name "Republican" was automatically proscribed, socially. On the other hand, a northern Democrat was not at once accepted in social circles. He had first to prove his worth and demonstrate his good intentions. As time went on, even those Republicans who had shown their good intentions and had not mixed in politics came to be accepted in many localities.10

General Grant's report indicates the attitude of the people of the south at the close of the war. He wrote:

"I am satisfied that the mass of the thinking men of the South accept the present situation of affairs in good faith.

"My observations lead me to the conclusion that the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; that while reconstructing they want and require protection from the Government; that they are in earnest in wishing to do what they think is required by the Government, not humiliating to them as citizens; and that if such a course were pointed out they would pursue it in good faith." II

Emancipation was already an accomplished fact, and was accepted as such by all but the most rabid "fire-eaters".

Johnson's reconstruction policy was followed in good faith, and his break with Congress caused southern opposition to the policy of the radicals in that body. The series of Congressional acts for reconstruction were opposed because they seemed to
Imply that the southern states were not able to govern themselves. The Civil Rights Act was regarded as vesting the negroes with rights which they were not able to use to the general advantage. The second Freedmen's Bureau Act perpetuated an institution already obnoxious because of its interference with labor contracts and its use as a political agency. The reconstruction of some of the states, particularly Alabama, was a source of considerable resentment against the Congressional policy. The Fourteenth and Fifteenth Amendments, however, were the most strenuously opposed. At one stroke they disfranchised the intelligent class of citizens and enfranchised the ignorant negroes. Following these amendments came the Enforcement Act of 1870. This act provided for Federal control of the state elections for Congressmen. Then followed the so-called Ku Klux Act, in 1871. This act provided for the punishment of anyone conspiring to go in disguise, or going in disguise, to intimidate any elector qualified to vote for members of Congress. These last two acts were opposed for three reasons: unconstitutionality, violation of state's rights, and their implication that the south could not handle its own affairs. The whole series of laws was considered as exemplifying a policy of hostility and aggression, and a violation of the parole given at Appomatox. The late "rebels" had been promised protection if they conformed to the laws of their states, but they were constantly being required to conform to new laws. The Federal government was also accused of using its power to sustain the Republican state governments.

At the very outset the suffrage policy was the hardest for the people of the south to accept, particularly after they saw
its effect in the first elections held. The 1867 registration of electors for the projected constitutional conventions was conducted under military supervision, which guaranteed the enforcement of all rules. Whites registering were required to take the "iron-bound oath", while negroes were registered on application. The following figures for the five states being studied show the result of this registration.¹²

<table>
<thead>
<tr>
<th>State</th>
<th>Population</th>
<th>Registration</th>
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<tr>
<td></td>
<td>white</td>
<td>negroes</td>
</tr>
<tr>
<td>Alabama</td>
<td>521,384</td>
<td>475,510</td>
</tr>
<tr>
<td>Georgia</td>
<td>638,926</td>
<td>545,142</td>
</tr>
<tr>
<td>Mississippi</td>
<td>382,896</td>
<td>444,201</td>
</tr>
<tr>
<td>North Carolina</td>
<td>678,470</td>
<td>391,650</td>
</tr>
<tr>
<td>South Carolina</td>
<td>289,667</td>
<td>415,814</td>
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Georgia shows a slight majority of whites registered, but this was small comfort to the Democrats. Quite an appreciable number of white people had been Union sympathizers during the war, and could now be expected to vote with the Republicans. Mississippi, for which separate registration figures are not given, would naturally have a majority of negroes registered. The only one of the five states with a clear white majority was North Carolina. This situation explains why the Democratic party in all these states except North Carolina took advantage of the provision of the Reconstruction law providing that the new state constitutions must be approved by a majority of the registered voters. They registered their opposition by adopting a policy of non-participation in the elections for state conventions and approval of constitutions. Such a policy was their only hope of success in warding off the establishment of a government set up by negroes and the despised carpet-baggers and scalawags. As it turned out, the very thing
they had hoped to prevent became a fact, even in Alabama, where the constitution had been legally defeated by this policy.13

After the result of these first elections the Democrats were not liable to approve of negro suffrage. Still, opposition to it was not as violent as it might have been. A large number of the thinking men professed to approve it, with an educational or property restriction, and some even approved it without limitation. Their reason was the increased strength it would give the south in Congress. But the members of the lower class of society constituted a majority of the party, and they continued to manifest their disapproval.14

The right of the negroes to vote probably would not have been so harshly denounced if they had not been misled. The Republican political adventurers who had flocked to the south united with the southern white Republicans, and this group assumed complete control of the negroes. These men took advantage of the negroes to promote their own interests, both political and financial. The most outspoken statement of their attitude was made by Purman, on the floor of the Florida Senate. He said the Democrats used to own the negroes and work them, but now the Republicans owned them and voted them.15

These men first gained control of the negroes by means of the mummeries of the Leagues, to which the superstitious nature of the negroes made them particularly susceptible. They bound them to their cause by a formidable obligation, and lead them to believe they were subject to a severe penalty for violating it. The teachings of these leaders in their secret League meetings were
calculated to hold the negroes to their cause without regard for the consequences. Their main argument was that the Republican party was the instrument through which emancipation had been effected, and the negroes were told that they would be returned to bondage if the Democrats regained control of the government. The promise of land, already referred to, was another common feature of their program. As a precautionary measure, they kept the negroes, as far as possible, from attending Democratic meetings. The negroes themselves helped in the process of consolidation. They became so imbued with the teachings of their leaders that they denounced as a traitor any one of their number who would vote the Democratic ticket. Such traitors were ostracized, and no mercy shown them, sometimes the persecution reached the point of violence.16

The Democrats, at first, made no effort to control the negro vote, and in some cases refused nominations at their hands. However, when they realized that negro suffrage was to be continued, their candidates began campaigning to win the support of the new voters. They appealed to the negroes on the ground that the Radicals cared nothing for their welfare, but were merely using them to gain their own personal ends, while the Democrats were their personal benefactors. They argued that both whites and negroes would prosper more under Democratic than under Radical control of the state government. In South Carolina, the party went so far as to consolidate with a conservative Republican element. They nominated a Republican candidate for governor, and placed several negroes on the state and county tickets.17 The result was
always the same. Large numbers of negroes expressed a desire to vote with their former masters, but fear of the consequences kept them from doing so. The Republicans never attributed much sincerity to these tactics. They accused their opponents of using intimidation as their only means of controlling the negro vote. The specific charges were of Klan violence, and the promotion of disorder and riots at campaign meetings and elections.

The state election laws enacted by the Republicans were planned to keep the governments in their hands. In all cases the machinery was so arranged as to lodge the control safely in Republican hands. The common system was a chain of appointments originating with the governor and extending down to precinct managers and clerks. The Alabama law provided for appointment of election officers by three specified county officers. The effect was the same as in the other system, as the county officers were practically all Republicans. Other provisions were equally effective in producing like results. South Carolina gave the precinct manager five days in which to deliver the ballot box to the county election commission, and the commission the same amount of time to make the return to the state election board. Georgia's election law provided that managers "shall not permit any person to challenge any vote", and, further, "shall not hinder or delay" the process of voting. Managers were required to take an oath to enforce these two provisions. Another provision stipulated that managers "have no power to refuse the ballot of any male person of apparent full age". In Alabama, electors were required to take an oath before registering, and were subject to a heavy
penalty for false registration. In spite of the many fraudulent registrations, no one was ever prosecuted. Another section of the law prevented the challenging of voters. The legal fraternity could not agree on the interpretation of the law, but even Republicans admitted that no one was willing to make himself liable for the penalty for violating it. Another scheme commonly used was to reduce the number of rural polling places, and allow people to vote anywhere. Towns attracted the negroes, creating a greater incentive for them to go vote. The white people, on the other hand, were sometimes inclined to feel that they could not leave their work long enough to make the trip.

Election frauds seem to have been the rule rather than the exception. The most common offense was repeating. One South Carolina witness told of a negro in his employ who was arrested after voting the sixth time. Women sometimes voted "for relatives." Many reports told of minors from 16 years of age upwards voting. Boxes were opened and the votes changed. 41 men swore to voting the Democratic ticket in one precinct after the manager had returned only 6 Democratic votes. One case of election returns in South Carolina was so flagrant that the state board accepted the report of the one Democrat on the county board rather than that of the two Republicans.

The state officers were these same carpet-baggers and scalawags who had assumed leadership of the negroes, with a liberal quota of the negroes themselves in some states. The "Nation" described the officers of Georgia as "probably as bad a lot of political tricksters and adventurers as ever got together in one
place." The evidence fully bears out this statement. There were some good officers, but they were very much in the minority. The same statement would be true of Alabama and Mississippi. The terms used are not strong enough to describe the "lot" in either North or South Carolina. Practically all the officers were Republican, regardless of whether they were appointed or elected.

Frauds were the order of the day. There were numerous cases of men assuming office poor, even bankrupt, and retiring from office rich men. The most common of the swindles was the voting of bonds to assist railroad building. The policy was considered good, and Democrats usually voted for the bills. The faults were that the amounts were often higher than necessary, and the roads sometimes did not show evidence of the application of the money to the purpose for which it was given them. South Carolina supported a "ring" known as the "Forty Thieves". The activities and members of this rightfully condemned "ring" were well known, but none were prosecuted. One of their transactions was the purchase of notes of the defunct state bank. Strangely enough, the legislature at once passed a bill to redeem these notes. The South Carolina "Homestead Act" was an agency through which an astonishing list of fraudulent transactions were perpetrated. The Republican treasurer of Georgia told on one illegal and over-issue of state bonds. Several Georgia witnesses told how the governor's offers of rewards for the conviction of Klansmen were used for personal enrichment. In Alabama, local officers speculated in witness certificates. It appears from the evidence that Mississippi's new school system was about to become a medium for
the enrichment of its administrators. North and South Carolina sold bonds through a financial agent in New York, and the state accounts could not be made to balance with those of the agent. This practice cost North Carolina 17% interest for the sale of bonds at 70.

The purchase of votes in the legislature was more or less open, depending on the state. The investigation brought out the fact that in North Carolina the legislature refused to vote on certain types of bills unless paid to do so. One South Carolina man said that anyone was laughed at who did not accept the price offered for corruption. A negro representative in the lower house said he constantly saw money offered. The "Missionary Record", edited by a negro, denounced the Republicans who were corrupting the party and ruining the state. The practice was not so open in other states, but there is evidence to show that it existed.

The ordinary expenses of government increased enormously. In South Carolina, salaries alone increased from $123,500 in 1866 to $580,950 in 1871. In addition to this, the legislature appropriated $90,000 to furnish the capitol buildings. The cost of government in Georgia for the two and one-half years before January, 1871, was $899,053.03 more than it had been for the four years preceding 1860. Governmental expenses in Mississippi increased $600,000 in the first year of operation of the government under the new constitution, 1870-1871. Figures for the remaining states are not available, but the general story was the same: increases in salaries, increases in the length of legislative terms,
more officers, large printing contracts, purchase and construction of buildings, and similar items helped to swell the total.

The increased indebtedness resulting from all these practices was immense. The investigating committee reported an increase of $131,717,777.81 in the total indebtedness of the 11 southern states between the time of Reconstruction and 1872. The average per state would be about $12,000,000. The length of time over which each state contracted its share of this amount ranged from one and one-half to five years.

The increase in the amount of taxes collected on greatly depreciated property values has already been mentioned. The foregoing explanation indicates why it was necessary. Even under these circumstances the statement was made that the people would not object so much to the taxation if the money was used properly. Another grievance that the men who opposed the state governments held against them was the fact that the members of the legislatures which voted these taxes paid hardly any taxes themselves. The South Carolina legislature was composed of 96 negroes and 57 white men. The average tax paid by the negroes was 70 cents. Of the white members, Democrats paid an average of $13.20 each, and Republicans paid about $7 each. The situation in other states was probably not quite this extreme because they did not have as large a proportion of negroes in office, but it must have been quite similar. Their legislatures were composed mainly of carpet-baggers and scalawags, with some negroes, none of which belonged to property-owning classes.

The machinery for law enforcement was poor, if nothing
worse. A range of terms from "fair" to "despicable" was used in describing the state judiciaries. Only one man ventured to say that the judiciary of his state was good. No state had more than a few good judges. It is significant that Klan violence was prevalent in only one section having a capable judge. In this case, however, he was disliked because of his political activity. In one of the worst areas, members of the bar petitioned the legislature to impeach their judge on the grounds of utter incompetence and partiality. Some of the signers of this petition were Republicans. The testimony indicates that most of the judges were well-meaning, but they were not prominent members of the legal fraternity, and were quite often active partisans.

The state of affairs among the lower magistrates was very bad. The office was a political plum for the lower order of party politicians. Many of the officers were negroes who could neither read nor write. The white men who held the office were lacking in education, and often in common honesty. The investigation brought out numerous stories of partiality, corruption, and incompetence.

Enforcement officers were hardly better than the magisterial officers, although none were negroes. The dearth of white Republicans of good character and standing among the Democrats made it necessary for the party to use whomever was available, and there were exceedingly few capable men who were Republicans.

Another factor in the weakening of the enforcement machinery was the excessive use of the pardoning power. South Carolina again furnishes the classical example. In 1870, the governor pardoned 205 state prisoners, mostly negroes, though only
281 were convicted and sentenced during that year by the state courts. Georgia was a close second, with 321 pardons during the period from August, 1868, until July, 1870. Figures are not given for the other states, but the general accounts were similar.

People in all the states lost faith in the administration of justice. In many localities they considered it useless to attempt the prosecution of lawbreakers because of the common miscarriage of justice. When they did obtain justice from the courts they expected the criminal to be pardoned immediately, particularly if he was a negro. Not all the courts are referred to in this way, but the abuse of the pardoning power was common to all the states. In light of these abuses, and the general disorganization, it is not surprising that individuals took the law into their own hands.

The idea of night patrols to control the negroes was not new at the time the Ku Klux Klan started its activities. The legal patrol system had been used in several of the states for this purpose. Mississippi, in 1835, was troubled with bands committing depredations at night in much the same manner as the Ku Klux Klan, although they did not use disguises. Bands of outlaws, operating principally at night, had been common just after the war.

The Ku Klux Klan, however, was the real starting point of the violence that prevailed from 1866 until 1871. It originated in Pulaski, Tennessee, as a purely social organization, with none of the violent characteristics it later assumed. The motive was merely the desire of a few young men of standing to relieve the monotony of life during a period when they had almost nothing to do. The name was adopted spontaneously, and was probably responsible
for the mysterious turn the organization took. Attention was soon attracted to it, and all the suitable men of the town were soon initiated into the organization. Membership was limited to only the most reliable and discreet. This selectivity was the primary means of maintaining the strictest secrecy about the real character of the organization and the initiation ceremony, which were the main objects of its existence. The membership soon included the surrounding farmers. The result of this was that requests began to come in for the organization of "dens" in the neighboring towns. The home den had only its own ritual, so the new dens were established by men who were forced to rely on their memories for the obligation and ritual. This would make some changes inevitable, and opened the way for organizers to incorporate their own ideas. This may account for the radical changes shown by the constitutions and obligations unearthed by the investigating committee. The organization spread with astounding rapidity. It was soon discovered that the appearance of these unknown and grotesquely garbed figures was having a very salutary effect on the conduct of the negroes, who were very much given to thievery and turbulence in that particular area. The first instances of violence involved members of the organization. They took advantage of the disguise as a means of safety while punishing negroes, and even white men, for personal reasons. The organization itself had contemplated nothing of this nature. The members of the organization soon began to suspect that non-members were using disguises for similar purposes.

A convention was called at Nashville in 1867 to perfect
the organization, and to eliminate the abuses that were developing. The convention adopted a prescript setting forth the purposes of the order, and the organization and obligation to be used. The purposes, in brief, were self-protection, and support of the state and national constitutions. A new prescript, improving the organization, appeared some time in 1868. The organization now began a systematic policy of keeping all lawless characters in check. They paraded in costume to create the impression of strength. Ghostly tricks were played on the negroes. Warnings were posted for the edification of undesirables, and corrective measures in the form of whippings were sometimes administered. During this time, other organizations were springing up, and it is hard to tell whether they were copies of the Ku Klux Klan, or offshoots from it. They had different names, but were usually known as "Ku Klux". The marked similarity of the obligations of some of these organizations to some features of that of the Ku Klux Klan is a strong indication that they were offshoots from it. At the same time, there are such great differences that one could not presume to class them as such without some qualifications.

The profound secrecy of the Ku Klux Klan proved its own undoing. Affairs took the same violent trend which had been developing before the reorganization. As a result, many respectable men gave up their membership, and many used their influence to disband the local dens during 1868 and 1869. A general order for disbandment was issued in March, 1869, by General Forrest, who was then head of the organization.

But violence continued after the order for disbandment.
The evidence collected by the investigating committee showed that there was much violence during the period from 1869 until 1871. The following account deals, primarily, with this latter phase of the movement.
CHAPTER I

PROCEDURE OF THE CONGRESSIONAL INVESTIGATION

Development of the Congressional Policy of Investigation

On January 18, 1871, President Grant sent the following message to both Houses of the forty-first Congress:

"In our midst comparative harmony has been restored. It is to be regretted, however, that a free exercise of the elective suffrage has, by violence and intimidation, been denied to citizens, in exceptional cases, in several of the States lately in rebellion, and the verdict of the people has thereby been reversed."¹

As a result of this message, Morton, of Indiana, introduced the following resolution in the Senate:

"Resolved, That the message of the President, with the accompanying papers, be referred to a select committee, to consist of five members, who shall have power to employ a clerk and stenographer, to send for persons and papers, and to investigate the matters herein referred to, and inquire into the truth or falsehood of the crimes and outrages of a political character alleged to have been committed in the Southern States, and whether there be in those States security for persons and property."²

The Democrats did not oppose an investigation, but attempted to belittle the necessity for one. They tried to amend the resolution so as to have the Committee on the Judiciary, instead of a select committee, conduct the investigation. Their argument was that the Judiciary Committee could spare all the time which would be needed for such an investigation. Their amendment to the resolution was,
However, defeated.

The resolution was debated for a short time. The Democrats argued that it was a partisan measure. They said it was laying the foundation for the refusal to seat the Democratic Senators who had recently been elected in North Carolina and Alabama. It was to be used as a means of keeping up and inflaming, for political purposes, the existing sectional hatreds. They contended that a committee such as that provided for in the resolution could call any witnesses it chose and get any kind of partisan testimony it wanted. They said it was well known that Democrats all over the country, north and south, were continually being intimidated, but there was no greathue and cry for an investigation of that situation. They were certain there was some ulterior motive behind the move because it had appeared so suddenly. Reports of violence had been common during the past several years, but no one had proposed an investigation.

Governor Scott's message to the legislature of South Carolina was offered as proof that an investigation was unnecessary. This message reads:

"I cannot say with truth, that upon any information in my possession, in any section of the State the laws are not executed, for not a single case has been reported in which the officers of the law have been resisted in the discharge of their duties.

"At present I would call your attention to the fact that all cases of reported violence are individual violations of the law, that none of them have assumed the character of public combinations against the law, and that they are all within the regular jurisdiction of the criminal courts."

Governor Bullock, of Georgia, had recently reported that there had been a fair, orderly, and regular election throughout that state,
except for some disturbance in one district. 8

The Republicans contended that the investigation was necessary. As proof of this they quoted several violent editorials from southern Democratic papers, and a large number of letters giving details of certain cases and descriptions of the general conditions. 9 They also presented a message of Governor Holden, of North Carolina, in support of their point. This message gave an account of the obligation, purposes, and activities of the Ku Klux Klan, and stated that it was impossible for the state courts to convict the offenders for their activities. 10 They accused the Democrats of being afraid of the probable results of an investigation, and of trying to prevent it. Their attitude was that the Democrats should not oppose an investigation if it would not hurt their party. If the Democratic party was involved in this violence it was time for that fact to be known. 11 They also said that the investigation would not be made a question of party advantage as the Democrats had argued. 12

The resolution was passed by agreement on January 19. 13 The committee appointed was composed of Senators Scott, chairman, and Wilson, Chandler, Pool, and Davis. Davis was the only Democrat appointed. Wilson declined to serve on the committee on account of his health. Pool declined to serve because of "reasons connected with the organization," probably meaning that he did not care to involve himself in an investigation of the conduct of the people of his own state. Rice and Bayard were appointed in their places. 14
On February 8, Senator Scott, chairman of the select committee, introduced a resolution providing that the committee be allowed to sit during the sessions of the Senate, and that two more Senators be appointed to serve on the committee. The resolution was agreed to, and Stewart and Blair were appointed. Stewart asked to be excused because he already had too much work to do, and Nye was appointed in his place.

The committee had called some witnesses whom it had not time to examine before the close of the session. Because of this, the chairman proposed a resolution, on March 1, to allow the committee to continue its investigation and report at the first session of the next Congress. There was some discussion of the legality of allowing a committee of one Congress to continue to act under the next one, but the resolution was passed. Before it was agreed to, however, a proposed amendment created a heated discussion. Senator Casserly, a Democrat, proposed that the proceedings of the committee be made public. He did this on the ground that newspapers had been printing statements of the investigation which favored the Republicans. He argued that if the investigation could not be kept private it had better be made public. The Democrats also said that the witnesses being called were partisan, and were accusing whole communities of various wrongs. They argued that this amendment would give the accused communities an opportunity to hear the charges made against them so they could provide witnesses to defend themselves.

The Republicans objected to the amendment on the ground
that it would make it possible for a mob to disperse the committee at any time. The Democrats scoffed at this idea. They compared the proposed public hearings to ordinary court procedure, saying there was no more danger of a mob dispersing the committee than there was of one breaking up a session of a court. Another argument of the Republicans was that the secrecy so far observed by the committee was for the protection of the witnesses. They would be endangered if the communities from which they came knew what they had told the committee. The answer of the Democrats to this argument was that there was no object in protecting the witnesses in this way now, because the testimony would eventually be printed anyway. It is peculiar that the Republicans did not add that witnesses themselves had been telling the newspapers what they had sworn to. The amendment was defeated by a vote of 49 to 12, with 13 Senators not voting. The 12 voting for it were all Democrats. The 13 who did not vote were all Republicans. All those voting against the amendment were Republicans.

The select committee reported to the forty-second Congress on March 10. When the report was made, Bayard, of the Democratic minority, objected to the majority's action in presenting it at that time. He said the majority of the committee had brought the investigation to a close without giving the minority proper notification, and they had no opportunity to call in rebutting witnesses. The investigation had been ended with reference only to North Carolina. A resolution to print the report was passed March 13. This resolution provided for the printing, for the use of the Senate, of 2,000 copies of the report
and the accompanying evidence, and 20,000 copies of the report without the evidence.26

The President and forty-second Congress were determined to take some action on the condition of affairs in the south. Several bills dealing with the subject were introduced in the House of Representatives. The first of these was introduced March 10, by Shellabarger. It was to authorize the use of the land and naval forces in the enforcement of the law.27 The next bill appeared March 20. This one, introduced by Butler, was to protect loyal and peaceable citizens in the south in the full enjoyment of their rights, persons, liberty, and property.28 Another bill was introduced by Shellabarger on March 20. The object of this one was to secure to all persons the equal protection of the laws within the states.29 All these bills were referred to the Committee on the Judiciary, and died there.

The Senate pursued a different course, but apparently they had the same idea in mind. On March 13, Anthony introduced the following resolution:

"Resolved, That the Senate will consider at the present session no general legislation, except such as relates to the suppression of disorder and the protection of life and property in the several States."30

This resolution was not passed at that time, and before it came up again the Senate had proposed two other steps.

Sherman, on March 16, introduced the following resolution:

"Resolved, That organized bands of desperate and lawless men, mainly composed of soldiers of the late rebel armies, armed, disciplined, and disguised, and bound by oaths and secret obligations, have by force, terror,
and violence subverted all civil authority in large parts of the late insurrectionary States, thus utterly over­throwing the safety of persons and property, and all those rights which are the primary basis and object of all civil government, and which are expressly guaranteed by the Constitution of the United States to all its citizens, and as the courts are rendered utterly power­less by organized perjury to punish crime; Therefore, "The Committee on the Judiciary is instructed to report a bill, or bills, that will enable the President and the courts of the United States to execute the laws, punish such organized violence, and secure to all citizens the rights so guaranteed to them."31

This resolution was not acted upon immediately.

The next day, March 17, resolutions providing for an investigation of conditions in the south were introduced into both the House and the Senate. That introduced in the House by Peters provided for a House select committee of 12. It was passed, and the committee was appointed. The Senate resolution, introduced by Anthony, provided for a joint select committee. The resolution is as follows:

"That a joint committee consisting of five Senators and seven Representatives be appointed, whose duty it shall be to inquire into the condition of the late insurrectionary States so far as regards the execution of the laws and the safety of the lives and property of citizens of the United States, with leave to report at any time the result of their investigation to the two Houses of Congress with such recommendations as they may deem expedient; that said committee be authorized to employ clerks and stenographers, to sit during recess, to send for persons and papers, to take testimony, and to visit at their discretion, through sub-committees, any portion of the said States during the recess of Congress, and to print and make public from time to time during the recess the results of their investigation; and the expenses of the said committee shall be paid out of the contingent funds of the two Houses of Congress."32

This resolution was passed by agreement, the Democrats offering no debate. They simply asked for assurance that members of both parties would be appointed to all sub-committees.33
The House of Representatives amended the Senate resolution by substituting one of their own which was different in three respects. The number of members to be appointed to the committee was increased to seven Senators and fourteen Representatives. The provision that the committee, "print and make public from time to time during the recess the results of their investigation", was omitted. The expenses of the investigation were to be paid from the contingent fund of the Senate instead of from those of both houses. The resolution, as amended, was passed by the House March 20, with no debate. The only question brought up was the necessity of debating the subject. The flurry over this point was among the Republicans. The vote was 127 for the resolution, 60 against it, and 36 members not voting. Of the 127 members favoring the investigation, 30 were Democrats, and only 47 were Republicans. 58 of the 60 votes against the resolution were cast by Republicans. The other two were cast by northern Democrats. Of the 36 members not voting, 22 were Republicans and 14 were Democrats. This was a change from the vote on the House resolution for a select committee. The number of Republicans favoring an investigation had dropped from 58 to 47. Democratic support of an investigation had increased from 68 to 80, 11 of the increase of 12 votes coming from southern men. Opposition by the Republicans had increased 11 votes, exactly corresponding to the decrease in their support. Democratic opposition decreased from 15 to 2 votes. This is one more than the increase in their support of the investigation. This one vote is accounted for by the fact that 14 Democrats failed to vote on
the Senate resolution, instead of the 13 who had failed to vote on
the House resolution. This gives the peculiar situation of the
Democrats supporting a Republican resolution, while the Republicans
themselves deserted it. There is no evidence to show what caused
this action. It was probably because the Republicans were afraid
an investigation would delay legislation, and the Democrats were
supporting it in the hope that it would have that effect.

The amended resolution was brought before the Senate this
same day, March 20. Anthony immediately moved to amend it by re-
inserting the provision that the committee be allowed to print
information as the investigation progressed. This point was made
the subject of some debate, with Thurman leading the Democrats. He
contended that this provision disclosed the object of the whole
movement. The committee was to make a set of electioneering
documents at the public expense. He was not willing to trust any
body of men, Senators or others, with the power to, "go traveling
around and issuing ... political bulletins to affect the
elections of the country". He later added the point that the
committee was to report "results", not "facts", and that the
majority would determine what was to be printed. He also empha-
sized the fact that there was no clamor for investigation after
similar outrages occurring in the north. He was willing to have
the investigation made if this provision of the resolution was
left out.

The Republicans attempted to justify this portion of the
resolution. They said publication was one of the best ways to
correct the violence which existed in the south, and that if the
common reports of violence were untrue it was to the interest of the south to have that fact known. They also argued that it was better to have official reports than accounts by witnesses after they had testified. The testimony was to be published in December anyway, and they could see no object in keeping it secret. They accused the Democrats of supporting the resolution to prevent legislation, but wanting to keep the results locked up until December so they would be of no use. Wilson, a Republican, proposed tabling the resolution and having the Committee on the Judiciary report a bill for control of violence in the south. He did not believe there was anything to be gained by an investigation. Congress already had facts enough upon which to base legislation, which was merely being postponed. His proposal was not considered.

The points used by the Republicans in this debate were practically the same as those used by the Democrats when they proposed that the hearings of the Senate select committee be made public. There was, however, a fundamental difference in the results sought. The previous proposal by the Democrats would have allowed anyone to hear both sides of the case. The part of the resolution under consideration would have allowed the majority of the investigating committee, the Republicans, to publish only part of the information, and no one would have had access to the testimony to discover the other side of the case.

Other things transpired before the resolution to investigate was again considered. Anthony's resolution limiting the business of the session was called up March 22. It had been
modified to include the deficiency appropriation bill, the concur-
rent resolution for an investigation, and the pending resolu-
tion for the Committee on the Judiciary to report a bill which
would enable the President and the courts to execute the laws. The
Democrats attempted to filibuster, but the resolution came to a
vote and was passed, 36 to 18, 15 members not voting. 14 of
those voting against the resolution were Democrats. The 4 Republi-
cans voting with them were Sumner, Tipton, Trumbill, and Windom.
The 36 voting for the resolution, and the 15 not voting, were all
Republicans. On March 30, the resolution was amended to include
House bills dealing with the same subjects.

On March 23, President Grant sent the following message
to Congress:

"A condition of affairs now exists in some of the
States of the Union rendering life and property insecure,
and the carrying of the mails and the collection of the
revenue dangerous. The proof that such a condition of
affairs exists in some localities is now before the
Senate. That the power to correct these evils is beyond
the control of the State authorities I do not doubt;
that the power of the Executive of the United States,
acting within the limits of existing laws, is sufficient
for present emergencies is not clear. Therefore I
urgently recommend such legislation as in the judgement of
Congress shall effectually secure life, liberty, and
property, and the enforcement of law in all parts of the
United States. It may be expedient to provide that such
law as shall be passed in pursuance of this recommenda-
tion shall expire at the end of the next session of
Congress. There is no other subject on which I would
recommend legislation during the present session." 42

The House referred this message to a special committee. On March
28, the committee reported the bill which became known as the "Ku
Klux Bill". 43 Sherman's resolution was called up in the Senate on
April 4. It was now modified in form. The indictments in the
preamble applied only to North Carolina, but the resolution included the statement that, "there is good reason to believe that similar organizations exist, and have produced similar results in many parts of the late insurrectionary States". The Democrats did not oppose the purpose of the resolution, but attempted to eliminate the indictment of the south. They offered substitute resolutions which left out the charges against the southern states, but provided for the submission of a bill by the Judiciary Committee. The Republicans, however, insisted on having their own way. They passed the Sherman resolution the next day. The vote was 38 to 12, 20 members not voting. The 12 voting against the resolution were Democrats. Most of those who did not vote were southern Republicans. Only two Democrats did not vote. All those who voted for the resolution were Republicans.

The concurrent resolution for an investigating committee came up in the Senate immediately after the passage of the Sherman resolution. Thurman was now opposing the resolution itself. His argument was that since the Judiciary Committee had been instructed to report a bill there was no need for an investigation. The next day, Frelinghuysen attempted to meet the argument of the Democrats that the investigation was for political purposes. He said the Republicans were performing their duty by investigating, rather than taking advantage of the situation by allowing violence to continue in the south. He believed that it would be to the advantage of his party to let violence continue, because people would ultimately turn to it for protection as they had in the recent emergency. On this same day, April 6, the House passed
its "Ku Klux Bill". The next day, Anthony withdrew his amendment to re-insert the provision for printing the results of the investigation. He made the offer to do so on condition that there would be no debate on the resolution. The object of his move was to facilitate the passage of the resolution. The whole resolution was again opposed by the Democrats. They contended that the House had just passed a bill dealing with the whole subject, and the Senate Committee on the Judiciary had been instructed to report one, so that there was no longer any need for an investigation. Casserly attacked the Republicans with the charge that they did not want the cooperation of the Democratic minority in the Senate. He said they had shown this clearly by passing the Sherman resolution after the Democrats had shown their willingness to cooperate in securing legislation if objectionable charges were not made against the south. Hill, of Georgia, deserted the Republicans. He said there was no Ku Klux Klan violence in his state, merely outrages by small bands of men acting in their own interests. He thought an investigation would be desirable if it was used to catch these small bands. He did not vote either way on the resolution, which indicates that he did not believe the investigation was to fulfill the avowed object. The Senate concurred in the House amendment to their resolution by a vote of 37 to 12, 21 members not voting. The 12 voting against the resolution were Democrats. All those voting for it were Republicans. Two Democrats, Bayard and Vickers, did not vote. The other 19 who did not vote were Republicans, 7 of them from the south.
Appointments by the presiding officers of the two Houses of Congress created the following joint committee:

**Senators**

Republicans
Scott, Pennsylvania, chairman
Pool, North Carolina
Chandler, Michigan
Pratt, Indiana
Rice, Arkansas

Democrats
Bayard, Delaware
Blair, Missouri

**Representatives**

Poland, Vermont, chairman
Maynard, Tennessee
Scofield, Pennsylvania
Cook, Illinois
Coburn, Indiana
Stevenson, Ohio
Buckley, Alabama
Lansing, New York

Beck, Kentucky
Voorhees, Indiana
Van Trump, Ohio
Waddell, North Carolina
Robinson, Illinois
Cox, New York

Procedure of the Investigating Committee

The investigating committee worked entirely through sub-committees. A sub-committee of 8 was appointed to take testimony in Washington. The members of this sub-committee were Scott, chairman, and Pool, Poland, Stevenson, Coburn, Blair, Van Trump, and Beck. The last three named were Democrats. A sub-committee of three, composed of Scott, Stevenson, and Van Trump, was appointed to go to North and South Carolina. This sub-committee investigated only South Carolina, and then returned to Washington in July. A sub-committee made up of Maynard, Scofield, Lansing, Bayard, and Voorhees, was appointed to investigate North and South Carolina, Georgia, and Florida. The Democrats on this sub-committee were
Bayard and Voorhees. This committee also failed to visit North Carolina. Tennessee, Alabama, and Mississippi were to be visited by Pratt, Rice, Buckley, Blair, and Robinson. The last two named were Democrats. They did not visit Tennessee. The only testimony taken on North Carolina and Tennessee were taken by the sub-committee sitting in Washington. Attempts of the Democrats to have sub-committees visit the other states of the south were blocked. They first proposed an additional committee to visit Louisiana, Texas, Arkansas, and Virginia. This was voted down by the general committee. They then proposed that the committees already appointed be instructed to visit the other four states. This, also, was voted down.

The Democrats on the committee attempted to have testimony taken only on the basis of the legal rules of evidence. This proposal was postponed by the majority of the committee, and never taken up again. The Democrats also moved that the investigation be limited to acts of violence which had been committed before the passage of the "Ku Klux Act", April 20, 1871. This motion also was voted down by the Republicans.

The character and position of the witnesses called by the committee were important factors in the investigation. The Republicans called a large number of Federal and state officers, all of their own party. Most of the state officers were "carpet-baggers", but quite a large number were "scalawags". The southern people defined a "carpet-bagger" as a northern man seeking office in the southern states so he could get a share of the spoils of office. A "scalawag" was a southern man who joined the Republican party
for political advancement and personal enrichment. As the investigation was being conducted with special emphasis on the political aspect of conditions in the south, it was natural for these men to interpret everything according to their political views. Another element, more harmful than mere misinterpretation of facts, seems to have influenced their testimony. They were all dependent upon their political positions for their livelihood or wealth, as the case might be. This would naturally have a strong tendency to prejudice them in favor of Republican interpretations of the situation. Still another factor was that many of these officers, both state and Federal, were unscrupulous in their general conduct. This group could be depended upon to pervert facts and opinions to their own benefit. The testimony shows that all these factors were at work. Without exception, the testimony of this group of witnesses emphasizes the points the Republican faction of the committee wished to prove. Some were fairly moderate in their statements, but quite a number expressed views and opinions that probably went beyond what even the Republicans on the committee were willing to endorse.

Southern Republicans who were not officers were also called by the Republicans. The testimony of this group is fully as extreme as that of the officers, although the motives which caused them to distort the facts were not as strong. Their support of the Republican party was intensified by the contempt of the Democrats for them. This attitude is shown quite clearly by the testimony.

The Republicans called several white people who had
suffered attacks by the Ku Klux Klan. They were, almost without exception, of low character, and consequently not reliable witnesses. They were also very partisan Republicans. Still more important, all these witnesses had very serious grievances to air, and would quite naturally denounce their persecutors, and exaggerate their sufferings.

A large number of negroes who had been mistreated by the Klan were called by the Republicans. They were, of course, all Republicans, and had been taught that the activities of the Ku Klux Klan were directed against them for that reason. This, in itself, would have an influence on their testimony. They had a strong natural tendency toward exaggeration and untruth, and had little or no regard for the sanctity of the oath they were required to take before testifying. Their statements were not to be depended upon in matters where their own interests were at stake, and this investigation was of that nature. The only check on the truthfulness of their statements was observation of their conduct while they were testifying. This aspect of their testimony was emphasized by the Democrats, and acknowledged by most of the Republicans.

The Democrats on the committee tried to impeach the evidence of the negroes from South Carolina. They attempted to show that they had been offered money to appear before the committee, and that they had been told what to say. They did not establish absolute proof of either point, but succeeded in creating the impression that both had been practiced to some extent. They proved that an officer had told many negroes, while serving sub-
poenas on others, that they would receive $2 a day and ten cents a mile for appearing before the committee and testifying about the Ku Klux Klan. The defense of the officer was that he was merely telling them this for their information. He may have been innocent of any real attempt to bribe the negroes. However, in this particular area, he told this to a large number, which tends to break down the claim that he was giving the information to satisfy curiosity. Even those who defended his action could not say the negroes had asked about it, and there was no real reason for him to impart such information unless someone asked for it. The question was raised as to how often he repeated these acts. It is known that he was very active in making arrests, and may have spread this sort of information over the whole county. This is the most lenient interpretation of the episode. Other witnesses told of it in such a way as to make it appear as nothing less than bribery. One man, who had talked with a soldier who accompanied the officer on this occasion, said Casey asked all the negroes he met if they had been visited by the Ku Klux Klan. If they said "no", he told them to go to the committee and testify that they had been whipped, and they would receive $2 and ten cents a mile. The Democrats also attempted to show that certain Republicans were telling the negroes what they should say to the committee, or at least outlining a story for them to tell. Two or three of the negro witnesses said that one or more of these men had talked to them, but they absolutely denied that they had been told what to say.

A very striking feature of the negro testimony is its
similarity. In almost all of the dozens of reports of violence the Ku Klux Klan had committed against them the Klansmen had said and done almost exactly the same things. Violent and profane language is the most outstanding point. Another peculiar feature of the testimony of the negroes was the way in which they explained how their politics was the reason for the attacks on them. They quite often said, at the beginning of their stories, that the Klan had told them they were being whipped because of their politics. Cross-examination by the Democrats usually brought out the fact that the Klan had also given some other reason for the visit. Sometimes it was the other way, the witness first told of a reason other than politics. The Republicans, by means of leading questions, were able to get them to add that the Klan had also said something about their politics. These things do not brand the testimony of the negroes as false, but they do show exaggeration and imagination. With these two factors so commonly present, the student does not know what may, or may not, be true in the evidence he examines.

During the investigation of conditions in North Carolina the Republicans examined several men who had confessed to membership in the "Invisible Empire", which they said was the Ku Klux Klan. The testimony of these witnesses was very damaging to the case of the Democrats, and they attempted to discredit it. These men had been sent to the committee by the local officers to whom they had confessed. The Democrats attempted to get admissions from them that they had talked with these officers about appearing before the committee, and succeeded in two cases. However, the
witnesses denied that the officers had told them what to say. 66 The officers were Republicans, and the very fact that they sent witnesses before the committee is sufficient to show that they were interested in recording their testimony. Witnesses claimed that about 300 members of the Klan had confessed, and the officers could very easily select a few from that number who would testify in such a way as to help their cause. The officers knew, from the confessions, which ones to select. Furthermore, these men were all "poor whites". This class, as a general rule, was uneducated, and of low character, both of which would tend to make them unreliable witnesses even though they might not have been influenced by other considerations. Carpenter, a very partisan Republican, was reported to have said he would not believe any of them on oath, and that they would make good witnesses to convict Klansmen. 67

The smallest group of witnesses called by the Republicans was composed of men who had been accused of membership in the Klan, or of engaging in "raids". The object of the Republicans in calling these men was to get them to admit their guilt. If they had confessed, considerably more information concerning the Klan would have been secured, but none of them confessed.

The witnesses called by the Democrats were of entirely different character. The first thing to be noticed is that a great majority of them were prominent southerners. This fact, in itself, makes it reasonable to presume that they were truthful, although it does not eliminate the effect of their political sympathies on their testimony. Most of them were Democrats. As a general rule, they interpreted conditions in favor of their own
party, although not as uniformly so as the Republicans did. They presented a much wider variation of opinions on given subjects than the Republicans did. This would indicate that their preconceived attitudes were not as thoroughly influenced by political factors as were those of the Republicans. It might be argued that they were supporting a weak case, and consequently had no reliable points on which to base their statements, but this does not fit the testimony. They gave more reliable statements, and more satisfactory explanations in support of their statements than the Republicans did on their side. The testimony of some of this group is unreliable, but the proportion is not as large as in the case of the Republicans.

A second group of witnesses called by the Democrats were of the same class of society, but independent of politics. Most of them had been Whigs, and were now confirmed members of neither of the existing parties. They usually voted with the Democrats, but sometimes voted mixed tickets. The testimony of this group was, as a general rule, more reliable than that of the Democrats because of their relatively neutral position. Some of them showed a strong prejudice in favor of the Democrats, but most of their testimony was quite impartial in the matter of political questions.

The Democrats helped their cause very much by calling some Republicans as witnesses. Most of these Republicans were men who had moved to the south after the war. They were usually favorable to the Democrats on some points and to the Republicans on others, with the balance in favor of the Democrats. Most of them were not active in politics, and their testimony on political
questions seems fairly impartial. The most valuable testimony they
gave for the Democrats was on social conditions. They did much to
refute the Republican contention that the southern people were
extremely prejudiced against all northern people.

The Democrats called a few state and Federal officers. Most of these men were Democrats. They were not much more
reliable than officers called by the Republicans. They did not
make such extreme statements, and were probably more truthful and
conscientious, because they were of better character. The Demo­
crats also called a few Republican officers. Some of these were
men who were opposed to the Republican administration of the state
governments. Angier, treasurer of Georgia, was one of this group.
he was in open rebellion against both the governor and the legisla­
ture, but would not leave the party. He was probably the best
witness the Democrats had on general conditions in that state.
Other Republican officers seemed to have no political ax to grind
at all. Pope, United States district attorney for Georgia, was one
of this group. His testimony was very favorable to the Democrats,
but did not show the slightest trace of political prejudice. There
were others whose testimony was about the same as Pope's.

The Democrats called a few men who were accused of being
members of the Ku Klux Klan. These men almost invariably admitted
that they had been members of the Klan, or a similar organization,
before 1869. They all denied that their organization still
existed, or that they were members of any such organization after
the date mentioned. They were of good character, and their frank­
ness in admitting their earlier affiliation with the Ku Klux Klan,
tends to give their testimony credit. In one case, a prominent man admitted that he was a member in 1868, but denied being a leader in 1871, as had been charged. He said that he had advised a reorganization of the Klan to control the men who had been committing violence. His testimony was confirmed by a Republican witness.

The fact that the committee was not limited to the legal rules of evidence had a marked influence on the investigation. Hearsay evidence was allowed, and made up most of the testimony on both sides. This was particularly true of the accounts of particular cases of violence committed by the Ku Klux Klan. There were so many versions of some cases that it is absolutely impossible to tell which one was true. When this situation is applied to the organization and membership of the Klan, of which no one knew anything definite, it is easy to see how each party in the committee could obtain evidence tending to prove almost anything they wanted proven. The Democrats had the advantage in this respect, because their witnesses were, as a general rule, more reliable than those for the Republicans. Leading questions, which all members of the committee used continually, created a problem that is equally as difficult to handle. It is impossible to tell how witnesses would have testified on given points if the questions had not indicated the answer expected. Many of the witnesses for the Republicans were not intelligent enough to have brought in points the Republicans on the committee wanted to stress. In these cases, the Republicans established their points by means of leading questions.

Leading questions produced another feature of the inves-
tigation. During, or after, a particularly apparent trend of questioning, some member of the opposite party on the committee was apt to interpose some observation on the point being considered. These observations were meant to nullify the testimony of the witness.

A large number of documents were incorporated in the testimony by both Democrats and Republicans. Many of these were newspaper accounts and editorials. The Republicans used reports of cases of Klan violence from both Democratic and Republican papers to show that violence existed, and, in some cases, to show the nature and extent of the violence. Notices by men renouncing connection with the Republican party were incorporated in the testimony by the Republicans. They claimed that the Klan had forced Republicans to publish these renunciations. The object was to show the political effect of the Klan’s activities. Editorials from Republican papers denouncing the Klan and its violent course were presented by the Republicans. Their object in using these was to show the stand of the Republicans against the Klan. These were compared with editorials from Democratic papers which evaded, condoned, or slighted violence, and sometimes sympathized with the purpose of the Klan. The object in presenting these articles was to show that the Democrats either sympathized with the violence, or were in some way implicated in it. The Republicans always accompanied such articles with their own interpretation. The fact that such editorials could be interpreted in various divergent ways was very clearly brought out in the questioning of Sawyer, editor of a Democratic paper in Georgia.
The Democrats also used newspaper material. Quite a large amount of this was made up of accounts of public meetings to curb the Klan activities, and the resolutions usually adopted at such meetings. Republican speeches to the negroes were freely quoted, particularly the parts which the Democrats interpreted as meant to incite the negroes to violence against the whites. The third set of newspaper materials presented by the Democrats was composed of editorials from Democratic papers condemning Klan violence. This was in the form of rebuttal to the editorials presented by the Republicans to show that the Democrats supported and sympathized with the Klan. Accounts of the bad features of the state governments made up a large proportion of the newspaper material presented by the Democrats. These were from both Republican and Democratic papers.

Both parties used other kinds of documents to support their contentions. The Republicans incorporated the reports of the North and South Carolina Ku Klux Klan trials in the Federal courts. They stated no reason for including these reports, but they probably did so to show that the state courts were impotent, and the violent character of the organization. The main object may have been to emphasize the effectiveness of the Federal courts in handling such cases. Obligations and constitutions of the Ku Klux Klan were also inserted in the testimony. The usual practice was to emphasize, usually through the questioning of witnesses, the political aspects of these documents. Attention was also directed to the provisions in them which the Republicans claimed were the basis of the violence committed by the Ku Klux Klan. The Republi-
cans included several notices written by the Klan. In cases where such a notice was well written they made that fact the basis for the claim that the Ku Klux Klan was led by, or made up of, well-educated and prominent men. They also presented proclamations concerning the existing bad conditions. These had been issued by the governors of North and South Carolina. None were of recent date. A report made by Colonel Merrill was included by the Republicans. A striking point in regard to this report is the fact that it was written in December, 1871. This was after the committee had finished examining witnesses, and but a very short time before it reported to Congress. Merrill had been before the committee, and his testimony had been reasonably moderate. His report was almost exactly contrary to some of the things he had stated to the committee, and it was extremely abusive towards the Democrats of the south.

The Democrats incorporated financial reports to show the general financial conditions of the various states. The report of a South Carolina taxpayer's convention serves the same purpose. This report had been approved by both Democrats and Republicans who had attended the convention, and it condemns the state government very severely. The Democrats used their own set of obligations and constitutions of the Ku Klux Klan. These were different from those used by the Republicans, and were used to refute the charge that the Klan was inherently committed to violence. They also introduced documents to show the character of the state officers. The most effective of these is a petition, presented to the North Carolina legislature by members of the bar in a judicial
district, requesting the impeachment of the judge of their district.

The points each party attempted to prove were made quite apparent by the questions they asked. The Democrats emphasized the existing governmental and social conditions as the fundamental causes of the Ku Klux Klan. They brought in election laws, debts and taxation, and the corruption, ignorance and incompetency of state officials in this connection. They emphasized the political control the Union Leagues exercised over the negroes, and tried to prove that this control was used as a means of inciting them to violence and hatred of the whites. They also emphasized the dislike of the poor whites for the negroes. The Republicans had to admit that corruption and other abuses existed. Their efforts were directed toward proving that conditions were not as bad as their opponents were trying to picture them. They contended that there was nothing inherently violent about the Union Leagues, and that the organizations themselves were not responsible for any violence their members committed. Another point they stressed was that the Democrats had only themselves to blame for the condition of the state governments. They tried to prove that the Democrats were responsible for the existing conditions because of their policy of non-participation when the constitutions had been made and adopted.

Another point of contention was the nature of the Ku Klux Klan, or organizations by that name. The Democrats held that there was no general, wide-spread organization. They believed that the real Klan had disbanded in either 1868 or 1869, and that the bands which operated later and were called Ku Klux Klans were merely
local organizations. They thought these local bands were operating for personal, rather than for general, interests. The Republicans sought constantly to prove the opposite of this, that the organization was general throughout the south, and that local bands operated as a part of this general organization for a common purpose. They believed it was strictly a political organization.

The question of the relations of the prominent citizens of the south to the Ku Klux Klan was a subject of controversy. The Democrats tried to prove that the people of this class were not opposed to the Federal government, were in no way connected with the Klan, and used their efforts to prevent violence. They denied that these people were in any way responsible for the violence committed by the Klan. On the other hand, the Republicans contended that the dislike of this class of people for the Federal government was the foundation of all the trouble, and that they were in some way involved in the violence which was prevalent throughout the south. They tried to prove that these men were either leaders of the Ku Klux Klan, or the motive force behind its activities. They also tried to prove that the people of this class, if they were not members of the Klan or instigators of the violence, were at least responsible for both. Their idea was that these men had influence enough to stop the violence merely by publicly denouncing it. They accused them of having no desire to stop the violence, because they did not use their influence in this way.

The Republicans were very anxious to demonstrate that a great number of extremely violent outrages had been committed
throughout the south. They stressed the testimony of negro and white victims of the Klan with this object in mind. They also asked all witnesses to tell of any cases they knew of, directly or indirectly. They overruled the contention of the Democrats that the lists of names of those who had been abused were improper evidence. They implied that the Ku Klux Klan was responsible for all the violence against negroes, and practically all of it against white Republicans. The Democrats attempted to show that the whole story of violence was exaggerated. As already mentioned, they tried to impeach the testimony of those witnesses who claimed to have been mistreated by the Klan. They tried to show that the violence had been limited to a comparatively small area. Another point they made was that the reasons given for attacks were expanded or warped to make them appear political, whether they actually were or not. They also tried to show that violence had decreased or stopped altogether in most localities.

Another type of violence was brought out by the Democrats. This consisted of outrages committed by Republicans, and made to appear as though they had been committed by the Ku Klux Klan. Another phase of the same thing was intimidation of negroes by others of their own race. This was practiced on those who voted, or wanted to vote, the Democratic ticket.

The Republicans made an important point of proving that the state courts were unable to bring the Ku Klux Klan to justice. This, they contended, was because of its influence over officers, witnesses, juries, and even judges. This influence was supposed to have been exercised through intimidation, complicity of the
officers, perjury, and control of juries through members acting on them. The Democrats could not deny the fact that no Klansmen had been convicted in the state courts. They tried to show that this failure of the courts was the fault of the officers themselves, and that it was impossible to handle the Klan because its members could not be identified.
CHAPTER II

VIOLENCE IN NORTH AND SOUTH CAROLINA

There were three different types of testimony concerning cases of violence. In one group, people who had been attacked gave the details themselves. In another group, people who should have been reliable gave the details. These were persons who had been present during the perpetration of attacks, attorneys who had acted in a professional capacity in connection with some of the outrages, officers who were in a position to hear the details, and persons to whom the victims had told their stories. The third group consists of those who have hearsay evidence only. The reliability of all the testimony is questionable in some respects. All three groups had, to some extent, interests to serve by misinterpretation, exaggeration, or untruthfulness. These three features are apparent in the testimony. Attorneys seem to have been the most reliable, but the number of cases in which they had professional knowledge was very limited. Most of the evidence comes from the third group, which was, naturally, the least reliable of the three. A large number of cases were mentioned, but no details given concerning them. In these cases, just the name of the person and the character of the violence was stated, and sometimes one or the other of those was omitted. This situation makes it useless to discuss a large number of cases. A large proportion of them would be misleading as to the facts and conclu-
sions to be drawn. Consequently, for the purposes of this study, all those cases on which the information is incomplete have been weeded out. Those which will be used as illustrations of the various aspects of the Ku Klux Klan have been selected because the testimony concerning them is complete, and seems fairly reliable.\(^1\)

Violence by the Ku Klux Klan was localized. In North Carolina, there was much more of it in Rutherford and Cleveland counties than in any other locality. Most of the cases in which details were given occurred in Rutherford county, but all the witnesses agreed that conditions in Cleveland county were about the same. There was some violence in Lincoln and Gaston counties, although very few cases were reported. General statements of conditions indicated that those two counties were not nearly as badly afflicted as the two first named. Catawba county was reported as having some violence, but no cases were reported. General statements concerning Catawba county were not in agreement as to whether or not the number of cases there was large enough to cause a serious situation. All these counties are in the Allegheny mountains, or well into the foothills. The average elevation over their whole area is 1000 feet. Rutherford county is the farthest west, Cleveland county is immediately east of it, and the other three form a tier on the eastern border of Cleveland. Quite a number of cases were reported from the small portion of Chatham county which extends into Moore county and is adjacent to the corner of Harnett county. Most of the cases in this area were in the Chatham area, but a few occurred in each of the other counties.
This locality is farther away from the mountains, but is not out of the foothills. 500 feet is the average elevation of the area.² It was reported that violence existed in Orange, Alamance, and Caswell counties, which are in the north central part of the state. No cases were reported from any of them.

Practically all the violence committed by the Ku Klux Klan in South Carolina was in six counties in the northern part of the state. Spartanburg, Union, and York counties were the most seriously affected. Conditions in Spartanburg county were much worse than they were in any other county in the state. Spartanburg and York counties are immediately south of Rutherford, Cleveland, and Gaston counties, in North Carolina. Union is the next county south, bordering both Spartanburg and York counties. Newberry and Fairfield counties reported quite a large number of cases, but did not seem to have been as badly affected as the other three named. No cases were reported from Chester county, but general reports seem to agree that some violence existed in the corner adjacent to York and Union counties. This whole area is farther away from the mountains than that of North Carolina, but witnesses said Spartanburg county was considered to be in the foothills. Nothing was said about the others, but the map shows that all are in an area having an average elevation of 500 feet.³ Scattered cases were reported from other South Carolina counties, but none of the testimony shows that violence created a serious problem outside the six named. Some Republican witnesses said Laurens county was badly infested with Klansmen, but the testimony as a whole does not indicate that violence was very common there. There was a
different kind of violence in Sumter and Clarendon counties, farther southeast. It was against country stores, rather than against individuals. There is no indication as to how extensive this activity was, as only two cases were reported from each county.

The census report of 1870 shows that the counties of North Carolina in which violence was prevalent were among those in which there were more white people than negroes. The proportion of the two races in Rutherford and Cleveland counties was approximately 5 whites to 1 negro. Lincoln and Moore counties had about 3 whites to 1 negro. Catawba county had 9 whites to 1 negro. The others named had about 2 whites to 1 negro. There were hardly any negroes in the counties west of these. There is no evidence showing that there was any appreciable amount of violence in any of the counties farther west, although there seems to have been a little. South Carolina, as a whole, had about 1.4 times as many negroes as whites. Spartanburg county had a larger proportion of whites than any other county except those farther west. It had about 2 whites to 1 negro. There were 53 more negroes than whites in York county, which had a total population of 24,291. There were 1,312 more negroes than whites in Union county, in a total population of 19,249. The negroes were in the majority by about 2 to 1 in Newberry, Fairfield, Chester, Sumter, and Clarendon counties, and 1.5 to 1 in Laurens county. The largest majority of negroes over whites was in the coast section in both states. No violence was reported from this section of either state.

The character of the white population in these counties
is significant. It was an area of small farms, rather than large plantations. The nature of the land did not make cotton growing a very profitable industry, consequently, there were very few of the prominent men located there. The farmers were very poor. They lived almost entirely upon what they were able to raise. Their principal products were corn, potatoes, and meat. They raised a little cotton, which served to supply them with the few necessities they could not produce at home. Many of them, particularly in the more mountainous area, supplemented this by illicit distilling.

There were many who had no visible means of support beyond a small plot of ground that could not produce enough to keep them alive. This group was most common in the more mountainous area, and was supported by illicit distilling. There were a few professional men in the towns, but others had hardly any education at all. Many of the people, probably a very large majority, could neither read nor write.

Violence began in North Carolina in 1868. It first appeared in Alamance and Caswell counties, and a little later in Orange county. All these counties are in the north central part of the state. No cases were reported from that area, so it is impossible to tell either the nature of the violence, or the extent to which it existed. It was stopped in those counties some time in the early part of 1870. Governor Holden commissioned Dr. Pride Jones to stop it in Orange county, and he was able to do so by appealing to the leading citizens of the county. Alamance and Caswell counties were declared in insurrection, and violence seems to have ceased abruptly. The first case in the Chatham area was
some time in June, 1870, and the last one in April, 1871. Most of the cases during that period occurred in the early months of 1871. The serious disturbance in Rutherford and Cleveland counties began in December, 1870. Practically all the cases reported to the committee occurred between that time and June, 1871. The first case of violence occurred in February, 1870, but the evidence shows that it was merely an incident in a private feud. A large amount of the Klan violence in this area grew directly from this feud, which broke out again in December. There were a few cases during the spring and summer of 1870, but nothing in the nature of a general disturbance. Most of the cases there, as in the Chatham area, occurred during 1871, but before July. The activity of the Federal officers during the month of June was probably the cause of it ending at that time. The first cases in South Carolina were the attacks on stores in Clarendon and Sumter counties. The first of these seem to have occurred in September, 1870. However, this does not indicate the real beginning of Klan violence in the state. The first attacks on individuals occurred in Spartanburg county in October, 1870. They first appeared in York and Union counties in November. The great majority of such cases in South Carolina, as in North Carolina, occurred during the early part of 1871. They continued into July, of that year, although the number fell off to a very large extent after June. The reason for the decrease in the number of cases in South Carolina, as in North Carolina, was probably the activity of Federal officers.

It is impossible to determine, even approximately, the number of attacks made by the Ku Klux Klan. Most of the witnesses
seem to have based their estimates more on their political faith than their knowledge of the facts. Irwin, a Republican, estimated the number of attacks in Spartanburg county as between 20 and 30. Witherspoon, a Democrat, said that he had investigated the situation to some extent, and was positive that there had not been more than 40 or 50 attacks in that county. Poinier, a very decided Republican, estimated the number of cases for the same county as between 50 and 60. Cummings placed the figure at about 400. Colonel Merrill claimed to have reliable information concerning between 200 and 300 attacks which had occurred in the 3 weeks previous to the time he was examined by the committee in July.  

The lists of cases upon which reliable information is available show that a few more negroes than whites were attacked. However, the lists are not a reliable indication of the proportion of victims of the two races. A great number of cases were reported to the committee in which negroes were the victims, but the information concerning them was not definite enough to make them entirely authentic. Probably most of them did occur. This situation was not so common in the case of white people who had been attacked. When such a case was reported, the information concerning it was usually quite detailed. Another factor is that the Klan warned each of its victims not to tell of the attack, and the negroes were probably more afraid to disregard the warning than the whites were. The proportion of white victims, as compared to negroes, was much larger in North Carolina than in South Carolina. Very few of the negroes attacked by the Ku Klux Klan were leaders. None of those in North Carolina were. Three of the
negroes attacked in South Carolina were state officers. Two were members of the lower house of the legislature, and one was a trial justice. There were reports of attacks on others, but information given was incomplete. Only one who was attacked was said to have been active in electioneering. These men enjoyed some prestige among their own race, but none with the prominent whites, and probably not a great deal with the lower class of whites. The great majority of the negroes who were attacked were in no sense leaders of their race.

Practically all the white people who were attacked were Republicans. Only one North Carolina officer was attacked. He was a justice of the peace. James Justice, a prominent Republican leader in North Carolina, was attacked. Some South Carolina officers were attacked, but not a large number. All of them held minor positions such as justice of the peace, election commissioner, election manager, or a county office. A majority of the white Republicans who were attacked were not active in politics, and were not leaders of either whites or blacks. Some of them had very little prestige in their own class of society. A few Democrats were attacked in both states. They were of the same class of society as the majority of the white Republicans, and had no prestige whatever in their party. They were only distinguishable as Democrats by their vote.

The reasons for which persons were attacked are hard to determine in a large number of cases. The Klan, at some time during the visit, usually told their victims the reason for the attacks. The testimony of the victims themselves, in this connection, must
be taken for what it is worth in the light of the rest of their testimony, and the strong incentive they had to indict the Klan. It seems that the Klan sometimes did not tell their victims the reasons for the attacks. In such cases, the witness usually surmised the reason, or told the reason others believed to have been the cause. In other cases, the course of events indicated the real reason. The latter type of cases will be used, as far as possible, in discussing the reasons for which the Klan committed acts of violence.

The reasons for Klan violence can be divided into three general groups: political, crime and misconduct of the victims, and the personal interests of the Klan itself. There were three specific reasons which made up the political attacks. They were: holding office, electioneering, and voting the Republican ticket, or being Republican. Specific reasons under the second general group, crime and misconduct, were: stealing, "playing Ku Klux", buying stolen cotton from negroes, and threatening white people. Another large number of reasons in this same group can be classed under two heads: immorality, and trouble with other people. The last was usually trouble between negroes and whites over land or labor, and sometimes personal disputes. The third general group includes: threatening the Ku Klux Klan, informing on the Ku Klux Klan, and informing on illicit distillers. It is necessary to state two other reasons under this group as objects of the Ku Klux Klan, because the underlying reasons were too general and vague to be expressed in a word. These two objects were robbery of the victims, and driving negroes off the land.
Gillespie, a justice of the peace, was the only North Carolina office-holder who was attacked. There is no evidence to show that he was attacked because he was an officer, or because of his acts as such. The evidence indicates that this case would come under the third political reason rather than under the first. He said the Klan had told him he had been a Republican too long without punishment. Several witnesses, however, intended to give the impression that he was attacked because he was an officer. There were more cases of attacks on South Carolina officers. However, there is no clear proof in any of these cases that the men were attacked because they held an office. There is some evidence that such was not the case. Some Republicans were considered good officers, and were never bothered by the Ku Klux Klan. The officers attacked were all charged by the Klan with some kind of improper conduct. Young, an officer of Union county, was charged with malfeasance in office. Rose, treasurer of York county, was charged with instigating and carrying out a plan for the negroes to burn the property of prominent Democrats around the town of Yorkville.

Practically the same situation existed in cases where the reason for the attacks were supposed to have been for electioneering, or being a leader of the Republicans. The attack on James Justice, which has already been mentioned, was commonly said to have been because he was active in the support of the Republican party. However, the evidence shows that it grew out of the Biggerstaff case. The only political feature of the case was the fact that he had acted as counsel for Biggerstaff, who was a very obnoxious Republi-
can. He had also made some speeches in which he had denounced the Klan in very harsh terms. His own account of the attack showed that these two things, together, were the reasons for it. The testimony concerning South Carolina cases in which electioneering was supposed to have been the cause of attacks is very incomplete, although some cases were named. Many witnesses believed attacks were made on certain persons for this reason, but the victims themselves did not say this.

A great number of witnesses testified that they had been attacked for voting the Republican ticket, or for being Republican. Most of these were negroes, but quite a large number of white people said the same thing. Although the testimony of all the victims who testified on this point is unreliable, the Klan probably did give it as a reason in many cases. The peculiarity of these cases is that there was practically always some other reason given also, but the witnesses insisted that their affiliation with the Republican party was the real reason for the attack. The circumstances sometimes tended to prove that this was not so, or that there would be some question about it until more evidence could be examined. A good illustration of this situation is the case of the attack on Miller, a North Carolina negro. The man who reported this case said Miller had been attacked because of a dispute over some stolen corn. He also said that the Klan had said something about voting, but he did not remember what it was. Lewis, a South Carolina negro, was accused by the Klan of not tending his crop properly. He was also made to promise to vote the Democratic ticket thereafter. The evidence in this case does not show which
was the real reason for the attack. The Surratt case, in South Carolina, is a clear instance of distortion of facts. Surratt said the Klan had accused him of slipping away from work to vote. He placed the emphasis on the point that the Klan did not want him to vote. His wife, who was present at the time, testified that the Klan had accused them of being poor "hands", but had said nothing about voting. J. Lipscomb, another South Carolina negro, testified that he had seen a man posting a notice which warned him to leave the Republican party. He said later that he could not read, and that the note had been brought to him about two weeks after he had seen it posted. It had been taken down and torn up, and he had pieced it together to see what it said. He had no means of proving that the note brought to him was the same one he had seen posted, in fact, he had not had a close look at the original note. He did not have the note he had pieced together. Gaffney, another South Carolina negro, said that the Klan had asked him for his gun. They had cursed him for causing trouble at a husking bee. They had also said they were punishing him to make him quit voting the Republican ticket. The evidence indicated that the real reason was the fight he had started at the husking bee. This indication was strengthened by the fact that he had said two of the Klan were men with whom he had had the trouble. Price, a white South Carolinian, testified that the Klan had asked him what he had been teaching the negroes. He did not say he understood them to mean politically or socially, but was sure the attack was because he was a Republican.

Omissions were as important as commissions in connection
with politics as a reason for attacks. If the Ku Klux Klan had wanted to destroy the power of the Republican party it could have used methods which would have been much more effective than the wholesale whipping of negroes. The best one would probably have been to silence the Republican leaders, or drive them out of the country. The negroes would have been impotent, politically, because of their ignorance of political affairs. They would have had no one to urge them to participate in political affairs, and their natural indolence would probably have kept them from acting on their own initiative. Furthermore, with the Republican influence out of the way, the Democrats could probably have persuaded a great number of them to affiliate with their party. But the evidence shows that the Klan did nothing which even approximated such a policy. The real leaders of the Republicans, and many of those who fomented disturbances by the negroes, were not visited by the Klan. No state officers, and but a very few legislators, were ever troubled. The common complaint was that the state government was responsible for the general disturbance because of the inefficiency, incompetence, and corruption of its officers. Judge Logan was charged by all the Democratic witnesses with being responsible for the disturbance in Rutherford county because of his official conduct. There is no doubt but what this was, in a large measure, correct, but he was never troubled by the Ku Klux Klan. Joe Crews and his friends were charged with being responsible for the violence in Union county. They had organized the negro militia, and, at the same time, had taught the negroes to distrust and hate the whites. This was no doubt true, but none of these men were
ever attacked by the Klan. Some obnoxious officers in South Carolina received warnings and notices signed "Ku Klux Klan". Very few of them heeded the advice or orders so conveyed, but the warnings were not followed by violence, as they had promised in case they were disregarded.

Most of the cases of violence come under the second group of reasons, crime and misconduct. This is true in spite of the fact that political reasons were given in most of the cases. There were more attacks because of immorality, of various kinds and degrees, than because of any other reason under crime and misconduct. These cases constituted a larger percentage of the total number of attacks in North Carolina than they did in South Carolina. Quite a large number of women were attacked in North Carolina for keeping houses of ill-fame. One such case was that of Frances Gilmore. Her place was close to a railroad construction camp, and it was commonly known that the negroes working on the road were in the habit of visiting there. Several men were whipped in North Carolina for cohabitation with negroes. Some of these men were Democrats. One white woman was attacked for cohabitation with a negro. Garner, a Democrat living in South Carolina, was whipped because he left his wife and was living with another woman. Besides these definite acts, some people were attacked because of their bad character.

Quite a large number of negroes were attacked because they had trouble with white people. Quite often, in regard to these cases, the negroes testified that the whites had threatened at the time of the trouble to have them "Kukluxed". The Klan
visited and punished them a short time after the trouble. There were two distinct groups of these cases. In some, very bad feeling seemed to exist between the parties to the dispute, and was undoubtedly the real reason for the attack, even though politics was also given as a reason. In the others, the witnesses slighted the importance of the dispute, and claimed that politics was the real reason for the attack. The Gaffney case, which has already been mentioned, is a good illustration of the first group. It also illustrates cases in which attacks were made because of personal quarrels. Most of the cases come under the second group because the negroes always gave politics as one reason for the attacks, and the circumstances were not always clear enough to disprove the assertion. The Hernandes case, in South Carolina, illustrates an attack because of a labor dispute. This colored woman testified that not long before the attack on her a man had threatened to have her "Kukluxed" if she did not work for him.23 Butler, another South Carolina negro, said he was accused of not tending his crop.24 This was a very common accusation.

Several South Carolina victims were accused of threatening white people. Much of this grew out of the organization of the militia. Bryant, a white man, was accused of keeping arms for the militia to use against the whites.25 Oglesby, a negro, was accused of knowing of an attack on the whites being planned by the negroes.26 Huskie, another negro, was accused of shooting about indiscriminately at night.27 The Chester riot grew directly from the acts of the negro militia, under the leadership of Jim Wilkes.23 It was in this connection that the Republican leaders were most obnoxious.
They were continually accused of inciting the negroes to violence against the whites, but none were attacked as a result of such charges.

The attacks on stores in South Carolina have already been mentioned. The owners of these stores were accused of abetting the cotton-stealing of the negroes by trading with them at night. The negroes brought in bags of seed cotton at night and sold it to them. The presumption was that there was no reason for them to sell seed cotton to anyone but a ginner, and if it was sold after dark, and in small quantities, it must have been stolen. The procedure in these attacks was not always the same. Neason, in Sumter county, was ordered to close out his business. Robertson’s store, in the same county, was burned. Rame’s store, in Clarendon county, was burned. Part of Bigger’s stock, in the same county, was carried away, and much of that which remained was destroyed.

Several South Carolina men were attacked for going around at night imitating the Ku Klux Klan, and abusing or frightening people. There was quite a large band of such imitators in Union county. Two of its members, both Democrats, were caught and punished by the Klan. Fowler was punished by the Klan for putting on a disguise and frightening an old man. The evidence does not show whether Fowler was a Democrat or a Republican. The following notice was published in Union county by the Ku Klux Klan.

"HEADQUARTERS K. K. K., DEPARTMENT OF S. C.,
"General Order No. 49.

"From the G. G. C., S. S.
"We delight not in speech, but there is language which, when meant in earnest, becomes desperate. We raise the voice of warning, beware! beware! Persons there are, (and
not unknown to us,) who, to gratify some private grudge or selfish end, like Wheeler's men, so-called, are executing their low, paltry, and pitiful designs at the expense, not only of the noble creed we profess and act, but also, to the great trouble and annoyance of their neighbors in various communities. We stay our hand for once; but if such conduct as frightening away laborers, robbery, and connivance at the secrets of our organization is repeated, then the mockers must suffer and the traitors meet their merited doom. We dare not promise what we do not perform. We want no substitutes or conscripts in our ranks. We can be generous as we are terrible; but, stand back. We've said it, there shall be no interference. "By order of the Grand Chief. 

"A. O., Grand Secretary."33

A few men in South Carolina were attacked by the Klan for mistreating their wives and families. One such case was the attack on Steele, in York county.36 Another was the attack on Turner, a Democrat, in Spartanburg county.37 Stealing was a very common charge against the negroes, but there were no cases in which an attack was undoubtedly for that reason. Several other Klan victims were accused of stealing, but there was nothing definite in the circumstances of the attacks on them which proves that was the reason. The attack on H. Lipscomb was of this nature. This negro had been accused by a white man of stealing his fodder. The Klan gave no reason for attacking him, and none of the circumstances of the attack show that it was because he had stolen the fodder.38 The first of the two raids on the jail in Unionville grew from the killing of a white man by a group of negro militia members. The second raid was to retake the negroes who had escaped the first time, and others who had been involved in the killing of an officer attempting to make arrests. The people had heard that an order had been issued to take the negroes to Columbia for trial, and the general opinion was that they would be released if they were taken
there for trial. 39

There were quite a large number of cases under the third group of reasons. Threatening the Ku Klux Klan was the largest single sub-division, and included cases in both states. This was not given as the reason for any attack in which the victim was a white man. One such attack was that on H. Carpenter, in North Carolina. The Klan were supposed to have accused him of having a gun, and saying that he would use it if they came around his place. 40 The Eaves case, in South Carolina, was very similar. The Klan told Eaves they had heard he had been saying he had a gun and a bulldog, and would like to see the Klan some time. 41 Dodd, in South Carolina, was accused of bragging that he would chase the Klan if they ever came around his place. 42

Informing on the Ku Klux Klan, or testifying against its members in court, was quite frequently given as the reason for attacks. Most of these cases occurred in South Carolina. The Biggerstaff case, around which much of the North Carolina disturbance revolved, had some of this element in it. Biggerstaff and his family were attacked while on their way to Columbia to appear against the men they had accused of participating in the first raid on them. 43 Another North Carolina case was that of Downey, a Democrat who was visited the night of the Justice raid. He was a member of the Ku Klux Klan, and was accused of warning Biggerstaff that it was going after him that night. 44 Gaffney, a South Carolina negro, evaded the Klan the night they visited his place, but his wife testified that they had asked her what business he had appearing before the investigating committee. 45
In Spartanburg county, South Carolina, many of the attacks seem to have been for the purpose of driving the negroes off the land. The evidence does not show clearly that it was the main reason for any attacks in other localities. There is no doubt, however, that this was the reason for the attack on the large number of negroes employed by Jones on his plantation. He had bought the place not long before this time, and had rented the land to negroes instead of to the whites who had been renting it from the previous owner. The Klan gave no reason for the attacks on these negro renters, but there were several circumstances which pointed directly to the former tenants as the perpetrators of the outrages.46

Robbery seems to have been the primary motive of the Klan in a great number of cases. They robbed Martin Pearsons, a North Carolina negro, and told him they were taking his money because he would not vote with the man who employed and paid him.47 Roundtree, a South Carolina negro, was killed by the Klan. The general opinion was that he was a good negro. The evidence showed that he had quite a lot of money, because he had just sold several bales of cotton.48 Many of the victims who testified said that during the attacks some of the marauders would search the houses of their victims for money.

The evidence indicates that some attacks were made because the victim had informed on illicit distillers, or had testified against them in court. The clearest of these occurred in North Carolina. A white man by the name of Owens was very severely whipped for this reason.49
A great number of attacks seem to have been in a spirit of mere wantonness. The whipping of Huskin's wife was of this nature. She was whipped by one of a band that had already attacked several other negroes that night because he had not had a chance to whip any. A very large number of attacks were made in which the Klan gave their victims no reason for their action, and the negroes were positive that they had committed no wrong.

The number of men in marauding bands was variously estimated. Blackwell, in South Carolina, said the band which attacked him was about 15 in number. Another negro, who was attacked the same night by the same band, estimated its number as about 300. Many bands were estimated as widely as from 20 to 75 in number. This was the difference in the Rose case, in South Carolina. The difference in estimates was usually about 15 or 20. In the case of small bands, the estimates of their strength were more nearly the same. The general indication is that the bands in North Carolina were of two different sizes: either about 10 or 15, or else about 40. In South Carolina, they seem to have been either 4 to 15, or 30 to 40 in number. This estimate is supported by the testimony of witnesses in the South Carolina trials. They said each den had about 30 or 35 members. Only a part of a den's members went on a raid, but sometimes two or more such groups combined.

Two distinct types of disguises were common in both states. One was the full regalia the Ku Klux Klan was generally understood to have worn. The main part of this disguise was a long gown. This gown might be of any color, but most of them were white,
with colored trimmings. Some kind of high hat was usually worn, quite often having imitations of horns affixed to them. The mask was a cloth which hung down over the face and shoulders from the hat. There was no such uniformity in the other type of disguise. These seem to have been impromptu attempts of persons to make themselves unrecognizable. A mask of some kind was worn, which the negroes called "dough-faces". Quite often the mask consisted of nothing more than a handkerchief, or something similar, over a portion of the face. In some cases the face was blackened, and no mask used. No gowns were worn, although attempts were sometimes made to imitate them by wearing long overcoats, or blankets over the shoulders. Sometimes the clothes were trimmed with colored cloth, but more often the coats were merely turned wrong side out. Old hats were usually worn. Quite often some members of the bands were not disguised at all. North Carolina bands were usually made up of two, or all three, of these groups. The impromptu type of disguise predominated in the small bands in that state. There were usually a few who had gowns, and sometimes one or two who wore no disguise at all. The disguises of the larger groups were not uniform, as between groups. In both Biggerstaff raids a majority of the marauders wore only impromptu disguises, and some of them were undisguised. On the other hand, all those engaged in the Justice raid wore the full regalia. The full disguise seems to have been worn most in South Carolina attacks. However, the other two were also used there. The South Carolina bands in which there were undisguised men, or men wearing impromptu disguises, were usually small.
Most of the Ku Klux Klan attacks described by the witnesses were carried out in practically the same manner. They were always at night, but might be any time from 8 o'clock in the evening until about 4 o'clock in the morning. They usually awakened the prospective victim by hammering on the door. In most cases, the Klan demanded that the man open the door and come out, but quite frequently they broke in without giving him time to open the door. In some cases, when the door was not opened at their demand, the marauders began shooting into the house. The negroes testified that they were addressed in very abusive and profane language during the whole time of the attacks. There was a variation from this forcible procedure. The victim was sometimes called outside under the pretense that the Klan wanted to talk to him. In these cases the band tried to give the impression that it did not intend to harm him. There is no evidence showing that different bands used these different methods. Both methods were often used in the same locality, which indicates that the same band might have acted differently at different times, or that bands moved from one locality to another.

After gaining entry, or persuading their victim to go outside, the acts of the Klan were practically always about the same. When they went in after their victim, they usually took him outside by force, sometimes beating him in the process. The women in the house were usually abused while the man was being taken out, and were sometimes taken along and given the same treatment. The victim was then taken a short distance from the house and whipped. The whippings were of varying degrees. Almost anything handy seems
to have been used: stirrup-straps, sticks, boards, ropes, whips, branches from trees, and so on. In some cases, the whippings followed an orderly procedure. Each man was called by a number and would administer a corresponding number of lashes. Sometimes each whipper would administer the same number of lashes. These methods were not the usual practice. One, two, or three men applied the lash at the same time. Sometimes they changed off with others, and sometimes one or more simply stopped whipping and others took their places. Some of the victims were given only a few lashes, and others testified that they had been given 100, 200, or even 300. The evidence indicates that about 30 to 50 lashes was the usual number. If charges were made against the victim, or if he was given any orders concerning his future conduct, it was usually during the whipping, but sometimes while he was being taken outside. The victim was sometimes left at the place where he had been whipped. Other times, he was made to run, and was shot at. Only a few were hit by such shots. In the meantime, a part of the band was often in the house looking for money. These men usually wrecked or damaged most of the household goods during their search.

Different methods of punishment were used in some cases. Quite a number of those accused of immorality were mutilated in various ways. Some were hung up by the neck, but were not killed. This was usually done when the Klan were asking for some information, or for the purpose of extracting promises from their victims. A few men were deliberately shot. The marauders often asked their victims what kind of punishment they preferred. The alternatives were usually hanging, shooting, or whipping.
Milder methods were sometimes used. In a great number of cases no violence was used at all. The victim was merely called outside and made to give up any guns he might have. The Klan usually gave no reason for taking guns in this manner. Many people were merely called outside and warned about something. Such visits were often followed by a second visit some time later during which the victim received a full measure of the usual punishment. Written warnings and notices were quite common. Some were posted in public places, some were sent through the mails, and some were surreptitiously delivered to individuals. Some of these notices had apparently been written by well educated men. Others showed that they had been written by very poorly educated men. Such notices were always in a disguised handwriting. Attempts had been made to identify the writing in some cases, but they were unsuccessful. The headings and signatures of notices were different, but had some things in common. Mysterious and meaningless words and phrases were often used as the place and date. The signature was sometimes "Ku Klux Klan", and sometimes an expression meant to convey the idea that it was from the Ku Klux Klan. The following are illustrations of each type of notice.

"TO THE PUBLIC
"K. K. K.

"TAKEN BY HABEUS CORPUS

"In silence and secrecy thought has been working, and the benignant efficacies of concealment speak for themselves. Once again have we been forced by force to use force. Justice has been lame, and she had to lean upon us. Information being obtained that a 'doubting Thomas,' the inferior of nothing, the superior of nothing, and of consequence the equal of nothing, who has neither eyes to see the scars of oppression, nor the ears to hear
the cause of humanity, even though he wears the Judicial silk, had ordered some guilty prisoners from Union to the City of Columbia, and of Injustice and Prejudice for an unfair trial of life; thus clutching at the wheel-spokes of Destiny -- then this thing was created and projected; otherwise it would never have been. We yield to the inevitable and inexorable, and account this the best. 'Let not thy right hand know what they left and doeth,' is our motto.

"We want peace, but this cannot be till Justice returns. We want and will have Justice, but this cannot be till the bleeding fight of freedom is fought. Until then the Molock of Iniquity will have his victims, even if the Michael of Justice must have his martyrs.

"K. K. K."54

"HEADQUARTERS OF THE 29 SQUAD 143 DIVISION OF K. K. KLAN.

"To Francis Johnston & Pink Johnston:

"first. Francis, I have noticed your card in the Enquirer, it sounds sorter hard & personal. you bleave unjust reports has Bin circulated on you. i don't no how hou can think so when we no you have fed of the meet-houses of uper york & Gaston county, & fatened of the coten farms in the Clay Hill Neigher hood, & them prin-cipaly of widow Ladies at that, & backed Sam Simrell in his unlaw ful corce untill you brot him to whare he Is, & still you are clare of blame; so you think.

"2. But for Pink, he noes well evry body noes he is a Lire & a theaf, & only keeps company with such, & for you to say you deny any Sperit of Lawlesness, i am sur-prised at your daring to li so, & as for Julies Mason i am surprised to see him there, but he is in the Enquirer whare Geses Christ was when he was crucified, between 2 theaves.

"now take heed. your evil day Will surely come. your Back was all we wanted before, but now you necks will do as well, so if you don't leave that is what we will have, as sure as night follows day.

"C. 0., KU-KLUX KLAN.

"Vic Rory"55

Not all the bands which committed violence operated in the manner described. That which raided the Unionville jail used entirely different methods. Citizens who saw them testified that they came into town in military order, left pickets at strategic points throughout the town, and proceeded to the jail. They
surrounded the jail, and forced the jailor to give up the keys. They then went in and picked out the negroes they intended to take out. One man stood at the door and identified the negroes as they were brought outside. The people suspected that they intended to kill the negroes, and a doctor attempted to prevent it. He was not molested, but was made to stay where he was and keep quiet. He appealed to the leader not to take out one of the negroes accused of the crime for which they were all in jail, because the preliminary examination had produced some doubt as to his guilt. This negro was taken out, but was sent back by the leader. Men were halted in other parts of the town and made to stay where they were until the main body of the band was out of town. The negroes were quietly marched out of town, and shot, one at a time. The Justice case presents a somewhat similar aspect. Justice was taken from his room at night, beaten, and dragged downstairs. The leader, apparently, was not in the group which took him out of the house. As soon as they got him outside the man in command ordered them to stop abusing him, and later refused to let them harm him in any way. The leader told Justice they had taken him with the intention of shooting him, but released him on his promise to lead them to Biggerstaff, (which he never did).

Four features of these two raids mark them as entirely different than the great majority of Klan attacks. Each band had a leader who directed all its movements. The leader had absolute control over his men, and exercised it. The movements and activity of the Unionville band were orderly, and evidently planned before the raid. The North Carolina band was much more orderly than most
of the marauding bands, although not as much so as the Unionville band. Some consideration was shown for the victims. Other negroes in the Unionville jail were not molested, and those taken out were not abused before they were executed. One of the negroes accused of the original crime was taken out but returned because of the pleas of the doctor. Justice was abused more or less until his captors got him to their leader, who prevented any further abuse, and then released him.

There were three riots in South Carolina which were not Klan attacks, but were reported as such by Republican witnesses. The Republicans charged the Ku Klux Klan with being responsible for these disturbances even though the rioters never appeared in disguise. They also contended that the white men who took active part in the disturbances were Klansmen. These two charges were made in regard to the Laurens riot, but the evidence shows that the Klan was not responsible for it, and did not participate in it. The riot began spontaneously, and was brought on by bad race feeling, which the election two days before had intensified. The only thing which showed concerted action on the part of the white people was the fact that word of the trouble had immediately spread to the surrounding country, and the people began coming to town from all over the county. The Republicans tried to show that the whites had planned to attack the negroes. They contended that the news could not possibly have spread rapidly enough for so many to hear of it and get into town as soon as they did after the trouble started. One weak point in their argument was that they did not take into account the fact that there were far more negroes than white people
in the town of Laurens. For this reason, the whites in town would naturally be particularly anxious to inform the country people that they needed help. The white people in the surrounding country knew the situation, and would be anxious to get on the scene as quickly as possible. No witnesses knew, definitely, that messengers had been sent out, but it seemed to be the general belief that some had gone. Many groups on the way in from the country traveled all night. Many did not get to town early in the morning of the day after the trouble began, and men were arriving in small groups all day. This was time enough to assemble people from the whole county after the trouble started. The Republicans also failed to consider the fact that a majority of the southern men had been soldiers, and that most of the prominent men had been their officers. If such a group had planned an attack on the negroes their forces would have been massed and ready for action when the trouble began. They would not have been straggling in all the next night and day.59

It was much more improbable that the Ku Klux Klan was directly connected with the Chester riot. Wilkes led his militia company into the town of Chester, and threw the white people into a panic. They immediately prepared to defend themselves, and sent word to Winnsborough and Rock Hill asking for help. They were able to persuade the negroes to leave town the first day, but they came back again in the morning and barricaded themselves at the railroad yards and at the home of the mayor. The people finally persuaded the mayor to have them leave town and get their promise to disperse. After leaving town, they marched along the road leading to Unionville, threatening people and foraging along the way. They
did not disperse, as they had promised to do. The people in Unionville heard they were headed that way, and a company of men went out openly to meet and disperse them. A skirmish resulted, and the negroes scattered.\(^5\)

The Democrats claimed that negroes and Republicans committed a large proportion of all the violence in order to create political capital for their party. The evidence does not support this contention, but it does prove that negroes committed acts of violence very much like those committed by the Ku Klux Klan. A negro from Wake county, North Carolina, confessed to the county officers that he had been a member of a band of negroes which sent out groups at night to burn white people's barns.\(^6\) Ramsour and some other negroes were attacked in Catawba county for belonging to a Democratic club.\(^6\) A man by the name of Fallman, Union county, South Carolina, was shot at several times while in his house. Some of the shot was dug out of the walls, and proved to be militia ammunition.\(^6\) There were several other cases in Union county in which the militia committed similar acts of violence at night.

Witnesses testified to several immediate effects of the violence of the Ku Klux Klan. A comparison of the testimony of different witnesses shows that all the effects reported were more or less exaggerated. Consequently, it is practically impossible to be sure of the actual extent of any of them. No doubt they all existed to some extent. Most of the negroes who testified said they were afraid to vote, and that others of their race were in the same position. Circumstances must be considered in connection with
this point. The general disturbance had not appeared in either state until after the 1870 election. Therefore, this effect could hardly have existed in more than a very small number of communities, if in any at all, during that election. The investigation was being conducted during the summer of 1871, and there were no elections pending in either state at that time. Political feeling and activity were at their lowest ebb. The only explanation possible is that the violence was punishment for having voted the Republican ticket in 1870, and that the lesson was very well learned. There was no immediate opportunity to test the truth of the testimony on this point, because it was more than a year until the next election.

Many witnesses testified that Klan violence had frightened the Republicans so much that they dared not make political speeches or hold political meetings. The fact that Crews and some other very obnoxious Republicans continued to do both shows that this result was not true of all communities. Many Republicans were undoubtedly afraid, but it may have been because of violence which took place at some of their meetings rather than fear of an attack by the Ku Klux Klan. Their testimony shows that they thought more of the first contingency than of the second. However, they believed, or professed to believe, that the Ku Klux Klan was responsible for the riots which took place at political meetings. So, in effect, there was no difference as far as they were concerned. They failed, however, to take into account the fact that violence was not general before the 1870 election. This makes it improbable that campaign riots at that time were instigated
by the Ku Klux Klan. Republican witnesses used the quiet in political affairs during the summer of 1871 to their own advantage on this point. They said they were in danger at that time, and that conditions would be infinitely worse during the next campaign. Fulfilment of this prophecy could take place only if the Klan was a political organization. If it was actuated by other than political motives, they were probably mistaken.

Some Democratic witnesses said the Klan activities had broken up the Union Leagues, but other evidence shows that most of them had disbanded before the Klan became very active. The Klan probably did break up some which had not yet disbanded. Quite a number of men had published renunciations of the Republican party. They said the Klan had forced them to do so. This was probably true. All of them had been more or less active Republicans, and it is quite probable that the Klan wanted to eliminate their influence over the negroes. At the same time, there is no reason to suppose that such a large number would renounce their party publicly unless they had some motive. Practically the only motive they could have had would have been the hope of gaining prestige with the Democratic party, but none of them were of the class or character which the Democrats accepted as leaders of their party. Such renunciations had never been made before the war, so it could not be said that it was a customary procedure when a person left a party.

Violence had been indirectly effective as far as the government of South Carolina was concerned. The Democrats believed the disturbance was the result of having incompetent and corrupt
state officers, and appealed to Governor Scott to replace them with better men. He complied with their request. He made it a practice to appoint moderate Democrats to fill vacant offices if there were no suitable Republicans available. He even removed some Republicans and appointed Democrats to the positions thus made vacant.

The disturbance affected the labor situation more or less. Large numbers of negroes moved to the towns from the farms. It is impossible to tell just how much of this movement was because of the violence, and how much was because of the desire of the negroes to live in the towns. Many of the negroes who testified said they were afraid to live in the country because of the danger from the Ku Klux Klan.

Democrats said that stealing decreased after the Klan began its activities. They did not say whether they referred to the towns or to the country, but it was probably to the country, because it was there that the practice had been most prevalent. Negroes testified that they were afraid to sleep in their houses, and had been sleeping in the woods at least a part of the time. This practice seems to have been common wherever the Klan operated, but different witnesses did not agree on its extent. Many of the Democrats testified that the negroes behaved better after the Klan violence became common. One Democrat went so far as to say the activities of the Klan had prevented a race conflict.

The attitude of the Democrats towards the violence committed by the Ku Klux Klan underwent a reaction about the time it was at its height. They did not seem to pay much attention to
at first. They did not believe a general organization existed. Some of them thought it was simply groups of boys having a little fun, and that reports exaggerated the circumstances. Some believed that punishment was being inflicted upon the negroes to improve their behavior. They approved the object, but not the methods used. Others disapproved of the whole thing. They all believed that the Republicans exaggerated their accounts of violence. Some of these witnesses thought that persons who had been attacked exaggerated their accounts of the attacks because they were so badly frightened at the time that the punishment had seemed much more severe than it actually was. Others thought the Republicans were inventing and exaggerating stories of violence for the purpose of creating political capital. None of the Democrats had taken any direct steps to help stop the violence during its early stages. Their attitude was that it was the duty of the state government to protect life and property. They received no benefits from the government, which ignored their interests, and consequently did not feel called upon to offer their assistance in putting down lawlessness when it did not directly affect them. They would not have refused to assist an officer, if called upon to do so, but they were not called upon, and had no incentive to offer their services. Some of them said they would have denounced violence publicly, but felt that it would have been unsafe to do so, because they did not know when they would have been talking about.

However, during the summer of 1871, the Democrats did take some direct action in South Carolina. Open denunciations of
violence became quite common. Several public meetings were called by leading Democrats, and were attended by both parties, and sometimes by both races. Almost all of them adopted resolutions deploring Klan violence, and pledging their assistance to help stop it. The following is a resolution signed by 468 citizens of York county. Others were similar.

"To the citizens of York County:

"The undersigned citizens of York County, earnestly desiring to preserve the public peace, and for the purpose of guaranteeing to all citizens the protection of life and liberty, respectfully urge it as a common duty for every citizen to discourage all acts of violence. We do not desire to dictate to others, but are convinced that a repetition of violence must disorganize society and result in a spirit of general insubordination, the consequence of which may be deplored when too late to be remedied. As members of the community whose common interest is imperiled, we pledge our individual efforts and influence to prevent further acts of violence, and will aid and support the civil authorities in bringing offenders to justice. We respectfully solicit a hearty cooperation of our fellow-citizens throughout the county in our efforts to preserve the peace and to prevent further acts of violence and domestic disorder."

(Signed)

The South Carolina taxpayer's convention, composed of Democrats and Republicans, adopted resolutions which charged the state government with responsibility for the violence, and recommended an investigation of lawlessness. An address to the people by the State Democratic Executive Committee contained the following:

1. A request to all white people to unite in reprobating violence.
2. A request to all people to lend their efforts to restore peace and harmony.
3. A request to the Republican party to discountenance incendiary language.

The Republican party responded to this address by issuing a manifesto to its members which deplored violence, and requested all
Republicans to refrain from committing any. It also stated that Republicans were to unite with the Democrats to prevent incendiary speeches, preserve peace, maintain order, and assert the supremacy of the law. 66

The courts of both states were ineffective as a means of controlling Klan violence. There were few trials, and no convictions, in any of them. Each party charged the other with being at fault in this connection. The Democrats accused the Republicans of being lax in the performance of acts, as officers, by which they might have caught and convicted the Klan members. The Republicans charged the Democrats with protecting the Klan from punishment. They also contended that the Klan members were required, by their obligation, to perjure themselves to defend a brother who was on trial. They believed that all alibis set up in the defense of accused men were the result of this provision in the Klan obligation. They also believed that there were always Klansmen on the juries who made it impossible to indict or convict another member of the organization. These charges of the perversion of justice were not made against the Democratic party, as such, but the Republicans believed the Democrats were responsible for it. Justice expressed the popular opinion when he said that nine-tenths of the Democrats were members of the Ku Klux Klan. 69 The greatest difficulty in convicting marauders was the uncertainty of identification.

Large numbers of men accused of being Klansmen were arrested in North Carolina. Many were arrested upon the complaints and affidavits of people who had been attacked. Others were
arrested on suspicion. None were arrested on grand jury present-
ments. The arrests were made by state officers, or United States
marshals, assisted by United States troops. The practice was to
to out at night, and surround the house in which the man they were
after was supposed to be at that time. Several of the officers
would then go in and arrest him.

The evidence shows that many of these arrests were made
merely so the officers could get the fees paid for arrests. One
United States marshal in the town of Spartanburg arrested large
numbers. They were taken before the United States commissioner,
and most of them were released from custody. The marshal would
then take them around to a store, buy drinks for them, and tell
them he had made his money out of them. He stated publicly that
he had been sent down there to make plenty of money and political
capital.\textsuperscript{70}

The purpose of arrests, in some cases, was to implicate
prominent Democrats in the Klan violence. Prisoners were taken
from jail at twelve o'clock one night by Judge Logan, and offered
amnesty and pardon if they would implicate David Schenck.\textsuperscript{71} Some
notoriously bad men were arrested, released, and later testified
against men on trial for committing violence.\textsuperscript{72} Many of these
arrests were in connection with the Biggerstaff and Justice cases,
and the accused men were taken to Raleigh for trial.

A large number of men in Rutherford county, North
Carolina, went to the officers and confessed that they were members
of the Ku Klux Klan. Different reasons were given for this action.
Some said they had not known the nature of the organization when
they joined, and had never approved of its activities. They said they had been afraid to say anything until the troops came in to give them protection, and the Klan had been broken up by arrests. Others confessed because they were afraid of being arrested, and thought more lenience would be shown them if they were arrested and punished. Democrats accused the officers of offering inducements to any person who would confess and implicate Democratic leaders in the Ku Klux Klan. One man left the state, supposedly to elude arrest, but came back and confessed. A witness testified that this man's father had said Judge Logan promised him money and immunity if he would come back and confess to a certain attack and a general organization. A United States marshal was reported to have said publicly, on several occasions, that Judge Logan had authorized him to say that anyone who had evidence enough to convict David Schenck would not be punished for his own crimes if he would make that evidence available to Logan.

All those who confessed were poor whites. Many of them were illicit distillers. One said he had been initiated in a still-house which was used as the den's meeting-place. Many were Republicans. One man said the county chief had refused to recognize one den because there were too many Republicans in it. The Republicans usually said they had joined to protect themselves, or to protect their distilling business. The leaders of the dens were of the same class. All those who confessed had joined the Ku Klux Klan during the first few months of 1871, and none had been members before the first of that year.

These confessions confirmed Durham's statement that a
reorganization had been attempted during the spring term of the county court. DePriest, who was chief of a den, testified during the Biggerstaff trial that they had orders from Shotwell not to commit any violence because it was outside the purpose of the order. He also said that Shotwell had asked him to help stop the violence the Klan was committing. Shotwell's account also confirms this. He said that several prominent men came to him during the court sessions and requested him to act as county leader. They wanted him to take the position and use his influence to stop the violence which was becoming so common. He objected at first, but finally consented to take the position. He said that he was never formally sworn into the Ku Klux Klan. As chief of the county organization, he told all the members with whom he came into contact that there was to be no violence, and he also denounced Klan violence publicly. He stated that he never ordered any member to commit violence, and that he had tried to prevent the Justice raid. He also said that the members of the organization were very much dissatisfied because he never ordered any violence, and that all that which was committed was without his knowledge or consent.

Practically all the men who confessed said that the Ku Klux Klan was a political organization. One of its political activities was to initiate everyone who would join. The object of this was to increase the strength of the Democratic party by pledging as many as possible to it through the Klan. The obligation they had taken included a statement that the organization was opposed to the principles of the Radical party. Some of the obligations included the statement that the organization was to support
the constitution, "as it was handed down by our forefathers." This, of course, meant that the Klan did not recognize the thirteenth, fourteenth, and fifteenth amendments as parts of the constitution. The obligation included a promise to give implicit obedience to the commands of the leader. It also contained a provision that anyone who disclosed the secrets of the order was to suffer the penalty of death. These are the provisions to which the Republicans pointed as the foundation of the violence. They contended that a member was compelled to do whatever the chief ordered. Several members testified that they had been ordered to go on raids, but had not done so. They had not been punished in any way.

These members testified that each den acted upon the recommendation of a committee. This committee named persons who were to be punished, and the chief asked for volunteers, or ordered members to go on the raid. The committee met secretly, and did not disclose its reasons when it designated people it had decided needed punishment. The peculiarity of all this testimony is that these men always said the organization was for political purposes, but they never knew the reason for which attacks were made upon negroes. None said that such attacks were made because the victim had voted the Republican ticket, because he was an officer or a Republican leader, or because he was a Republican. One witness said he understood the Ku Klux Klan was connected in some way with illicit distilling, because the two always seemed to work together.

Many of those who confessed attempted to implicate prominent Democrats in the Ku Klux Klan. They said they understood
certain men to be members or leaders. However, none of them were able to offer proof of their statements, and the men they named denied any connection with the Ku Klux Klan after 1868. The men so accused testified that they had left the organization in 1868, and that all their efforts since then had been to stop the violence which developed after that time.

The membership and nature of the organization in South Carolina is not so clearly described. No one confessed there. The organization acted in the same way, and the character of the population in the area in which it existed was practically the same. Men convicted in the trials by the Federal court were all poor whites. The obligations offered as evidence there had the same general characteristics as those offered in North Carolina. These things indicate that the organization and members in South Carolina were of the same nature as they were in North Carolina.

Federal Court Cases

Men accused of the attacks on Biggerstaff and Justice were tried in the United States district court at Raleigh, North Carolina. Only the evidence was included in the investigating committee’s report, but there were points worth noticing. Judge Bond presided, and he also presided at the later trials in South Carolina. The fact that the trials were held at Raleigh was an inconvenience and hardship to the defendants. They were poor men, and could ill-afford the expense of taking witnesses that distance.
No indication is given as to who defended them. Several of the accused men turned state's evidence, and were not punished for their parts in the raids. The number found guilty and not guilty was about the same. Alibis were the only defenses used. The evidence creates doubt as to the correctness of the verdict of "guilty" in the case of some of the defendants. The evidence concerning Shotwell's part in the Justice raid is an outstanding example of this. Others were undoubtedly guilty. All three cases were tried under the "Ku Klux Act" of April 20, 1871. One of the cases being tried had occurred before the passage of that act, which made the punishment of the participants in that raid ex post facto. There is no record of an appeal of the case.

The complete court reports of the South Carolina trials were included in the committee's report. These trials were before the United States circuit court at Columbia, with Judge Bond presiding, and Judge Bryan sitting as associate judge. Henry Stanbery and Reverdy Johnson acted as counsel for the defendants. They acted voluntarily, with the intention of taking a case before the Supreme Court for a verdict on the constitutionality of the Enforcement Act of May 31, 1870, and the Ku Klux Act of 1871.

The first act of the defense was to challenge the whole jury panel on the ground that it had been selected from the eastern district of the state, while the prisoners were from the western district. The prosecution argued that the division of the state was for the district court, and did not hold for the circuit court. The court decided for the prosecution. The grand jury was made up of 15 negroes and 6 white men. There were only 5 who were not
able to write their names. Both the grand and petit jurors were required to take the following oath:

"We, the undersigned, do solemnly swear that we have never, directly or indirectly, counseled, advised, or voluntarily aided any such combination or conspiracy as that set forth and described in an act of Congress entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved April 20, 1871."

The next move of the defense was a motion to quash the indictment. This indictment contained eleven charges. The first count charged the defendants with having conspired to violate the first section of the act of 1870 by hindering the right of negroes to vote in future elections. The second count charged them with having combined, or conspired, "with intent to injure, oppress, threaten, and intimidate Amzi Rainey, a citizen of the United States, with intent to prevent and hinder his free exercise and enjoyment of the right and privilege guaranteed and secured to him by the Constitution of the United States, to wit, the right to vote." The third count was the same as the second, with the added charge of burglarious entry with intent to do him bodily injury. The fourth count was that the defendants, "unlawfully did attempt to control Amzi Rainey in exercising the right of suffrage, to whom the right of suffrage is guaranteed by the fifteenth amendment to the Constitution of the United States." The fifth count was the same as the fourth, with the charge of burglarious entry added. The sixth count was much the same as the fourth, except that it charged the defendants with having conspired against Amzi Rainey, "because of his free exercise of a right and privilege granted and secured to him by the Constitution of the United States,"
to wit, the right of suffrage. The seventh count was the same as the sixth, with the burglary count added. The eighth count brought in a new point. It was the same as the second charge, to the expression, "to wit", then continued, "the right to be secure in his person, houses, papers, and effects against unreasonable searches and seizures. The ninth count charged the defendant with, "unlawfully conspiring to deprive Amzi Rainey of the equal protection of the law". The tenth count was the same as the ninth, except that the purpose of the conspiracy was to deprive him of, "equal privileges and immunities under the law". The last count charged the defendant with having conspired against Rainey because he had voted for Wallace, "a lawfully qualified person, as a member of the Congress of the United States."

The arguments of the defense against the first count were based on five points. They argued that no penalty was provided by the first section of the act named, which was the basis of the case. Therefore, there was no object in trying men for the violation of that section. They argued that it was necessary for the indictment to state the name of the person whose vote was prevented, which the charge did not do. The election at which that vote was prevented was not named, therefore, there was no means of knowing whether it was a present or a future election. The right to vote could not be affected except at an election, and then it could only be hindered, not taken away. The charge did not show that Amzi Rainey was qualified to vote. They argued that the second count was not good for two reasons. Citizenship was the only qualification named, and that alone did not give the right to vote.
The means of intimidation was not set forth. The third, fifth, and seventh counts had one point in common, the charge of burglar­ious entry. The defense argued that the court had no jurisdiction over this offense. They also used the previous argument as to Rainey’s qualification to vote, showing that the third count did not state those qualifications. On the fourth count, they argued that the fifteenth amendment, in itself, did not give the right to vote. They attacked the sixth count because there was no speci­fication of when, where, how, etc., of preventing Amzi Rainey from voting. The objection to the seventh count was the same as that to the sixth. On the eighth count, they argued that there was no Federal law, as stated, against searches and seizures. They argued that it was impossible to deprive a person of the equal protection of the law, which was the only charge of the ninth count. The objections to the tenth count were the same as those to the eighth and ninth counts. On the eleventh count, no facts were presented to show that Wallace was qualified for membership in Congress.97

The prosecution attempted to meet the arguments of the defense on the first count. They said that the division of the act into sections did not destroy its entity; section seven provided a punishment for the violation of section one. It was unnecessary to name the persons to be injured in an indictment for conspiracy. Where a conspiracy was to do an unlawful act it was not necessary to state the means by which the act was to be done. The defense here interrupted to say that evidence of intention required a statement of the means, threats, or intimidation to be used. The prose­cution continued by saying that it was unnecessary to state the
particular election against which the conspiracy was directed; the simple fact of conspiracy was enough under the law. Conspiracy was a statutory offense, therefore, the indictment might charge in terms of the statute, and qualifications to vote need not be set forth. This argument was used for all counts which the defense claimed were not good because they did not specify Rainey's qualifications to vote. This included all but the eighth count. On the second count, they also argued that the right to vote was substantially set forth. They argued that the court was not trying for burglary. Section seven of the act under which the indictment was drawn provided that in case any crime was committed in the process of violation of the act, the same punishment could be given as that which the state law provided for the crime. Therefore, including the burglary charge was merely another means of determining the punishment for violation of the act. This argument applied to the third, fifth, and seventh counts.

The court over-ruled the motion to quash on the first and eleventh counts. The decision confirmed the arguments of the prosecution. It also added that a continuation of intimidation was possible, and that the act of 1870 would be ineffective if violation of it was to be limited to election day. The court said the act declared the right to vote at all elections, so it was not necessary to state the date of the election to which the intimidation applied. The eleventh count was good because Congress had the right to protect voters. The court also said the last charge was stated plainly enough.

The second, fourth, sixth, eighth, ninth, and
tenth counts of the indictment were declared bad. The decision of the court on the second count confirmed the arguments of the defense. The fourth and sixth counts did not set forth the qualifications of Amzi Rainey which entitled him to vote. The rights named in the eighth count did not come under the wording of the statute; they had existed before the constitution was drawn up. The ninth and tenth counts were so indefinite that the defendant could not know what he was charged with.

The court was divided on the three counts which contained the charge of burglary entry. The procedure in such a case was for the court to certify the counts on which it was divided and send them up to the Supreme Court for a decision. This, of course, was exactly what Stanbery and Johnson wanted. However, the prosecuting attorney moved to nolle prosequi those counts, and was sustained by Judge Bond. Judge Bryan disagreed with Bond on the right of the court to sustain such a motion, but was over-ruled. Bond was presiding judge, and held that his opinion on procedure prevailed. This ruling by Judge Bond prevented the certification of the counts to the Supreme Court, and consequently blocked the attempt to get a decision on the constitutionality of the laws under which the indictment was drawn.

Four of the accused men pleaded guilty on the first and eleventh counts of the indictment. The object of their counsel in having them do this appears to have been to bring up consideration of the measure of punishment to be used. They evidently planned on this point giving them an opportunity to take a case before the Supreme Court. The immediate result was argument on the application
of the punishment provided for by the laws of 1870 and 1871. The defense first quoted the title of the act of 1870: "An act to enforce the rights of citizens of the United States to vote in the several states of this Union, and for other purposes." They argued that this title made the first section of the act relate entirely to suffrage. They then went on to show that the fourth section of the act provided the punishment for violation of the first section of the act. It provided for protection of the right to vote from individual interference. It did not use the word, "conspire", but it did use the words, "combine and confederate with others", which created a situation which could be nothing but a conspiracy. The fourth section of the act made violation a misdemeanor, and provided for civil recovery. They argued that the sixth section of the act had nothing to do with the crime charged against the defendants. It said nothing about voting or the suffrage, but gave the general rights of "immunities and privileges". Therefore, it must come under the portion of the title stating that the act was "for other purposes". They also argued that this was the reasonable interpretation of the act, and that the law required that where sections of an act were repugnant, the most reasonable interpretation should be used. They also argued that punishment under the act of 1871, which the wording of the eleventh count implied, would be ex post facto. The conspiracy was formed before the act went into effect, and the act said, "shall conspire", not, "shall have conspired".

The prosecution argued that punishment must be under section six of the act of 1870. They contended that the fourth
section provided punishment only for offenses committed by individuals, and that nothing before section six was aimed at a conspiracy. They argued that the prisoners had already pleaded guilty to the eleventh count, and the defense was estopped from denying what this count ought to punish them for. The defense denied that such a thing as estoppel existed in a situation of this kind.\textsuperscript{105}

Judge Bond stated that the court would not give a decision on this point until it could give a decision on the indictment. There was no further reference to the point. The sentences given those who had confessed to the charges of the two counts of the indictment were evidently based on either the sixth section of the act of 1870, or on the act of 1871. All were heavier than that provided for in the fourth section of the act of 1870.\textsuperscript{106}

The counsel for the defense had, so far, failed to get a case before the Supreme Court. They used the same tactics in the next case that came up. The indictment in this case was based on the good counts of the first indictment. The count in this indictment which the defense attacked charged the defendant with having conspired, "with intent to oppress, threaten, and intimidate in order to prevent his free exercise . . . (of) . . . the right to keep and bear arms, contrary to the act of Congress".\textsuperscript{107} The main argument of the defense on this count was that the right to bear arms was not secured by the constitution, but was a common law right, and in the nature of a bill of rights which was a restriction upon Congress against interfering with that right.\textsuperscript{108} The prosecution argued that it was a right distinctive with the United States, and given by the constitution.\textsuperscript{109} The defense got no
better results than they had from their motion to quash the first indictment. They insisted that the court divide on the question, and certify it to the Supreme Court, but Judge Bond again allowed the prosecution to nolle prosequi the count. The other charges made in the indictment are necessary to the following discussion of the case. The first count charged the defendant with having conspired to violate the first section of the act of 1870, by hindering negroes in the exercise of their right to vote at the election to be held in 1872. The second count charged the defendant with having conspired to injure Jim Williams because he had voted in 1870.

A trial jury was then chosen. The defense was allowed 10 peremptory challenges, and the prosecution 2. During the examination of jurors, the prosecution had several stand aside, but did not challenge them. The defense claimed that the prosecution had no right to do this, but their claim was over-ruled by the court on the ground that it was a common law right. The defense challenged a few negroes and one white man. All those they challenged had lived in districts afflicted with Klan violence. The prosecution stood aside five white men for no apparent reason other than the fact that they were white. They also stood aside two negroes, one of whom was apparently quite intelligent. The jury sworn in was composed of 11 negroes and 1 white man.

Mitchell, the defendant, admitted being on the raid in which Williams was killed, but pleaded not guilty to the charges made in the indictment. Several negroes had been visited that night, and their guns taken away from them. The visit to Williams
was the last of the series. About 10 of the company went ahead of the others, took Williams out, and killed him. There was no evidence to show that the other members of the band understood that any more drastic action was to be taken with Williams than had already been used against the others visited that night.

The nature of the conspiracy was the important feature of the case. The prosecution first introduced the constitution of the Ku Klux Klan as evidence of the purpose of the organization. They pointed to the part of the obligation by which the members bound themselves to, "oppose and reject the principles of the radical party". They then pointed out the provisions of the constitution which provided that each member was to equip himself with a pistol, a gown, and a signal instrument. The next provision they pointed out was that no person of color was to be a member. Another part of the obligation they stressed was the provision that any member disclosing the secrets of the order was to suffer the penalty of death. They interpreted these provisions as meaning that the Ku Klux Klan intended to defeat the Republican party by the use of force, which was to be exercised secretly.

The next step of the prosecution was to introduce evidence to show that the actions of the Klan verified the interpretation they had placed on the constitution and obligation. They pointed out that their witnesses said the purpose was to control elections as early as 1868, and still was. The mode of operation was to whip and kill prominent radicals, and terrorize and intimidate the negroes. Their witnesses testified that during this raid negroes whose guns were taken were admonished not to vote the Republican
Their argument, therefore, was that the Ku Klux Klan was a conspiracy to terrorize, whip, and kill negro radicals for the purpose of controlling elections. This was in violation of section one of the act of 1870.115

The defense denied that the object of the Klan was political. They pointed out that the witnesses for the prosecution had all said they had joined it for protection from armed negroes, burnings, and threats which filled the air. They showed that no evidence had been introduced to show that Williams had been attacked because he had voted in 1870. They said that self-defense was the first law of nature, and that an organization for that purpose was not a crime. They argued that an organization to put down a party was not an offense. They pointed to the Union Leagues as being of the same nature, and having the same purpose. Furthermore, they said, the conditions under which the people were forced to live because of the organization and arming of the state negro militia, and other abuses by the government, would naturally lead to some combination to put down the party in power. This was in rebuttal to the prosecution's use of the point in the obligation by which members of the Klan agreed to oppose the principles of the radical party.

The defense also attacked the witnesses for the prosecution. They pointed out that these men had said they understood the purpose of the Ku Klux Klan to be political, but not that it was to be accomplished by violence. They again used the point that all of them had said they joined it for protection. Gunn was the only witness who had said he understood the political object
of the Klan was to be accomplished by violence. The defense charged him with having received money to appear and swear to that point. They did not establish definite proof to that effect, but they built up a very strong circumstantial case.116

The prosecution, in their rebuttal, first supported their previous arguments. They went further into the argument on the purpose of the Klan as indicated by the obligation to which its members subscribed. They argued that opposition to the "principles of the radical party" meant opposition to the recent amendments to the constitution, and, consequently, was directed at the negroes. To support this argument, they pointed out the part of the obligation in which the member agreed to support the constitution of the forefathers.

After making these points, they attempted to answer the points made by the defense. They first pointed out that the defense had not met their arguments. The defense had not denied that the constitution presented was the basis of the organization, and they did not deny that it had been correctly interpreted. They said their witnesses had gone into the Klan for protection, but had found that it had an entirely different purpose. They said that the defense had presented no evidence to show that the Klan was organized as a result of fear of the negroes. On the other hand, they said, the constitution showed that this was not so. Furthermore, the Klan had been organized in 1868, and the things of which the defense claimed the people were so much afraid had not developed until 1870. This was the year the militia had been organized, and during which the burnings had become common. The
whites had trusted the negroes during the war, and their trust had not been misplaced. The conduct of the militia was not bad enough to justify such fear. They argued, from these points, that the fear the defense professed for the people was a mere pretense. They also attempted to justify the payment of money to Gunn on the ground that it was only for his services in apprehending violators of the law. Their arguments on this point do not meet the circumstantial evidence set up by the defense.  

The jury, after 38 minutes deliberation, brought in a verdict of, "guilty of the general conspiracy". This verdict was irregular because it made no reference to the charges of the indictment. Stanbery wanted the verdict recorded as rendered, but the court refused to allow it. Had the court allowed the recording of this verdict, the case could have been taken to the Supreme Court on a writ of error. The jury was sent out the second time, and returned a verdict of, "guilty of the second count, not guilty of the first." The jury evidently believed that the evidence showed that the defendant had conspired to intimidate Williams because he had voted in 1870, but not to keep him from voting in 1872. However, the first verdict indicated that they believed him guilty of conspiring to do something, but could not say, or did not wish to say, that it was because he had voted in 1870, or to keep him from voting in 1872. If this was actually the situation, the final verdict was very clearly a miscarriage of justice for which the jury was directly responsible.

Stanbery's next action was a motion in arrest of judgment. His first point was that the indictment did not indicate
that the defendant had conspired against Williams because of his race, color, or previous condition of servitude. He argued that this was necessary because the first section of the act of 1870 provided that all persons should be allowed to vote without distinction because of those factors. He also made the point that the indictment followed the language of the act of 1871, which was unconstitutional for two reasons: it did not proceed on the ground of protecting the right of negroes to vote, and it was a usurpation of a state function by the Federal courts. The motion was overruled. 120

The case of John S. Millar presented a different feature. The indictment merely charged him with unlawfully conspiring to violate the first section of the act of 1870 by hindering the right of negroes to vote at the election of 1872. The difference from the preceding case, and others tried, lies in the fact that he was not accused of going on any raids or attacking any particular person. The evidence showed that he had attended Klan meetings with his cousin, but did not show that he had ever been sworn to membership in the Klan. He was a Republican, and had previously been attacked by the Ku Klux Klan.

The main point made by the counsel for the defendant was that his intention in being present at the meetings was the essence of the case. They said the evidence showed that his intention was to protect himself and his negro employees. They argued that the mere fact of his being at a meeting, which was all the evidence the prosecution had, proved nothing at all in regard to his intention. They stressed the fact that he was a Republican, and argued
that it was inconceivable that a Republican should join an organiza-
tion to keep members of his own party from voting. They also
showed that he had a reputation for kindness to negroes, and that
he had kept the guns of those who worked for him so the Klan would
not get them. They pointed to the fact that no evidence had been
introduced to show that he had a gown, pistol, or signal instrument,
which he would have had if he had been a member. The idea they
intended to convey by this line of argument was that Millar was
not a member of the Ku Klux Klan, even though he had been present
at a meeting, and had never participated in a raid. Therefore, he
could not be held responsible for any acts of the organization. 121

The prosecution argued that he had attended a meeting
and acted like the rest of them, so he was guilty of the conspiracy
which was the purpose of the organization. They argued that he must
have been a member of the Klan because no one was admitted to
meetings unless he was a member, and no witnesses had been produced
to show that he was an honorary member. They said that if he was
not a member it was for him to prove it. Furthermore, they said,
he would have been killed if he had known their secrets without
being a member. They argued that when a man is with a criminal
group he is one of them, and equally guilty with the rest for any
violation of the law. 122

The jury, composed of 11 negroes and 1 white man, brought
in a verdict of, "guilty". 123 An important point is indicated by
the nature of the argument and the verdict in this case. Neither
side had brought in the arguments for or against the point that the
Ku Klux Klan, in itself, was a conspiracy to keep negroes from
voting at the next election. This indicates that everyone concerned considered the question settled in the affirmative by the previous cases. The case definitely established a precedent for the conviction of members of the Ku Klux Klan under the act of 1870, even though they were charged with no direct action to promote its supposedly political purpose.

A large number who were being held for trial confessed to membership in the Ku Klux Klan after this trial. Most of them said they had joined to escape punishment, or had been forced to join. All but four of those who gave their ages were between the ages of 18 and 25, and one of the four exceptions was 27 years of age. A large majority were illiterate. A few could read a little, but could not write. Only two of those questioned on the point were able both to read and write. Some were densely ignorant, not even being able to understand simple questions asked them. Very few of them said anything about the purpose of the Ku Klux Klan. Those who did, said it was for self-protection, or to correct misconduct of the negroes. None of them said it was political. Sentences ranged from 60 days imprisonment to $1000 fine and 5 years imprisonment. Quite a large number were sentenced to 3 or 6 months imprisonment, with no fine, and a few to 1 year of imprisonment. In a few cases of this short imprisonment, a fine of $10 or $20 was added to the sentence. Several were sentenced to 13 months imprisonment and a fine of $100.124
The Klan violence in Georgia, Alabama, and Mississippi was confined to well-defined areas. These areas were larger in each of the three states than in either North or South Carolina. The most extensive area in Georgia included Gwinnett, Jackson, Walton, Clarke, Oglethorpe, Morgan, Greene, Warren, Hancock, Jasper, Wilkinson, and Washington counties. Wilkes, Jefferson, and Taliaferro counties were also named as included in this area, although no cases were reported from any of them. It is probable that some violence did occur in these three counties, because they are either adjacent to, or partially surrounded by, the others named. This whole area is in the interior of the state, but there is only one tier of counties between them and the eastern boundary. They extend about half-way across the state to the west, and about half the length of the state to the south. There are several counties between them and the northern boundary of the state. Another area in which violence was common was composed of a tier of four counties on the western boundary of the state, at the northwest corner. These were Chattooga, Floyd, Polk, and Haralson counties. No cases were reported from Polk county, but it is between Floyd and Haralson counties, so there were probably some outrages there. Witnesses reported some cases from a few scattered counties: White, Cherokee, Douglas, Coweta, and Troup. Some of the Republican
witnesses also named several counties on the western boundary, toward the southern part of the state, in which they said violence was prevalent, but they did not give any cases which had occurred there. These were Macon, Chattahoochee, Webster, Sumter, Randolph, and Wilcox counties.¹

The northwestern group of counties is in the mountains. Negroes constituted about half the population in Floyd and Polk counties, one-fourth the population in Chattooga county, and one-tenth the population in Haralson county. A part of the eastern area is in the mountains. This includes the counties in which the greatest number of Klan outrages were reported: Gwinnett, Jackson, Walton, and Clarke. The negro and white populations were about equal in Clarke county, but the whites were in the majority in the other three. The other counties of this area had an average elevation of 500 feet, which is about the same as the South Carolina area in which violence was common. The races were in about the same numerical proportion as they were in the South Carolina area. There were about equal numbers of whites and negroes in some of these counties, about twice as many negroes as whites in others, and other proportions between these two extremes in the rest of them. No cases were reported from the southeastern part of the state, where the negroes were very largely in the majority.²

These points indicate the same situation as that which existed in North and South Carolina. Small farms, and a poor white population in the mountainous parts of the state, in which Klan outrages were most common. The number of outrages decreased as the distance from the mountains and the strength of the negro population increased.
There were three distinct areas in Alabama in which outrages were common. One was in the northeastern corner of the state, and included approximately one-sixth of the entire area of the state. It included Limestone, Madison, Jackson, Morgan, Marshall, Blount, St. Clair, Calhoun, and Cherokee counties.

Etowah and De Kalb counties are entirely surrounded by the others named, so it is reasonable to suppose there was some violence there, although no cases were reported from either of them.

Madison county was by far the worst of the group. These counties border Tennessee and Georgia. The eastern portion of this area is adjacent to the northwestern counties of Georgia in which violence was common. Cases were reported from a group of six counties farther south along the eastern boundary of the state. They were Coosa, Tallapoosa, Chambers, Elmore, Macon, and Russell counties.

Part of this area is adjacent to the area in western Georgia in which the Republicans claimed there was much violence. Outrages were common in quite a large area along the western boundary of the state. This included Fayette, Tuscaloosa, Pickens, Greene, Sumter, Hale, Perry, Marengo, and Choctaw counties. Greene and Sumter counties, in which there was the greatest amount of violence, were the central counties of this area.3

The northwestern area is quite mountainous. There were more negroes than white people in Blount county, the whites were in the majority in other counties, and the two races were about equal in number in the rest of the counties of this area. In the lower eastern area, Coosa and Tallapoosa counties had the largest majorities of white people, Chambers and Elmore counties had about an
equal number of whites and negroes, and the negroes were in the majority in Macon and Russell counties. A greater number of outrages were reported from Coosa and Tallapoosa counties than from any of the others of this area. There is a ridge of mountains running through them. The white population of these two areas was about the same as that of South Carolina, but the western area presents a different aspect. Greene, Marengo, and Sumter counties are lowland, and had about three times as many negroes as whites. There are a few mountain ridges in the surrounding counties, and the negro majorities decreased as the distance from those three counties increased. The number of outrages also decreased as the distance from the central counties increased. This was exactly the reverse of the situation in the other areas in which Klan violence was common. There were, however, poor whites living in this area.  

There was only one area of Mississippi in which Klan outrages were common. The greatest number of cases occurred in Monroe, Lowndes, Noxubee, and Winston counties. Lowndes and Noxubee counties are just across the state line from Pickens county, Alabama, and Kemper county, in which there was some violence, is opposite Sumter county, Alabama. Monroe county, from which the greatest number of outrages was reported is across the state line from Lamar county, Alabama, where there was no violence. Other counties in which the Klan committed violence were Winston, Chicasaw, and Oktibbeha, the next counties west of Noxubee, Monroe, and Lowndes counties, respectively. Some of the Republican witnesses said there was a large amount of violence in Marshall, Tippah, Alcorn, Tishomingo, Prentiss, Union, Lee, and Itawamba
counties, but the only cases reported from any of them were a very few from Marshall, Tippah, and Tishomingo counties.\(^5\)

The population of this area was the same as that in the western area of Alabama. The greatest amount of violence occurred in counties having the greatest proportion of negroes. Monroe, Lowndes, and Noxubee counties all had large negro majorities, and Chicasaw county had a small negro majority. Winston county had one-third more whites than negroes.\(^6\) There were poor whites in this area.

A few outrages were committed in the eastern area of Georgia in 1868 and 1869. Most of them were in 1869. These cases occurred in Warren, Greene, Oglethorpe, and Hancock counties, all of which had negro majorities. The last of these first outrages was in September 1869. There was one case in Hancock county in June, 1870, and the next one after that was in September. Thus there was a period of a year during which only one case of violence was reported. There were a few cases during the latter part of 1870, but most of them occurred during the summer of 1871, from March until October.\(^7\)

Klan outrages first appeared in Alabama in 1868, in the northeastern area. Practically all the cases reported from Madison county occurred in 1868 and 1869, with a few during 1870, and only 2 in 1871. All the cases reported from Jackson and Limestone counties, on each side of Madison, occurred in 1869 and 1870. There was very little violence in this area in 1871. Most of the outrages which occurred during that year were in Blount county, farther south. The first Klan violence in the lower eastern area
occurred in 1870. It continued there until October, 1871. The first outrages in the western area occurred in Sumter county in the fall of 1869. There were no outrages in the counties surrounding Sumter county until 1870, and none in Fayette county, which is in the same area, but farther away from Sumter county, until 1871. Violence continued in this area until October, 1871.³

There were only two cases of Klan violence in Mississippi before 1870: one in Winston county, and one in Kemper county. All the outrages which occurred there in 1870 were in Noxubee, Monroe, and Lowndes counties. Most of the outrages were during March and April, with a very few as late as October, 1870. There was then a period of quiet until February, 1871. Violence then reappeared in Noxubee and Monroe counties, but no outrages were reported from the other counties of this area until March, 1871. The Klan was active from then until the fall of 1871.⁹

Victims of the Ku Klux Klan were of the same classes as those in North and South Carolina. There were two differences. A larger percentage of the outrages reported were attacks on negroes, and fewer state officers were attacked. As in the other two states, a large number of white Republicans, and some Democrats, were attacked. A majority of the victims of the Klan in Alabama were negroes. None of the negroes attacked were officers, and not many were accused of being active Republicans. A large number of Republicans were attacked in Alabama. Several were officers, and some others had been active in politics. Their general character was the same as that of the Republicans attacked in the Carolinas. Only two Democrats were attacked in Alabama. The Georgia and
Mississippi victims of the Klan were of the same classes as those in the other states. Very few officers were attacked in these two states. A larger percentage of the victims in Mississippi were white people. This can be accounted for by the fact that many white school teachers were visited by the Klan. Some of the teachers who were visited were Democrats, but most of them were Republicans. This was natural, because most of the teachers were Republicans. Only one other Democrat was attacked in Mississippi.10

The reasons for which the Klan committed violence in these three states can be divided into the same general groups as they were for the Carolinas: political, crime and misconduct of the victims, and the interests of the Klan members themselves. There were far fewer political cases than there were in South Carolina. In Georgia, one member of the legislature was killed. The evidence does not show whether he was killed because of his political position, or for some other reason.11 Two negroes, Colby and Lowther, said they were attacked because they were Republican leaders. The statement may have been true in Colby's case, but was probably not in Lowther's. Lowther was charged by the people with immoral conduct, and the nature of the punishment inflicted upon him by the Klan indicates that that was the reason for the attack.12 Drennon, a white man, was asked why he had cooked a barbecue for a negro picnic.13 Wood, another white man, was cursed for being a radical.14 Some other cases were mentioned as political, but the number was not large, and these were the only ones on which definite information was given.

There were more attacks for political reasons in Alabama
than in Georgia or Mississippi, but not as many as in South Carolina. The cases were very much like those of South Carolina. Witnesses said that Blackford, a probate judge, had been attacked because he held that position. The evidence indicated that the attack was not because he held the office, but because he was very obnoxious to the community on account of his political and personal conduct. Houston, a member of the legislature, was shot in Sumter county in 1869. There is very little evidence concerning this case, but no other reason for the attack was suggested by any of the witnesses. Sheets was visited and told to quit making inflammatory speeches, but no violence was offered him. Quite a large number of negroes testified that they had been instructed how to vote in the future. Sheeley, in Tallapoosa county, was attacked because he had voted the Republican ticket. Starkey, in St. Clair county, was made to promise to vote the Democratic ticket thereafter. Williams, in Coosa county, was asked how he had voted at the last election. Low, in Pickens county, was told that he was being punished because he had voted the Democratic ticket, and was told not to vote at all thereafter. Some other reason was also given in a few cases, but this was not as common as it had been in South Carolina.

There were fewer political cases in Mississippi than in any of the other states. In a few cases in which the Klan had given no reason for its action, the witnesses tried to make it appear that the attacks were for political reasons, but the evidence did not always show this to have been true. Huggins, Monroe county superintendent of schools, was the only officer
attacked. Adams was attacked because he had been the clerk of a radical convention. Atkins was whipped because he was a radical. Greyer was attacked because he had been going around with the radicals. Peter, a negro, was whipped until he would say he would vote the Democratic ticket thereafter. These were the only political cases on which definite evidence was given.

Crime and misconduct was the reason for most of the attacks in all three of these states. Politics was not usually given as an added reason, as was the case in North and South Carolina, although there were some cases in which it was. Trouble with other people was the largest single group of reasons under this head. In Georgia, a negro by the name of Poldo was attacked because he had quarreled with a white man. Jones, a negro, testified that he had wanted to leave his employer because he had not been paid, but the employer threatened to have him "Kukluxed" if he left. He was attacked by the Klan not long after that time. Anderson, a negro, was attacked because he had boasted that social equality would soon be recognized. Hallowell, a negro, was told to be polite to white people and he would not be bothered. Katie La Grone, a negro, was attacked because she would not work for one of the men she accused of being in the band which attacked her. Steele, a negro, was attacked because he and some other negroes had gone to a white man's house to entertain him and his wife. McGrary, a Democrat, was visited. He was accused of selling a horse to a man, and then stealing the horse. Henderson, a negro, was attacked because he had brought a labor suit against a white man. In Mississippi, Flint and his sons,
negroes, were in jail for fighting with a white man over some labor question. The Klan took them out of jail and whipped them.35 Hughes, a negro, was visited and told that he was too "saucy". He had brought a labor suit against one of the men he accused of being in the band which attacked him.36

The Klan accused quite a large number of their victims of stealing, particularly in Georgia. Several men by the name of Harrill were accused of killing cattle in a nearby swamp and disposing of the meat.37 One of the men who attacked Coley, a white man, told him he was being punished because he had stolen some hogs.38 Little, a negro, was accused by one of the Klan of stealing his corn.39 Brassel, a Democrat was accused of stealing money.40 Coger, a Mississippi negro, was accused of stealing. He was supposed to have been killed by the Klan, but it was proven that he had not been.41 Others were accused of stealing, but the circumstances were similar to those in the cases named.

Several men were punished because they had committed murder. One such case in Georgia was that of Darden. He had shot a man by the name of Wallace, and the Klan took him from jail that night and shot him. Some of the Republican witnesses said Wallace had been the leader of the Klan, but there was no evidence to show that this was true. They gave this as the reason why the Klan had killed Darden.42 In Alabama, a white man by the name of Colvin was taken from jail and hung because he had been involved in the killing of another white man.43 Smith, a white man, was taken from jail and hung. He had been tried for murder, but had been acquitted in the face of very strong evidence. The jury
which had acquitted him was made up of Democrats. The Klan was out one night looking for a white man by the name of Burrus because he had killed his cousin, but failed to find him.

Several people in each of these three states were punished for immorality. In Georgia, a sheriff by the name of Deason was punished for living with a negro woman. A negro, name unknown, was taken from jail and hanged. He had been imprisoned for rape. A storekeeper in Gwinnett county was whipped for boasting of his exploits with women. In Alabama, Austin, a white man, and Sina King, a negro woman, were whipped for illegal cohabitation. Harris, a negro, was hung because he had committed rape. In Mississippi, Bird, a negro who was in jail on an accusation of rape, was taken out and killed. Hicks, a negro, was whipped because he had been talking improperly about white women. There were other cases of a similar nature in each of these three states.

No negroes in these states were whipped or otherwise punished for threatening white people. Most of such cases in North and South Carolina had grown from the organization of the negro militia, and there had been none organized in any of these states. Brookshire, a white man, was the only man in any of these states who was punished because he was dealing in stolen goods. Kenimer, a white man, was attacked because he had proposed to his friends that they disguise themselves and try to get some money from a negro he believed had stolen some from him. The Harrills, already mentioned, were also accused of going about in disguise at night and robbing people.
Several attacks in each of these three states were in the interests of the Klan members themselves. Quite a large number of people were attacked for threatening the Klan. In Georgia, a negro by the name of Ware was asked by a group of men in disguise if he wanted to go out and help them catch and kill members of the Klan. He was very anxious to go on the expedition, but when the band got him into the woods they killed him. A negro by the name of Jeffers was killed because he was prosecuting the men he believed had killed his son. Holliday, a Democrat, had warned some young men not to bother his laborers. He was attacked soon after that, but fought off the marauders. Ray, a white man, was told to tell his father to quit talking about the Klan or he would be killed. There were similar cases in Alabama. Ford, a white man, was whipped for threatening to shoot Klan members if he saw any of them around his place. Wately, a negro, was whipped because he had said all Klansmen should be dead. The Horton family was accused of getting up a band to catch Klansmen. Anderson, a Mississippi negro woman, was whipped because she had said the Klan would get the country into trouble. Another negro, Turner, was whipped because he had said he had a gun with which to shoot members of the Klan.

There were very few cases of attacks for informing on the Klan, or for testifying against them in court. Hinton, a white man, was shot at night by another man to whom he had directed soldiers on their way to arrest him. This was not a Klan outrage, but was given as such by different witnesses. This occurred in Georgia. It Alabama, a negro woman by the name of Riddle was
beaten because she had testified to seeing certain men putting on disguises one evening. In Mississippi, a negro called "Jack" was killed because he had testified to the grand jury concerning the Klan. There were only two attacks, both in Georgia, for informing on illicit distillers. The evidence shows that this was probably the underlying reason for several other attacks in that state.

There were a few witnesses who said that the Klan had attacked them to drive them off their land. The Klan members themselves never gave this as a reason for an attack, but the victims knew of no other reason for which they might have been visited. They said they knew that certain white men wanted their land, and they usually accused these men of being in the bands which attacked them. This was the situation in the Fearon case, in Alabama, and the Foster and Gladney cases, in Mississippi. A few attacks were evidently made for the purpose of robbing the victims. In Georgia, a negro by the name of McCoy was robbed of over three hundred dollars, and ordered to leave the country and say nothing about the robbery. A Democrat by the name of Carpenter was killed in Alabama, and several witnesses said that robbery was evidently the only motive. A negro in Alabama heard some men planning to take guns away from negroes and sell them for whisky. There does not seem to have been such a wanton spirit in the attacks in these three states as in those in North and South Carolina. The Klan gave a reason for their actions to almost all their victims. While these reasons may have been merely excuses, the evidence usually showed that there was some connection
between the conduct of the victim and the reason given for the attack. However, this spirit was not entirely absent, as was shown by the McCree case, in Alabama. This negro was shot by a member of a Klan who said he was a hundred miles from home, and was going to shoot somebody. 73

Quite a large number of Methodist ministers were attacked in Alabama. Lakin, a circuit rider, was attacked several times, and he told of many other ministers being attacked. 74 His testimony was extremely exaggerated, but other witnesses confirmed the essential point, that ministers of that denomination had been attacked by the Klan. The Methodist organization was trying to re-establish itself in the south. The southern white people had left it before the war because of its stand in favor of emancipation, and the new members were all negroes and Republicans. Many people believed it was using its influence in politics, and that its ministers were preaching politics.

A large number of teachers were attacked in Mississippi. The legislature had provided for a very extensive free school system, and it drew the wrath of the Klan. Teachers were visited and ordered to close up their schools. There were two distinct ideas concerning the hostility of the Klan towards the schools. The Republicans said that the Democrats were opposed to the free education of the negroes, and were acting as a Klan to prevent it. The Democrats said that only the ignorant and narrow-minded portion of the white population was opposed to the education of the negroes, and it was they who were attacking the school system. The prominent men were not opposed to the education of the negroes, but
objected to the school system because of the expense to them, as taxpayers. They objected because the negroes were allowed the benefits of a school system, but did not contribute to its support.

The Klan operated the same way in Georgia and Alabama as it did in North and South Carolina. Some warnings were given, and a few notices were posted or sent to individuals, but this practice was not as common as it was in the other two states. The Klan usually punished those it visited in Georgia and Alabama. Many more cases were reported in Georgia and Alabama than had been reported in the Carolinas, but a large number of them were clearly not Klan outrages. Norris, sheriff of Warren county, Georgia, was waylaid and shot by some men with whom he had quarreled. Murphy, in Blount county, Alabama, was killed during a quarrel over politics. This was reported as a Klan outrage because Murphy was a Republican, and the man who shot him was a Democrat. Most of the Klan visits in Mississippi were conducted in the same manner as those in the other states, but others were very much different. The exceptions were the visits to school teachers. Huggins gave a detailed description of the way the Klan treated him, and accounts of other attacks on teachers indicate that the same methods were used in practically all of them. The Klan visited Huggin's house at night, and asked him to step outside so they could talk to him without disturbing anyone else. They said they did not intend to harm him in any way. He was afraid to go out, but the Klan threatened to go into the house after him, so he went. When he got outside the Klan members told him they objected to his collecting taxes for the support of the schools in the county, and
asked him to promise to resign from his position, which he refused to do. They gave him 25 lashes. After whipping him, they again asked him to promise to resign. He refused again, and was given 25 lashes more. This was repeated again, and he gave his promise to resign. They had taken his pistol away from him, but left it with a neighbor to be returned the next day. Huggins said he had been treated courteously, in spite of the whipping. Teachers were not often whipped when they were first visited; they were merely warned to close up their schools. In some cases when the schools were not closed after the first visit, they were burned, or the teachers were visited a second time and punished. There was no reliable testimony showing how many schools had been suspended because of this activity, but the number was quite large.

Other features of the Klan violence were the same as in the Carolinas. Bands in all three states were either very small, or fairly large. In Georgia, they seem to have numbered from about 2 to 6, or to some 20 men in each band. Alabama bands were made up of from 5 or 8, to 15 or 20 men. Mississippi bands were either very small, or quite large. The larger bands were usually estimated as composed of between 30 and 60 men. As a general rule, there was not so much variation in the estimates of the size of the bands as there had been in the Carolinas.

Disguises were about the same as those used in North and South Carolina, although there were fewer men who went undisguised, or who wore an impromptu disguise. There were two distinct types of regalia used in Mississippi. Some bands used the type previously described. Other bands used a disguise composed of a coat trimmed
with bright colors, and trousers of the same material and with the same sort of trimming. The cap was close-fitting, instead of high, and a part of it came down over the face to serve as a mask.78

The only riot in any of these three states in which the Klan took any direct part was that at Huntsville, Alabama. The Republicans were holding a political meeting at the courthouse one evening in 1868. While this meeting was in progress, the Klan quietly marched into town, encircled the courthouse square, and then kept on marching around it. The negroes and Republicans were inside the circle of the march, and quite a large number of white people gathered outside it. Someone started firing. The evidence does not show exactly where the firing started, whether inside or outside the circle. The Democrats said the negroes and Republicans fired first. The Republicans said the people outside the circle had accompanied the Klan, and had started shooting as soon as they arrived. The Klan continued to march around the square for a few moments after the firing started, then departed in the same manner in which they had arrived. They had not spoken a single word or fired a single shot. There was no evidence to show that the undisguised white men outside the circle who had done the shooting were also Klansmen, as the Republicans charged. The Democratic witnesses said the Republicans had been bragging that the Klan did not dare bother them, and they thought the Klan had appeared on this occasion merely as a warning to the Republicans that they were afraid of no one. Although the Klan took no part in the conflict, there is no doubt that its appearance precipitated the trouble.79

The Klan was accused of instigating the riot at Meridian,
Mississippi, but none of the evidence proved that it had any part in it. This riot was an outbreak at a trial of three negroes for making incendiary political speeches, and was caused by bad feeling on the part of both races.80

The evidence indicates that the members of the Georgia Klan were of the same classes as those of the North and South Carolina Klans. The population of the areas in which the Klan was most active was of the same nature as that of the other states. Several men who led these bands, or were with them at the time of various raids, were known, and they were all very bad characters. This was the case with Oakes and Alley, in White county, Monroe, in Haralson county, Felker, in Walton county, and Wilson, in Gwinnett county.81 The violence committed by the Klan in Georgia was of the same nature as that committed in the Carolinas. The same things are more or less true of Alabama. The eastern areas in which violence was common had the same kind of population as the other states, and the outrages were committed in the same manner. The fact that there were more negroes than white people in the western counties, and that there was more violence where the negro majorities were largest, complicates the problem. However, there were also poor whites living in this area. There is one other indication that the Klan might have been made up of the same type of men in this area as in the others. Two men accused of leading marauding bands in Marengo county, Oakley and Elkins, were very bad characters.82 Many of the Republican witnesses believed that the Klansmen were men of bad character. The population of the area afflicted with Klan violence in Mississippi was about the
same as that of the western area of Alabama. The only direct testimony concerning the character of the members of the Klan in this area was given by witnesses whose testimony was proven unreliable. A negro by the name of Davis testified that he and two other negroes had been forced to accompany the Klan on several raids, and that there were some negroes who were members. Davis had testified to this same thing during the trial at Oxford. He testified to several points concerning the trial about which he had said nothing during the trial. One of these points was that he and Forshee, another negro who was to testify for the state, had been given a dollar apiece on the train by one of the prisoners, and were promised more if they did not say anything which would incriminate the accused men. Gholson, an attorney for the prisoners, testified that Forshee was not on the train with Davis, but was in jail. Davis admitted that he had shared a room with one of the other negroes who was to testify for the state. Gholson testified that these two were the only ones of the state's witnesses that had a story during the trial. The report of the trial shows that their stories were the only ones that were alike in all particulars. Taliaferro, a Republican witness, said he knew all the members of a Klan in his neighborhood, and that they were all prominent men. Other witnesses testified that one of the men Taliaferro had named lived a hundred miles away, and had not been around that neighborhood for several months. They also said that all but four of the other men Taliaferro had named were obscure small farmers, and those four were law-abiding men. Evidence was introduced to show that Taliaferro was a habitual
The suppositions of some of the witnesses regarding the membership of the Mississippi Klan are more significant than these direct accusations. Several state and United States officers said they believed that the Klan outrages were committed by bands of lawless men. French, Jacobsen, Lieutenant Powers, Captain Rose, and Captain Yates were some of the men who gave this testimony. There was very little definite evidence concerning the standing or character of the men who had been held for the Oxford trial. Gholson said all but two of them were poor planters. This would correspond to Taliaferro's list of those he claimed to know were members of the Klan. Davis had also said they were not prominent men.

Quite a large number of outrages were committed in Georgia by negroes. Hurt, a Floyd county negro, was tarred and feathered by a band of disguised negroes because he had voted the Democratic ticket. Several negroes confessed to the county officers that they had been hired by a white man to whip Haycock. A large band of negroes took some other negroes from the Jefferson county jail, saying they had orders to do so. The orders, presumably, were given by their Republican leaders. A white man was shot in Hancock county by a band of disguised negroes. The negroes were convicted, but were pardoned after a short time. There was one similar case in Alabama. A negro by the name of Gibson, in Morgan county, was killed. People supposed it was because he had belonged to the Democratic club, because all the other residents of the locality in which he lived were Republicans.

The Klan violence had the same effects in these three
states as it had in North and South Carolina. There were some of the Republicans who testified that the Klan had kept Republicans from holding office, but the evidence does not show this to have been generally so. Republican witnesses testified that it was unsafe for them to hold political meetings. This was particularly true of Greene and Sumter counties, in Alabama. There had been but one Republican meeting there during the 1870 campaign. The Democrats contended that the Republicans had not held meetings in those counties because the negroes were so largely in the majority that they were sure of carrying the election there without holding meetings. They also pointed to the fact that there had been no disturbance during the one meeting which had been held in Sumter county. There was much contention in all three states as to whether or not the negroes were afraid to vote. The situation was a little different in these states than it had been in the Carolinas, because there had been more or less violence during 1869 and 1870. Outrages were still being committed in the fall of 1871, but were not as numerous as they had been during the summer of that year. Some of the victims were told at the time they were attacked that they would have to vote the Democratic ticket, or were ordered to vote for Seymour and Blair. This situation probably did have some effect on the election results, which could be expected to continue as long as the Klan operated. Republican witnesses in Georgia and Alabama believed the negroes would still be afraid to vote at the time of the investigation. In Mississippi, Huggins, a very decided Republican, testified that he believed the negroes would have voted full strength at any time during the
previous three months. This statement was made in October, 1871. The general opinion in all three states seemed to be that the negroes were less afraid of the Klan at the time of the investigation than they had been a few months before. Democratic witnesses in these states accused the Republicans of using reports of outrages for political capital.

Other effects were about the same as in the Carolinas. Negroes were leaving the land and going to the towns, and there was much complaint that the Klan was demoralizing and driving out the laborers. A large number of negroes left Alabama, and went to Mississippi. Republican witnesses said they did so because Alabama gave them no protection from the Klan. Democratic witnesses said they were hired to move to Mississippi. One Republican witness said he had talked to several of the negroes who had moved to Mississippi, and none of them had said they had done so because they were afraid of the Klan. This migration had been from one area afflicted with Klan violence to another almost as bad. A number of Alabama witnesses said the negroes in that state were thinking of going to Kansas. Georgia and Alabama witnesses said that there had not been as much stealing since the Klan violence had become common. One Georgia witness said that an old negro had told him he was glad the Klan had been around, because the negroes had behaved themselves better since its visit. He said this negro had offered $20 to help support the Klan.

The attitude of the Democrats towards Klan outrages took somewhat the same trend in these three states as it had in South Carolina. They did nothing at first, and some of them seemed to
be more or less in favor of the activities of the Klan. The Republicans accused them of fostering it, and said they could stop it with a word. Resolutions condemning the Klan for its activities were drawn up in Jackson county, Georgia. The burning of schools was condemned by a public meeting in Monroe county, Mississippi. One witness testified that the Monroe county grand jury had reported that the number of Klan outrages was diminishing because of censure by the people. Two meetings were held in Alabama, one in Limestone, and one in Madison county. Both condemned Klan violence, and the people pledged their support in stopping it.

A Republican by the name of Davis believed that the reaction of the Democrats against Klan violence was stopping it in Alabama. He believed that some men who had employed him to prosecute a group accused of "Kukluxing" had previously been Klansmen themselves. Caldwell, a Republican, believed that a meeting he had held in Troup county, Georgia, for the purpose of condemning Klan violence had arrested it in its incipiency. Alabama witnesses said that the people were willing to help arrest Klansmen if they were called upon to do so. Lieutenant Pickett, of the United States army, said that two-thirds of the people of Pontotoc, Mississippi, were willing to fight the Klan if it appeared there again.

In some places, the people took direct action to curb the activities of the Klan. In White county, Georgia, a group of men organized and waited along the roads at night for the Klan. There were no more outrages after that. Somewhat similar steps were taken in Alabama. A group in Morgan county organized what became known as the "Anti-Ku Klux". The evidence does not indicate that
it was to act directly against the Klan, but the two groups acted principally against each other, without bothering others.\footnote{103} Charlton, a probate judge of Madison county, organized an "Anti-Ku Klux" band. This group went around at night to men they suspected of belonging to the Klan, and told them that they would be punished if any more outrages were committed.\footnote{104} In Choctaw county, a band of about 40 or 50 men went out at nights looking for the Klan. Some of the best men of the community went out with this band.\footnote{105} One man in Tallapoosa county went to everyone he suspected of belonging to the Klan, and told them he would shoot them on sight if any more outrages were committed.\footnote{106} Klan violence decreased very much in each of these localities.

The governor of Georgia offered large rewards for the apprehension and conviction of any Klan members who had committed certain crimes. The only conviction for which a reward was paid was in Chattooga county. It was shown, in this case, that the outrage for which the men were convicted was not the one for which the reward had been offered. One of the defendants confessed that they were not real Klansmen, but had made an arrangement by which they might get a part of the reward which had been offered. Several witnesses testified that they knew of similar arrangements.

Hargrove, a very decided Republican, testified that he had told the governor the rewards were too high, and had warned him to be sure he did not pay any of them to men who had made arrangements for a conviction just to get the reward.\footnote{107}

The state grand juries did not indict anyone for Klan outrages. They were never able to obtain sufficient evidence in
any of the cases brought before them. Republicans said this was because witnesses were afraid to testify to what they knew. The enforcement officers were not able to make arrests for Klan outrages. Some of the witnesses said the officers were afraid to try to make arrests. Morris, sheriff of Warren county, Georgia, said that he had evidence enough to convict 100 persons for Klan outrages. He accepted a bribe to resign and drop the cases. 108

Alabama witnesses accused the enforcement officers of their state of being to blame for the fact that the state could not control the Klan. Lieutenant Gallagher testified that they were passive. He believed they were in sympathy with the Klans, if not members of them. 109 Democratic witnesses said that better officers were necessary. They said that bad men were not afraid of running counter to the type of officers they then had. 110 The main difficulty was the same in these three states as in the Carolinas, it was practically impossible to apprehend the members of the Klan. There was the same disagreement as to whether or not people were afraid to report outrages, or to testify if such cases were brought into court. The Alabama "Ku Klux law", which was practically the same as the Congressional act of April, 1871, seems to have had no effect in controlling the Klan. It provided for recovery of damages from the county for Klan outrages. Several witnesses believed that was the provision which made it ineffective. People did not want to increase their taxes by prosecuting the Klan. 111 Democrats, and quite a number of Republicans, believed that the state courts would punish any Klan members they had an opportunity to try. Day, a United States commissioner, and
Gillespie, a county officer expressed this opinion. Gillespie believed that if any Klansmen were caught they would be very severely punished, because the people were getting extremely indignant about the continued violence.  

There was very little testimony concerning the effectiveness of the Mississippi courts in controlling the Klan. Republicans said that witnesses were afraid to appear and testify before either the grand juries or trial juries, and Democrats denied that this was so. There is no evidence to support either contention. Republicans believed that trials in the state courts were useless, because there was no way of purging the courts of Klan influence. This was their argument in favor of the Federal government taking over the job of controlling the Klan. Lee, mayor of Aberdeen, in Monroe county, said that the state officers were not given a chance to prove that they could handle Klan cases. He said that the only Klan case which had been brought before him had been taken over by the Federal authorities after he had set the date for the preliminary hearing.

The investigation of conditions in these three states was conducted later in the year than that of conditions in North and South Carolina. Consequently, Federal activity had had more of an opportunity to take effect. All the witnesses, both Republicans and Democrats, agreed that a general amnesty for all the late "rebels" would have a good effect in stopping violence. It was also generally agreed that the Congressional act of 1871 had been effective. Some of the witnesses believed that the Klan trials in North and South Carolina had frightened the Klan in the other
states. There had been arrests for Klan outrages in all three of these states. Indictments had been found in Georgia and Alabama, and the accused men had been held on their bonds after the habeas corpus proceedings at Oxford, Mississippi. It was generally agreed that all these activities had tended to decrease the amount of violence by the Klan. There were various attitudes towards the use of United States troops in making arrests. One officer said that men bragged that the "Yankees" arrested them, but had to release them because they had no evidence against them. General Crawford presented letters and telegrams from several communities asking for troops to protect them from the Klan. Most of these requests were from Republicans, but some were signed by Democrats, and some were signed by both Republicans and Democrats. General Crawford also said that he had refused to let some irresponsible officers use troops because he was afraid they would abuse the privilege. He believed the people were glad to have the soldiers after they had been stationed in a town for a while, because they spent their money in the community. Republican witnesses said the Democrats welcomed the soldiers because they would assassinate anybody for a gallon of whisky and ten dollars. Most of the witnesses who were questioned on this point believed the presence of the troops had decreased the amount of Klan violence. Huggins said that the arrival of troops in Mississippi to help arrest Klan members had demoralized the Klan there.

Twenty-six Mississippi men were arrested by the Federal authorities, and imprisoned to await trial for killing a negro named Page. Habeas corpus proceedings were instituted in the
United States district court at Oxford. Judge Hill presided. The arrests had been made on the representations of Taliaferro, whose character has already been discussed. There were several negroes on the grand jury who had been attacked by the Klan, but no Democrats. This gave the situation of a trial for a political offense before a jury of political enemies. Davis was the principal witness for the state. He testified that he had been forced to go with these men on the night Page was killed. His testimony was weak on several points. The most outstanding flaw was his statement that the band had gone across the Tombigbee river that same night and killed another negro. The defense proved very conclusively that this was physically impossible. The river was high at the time the killings took place, and could not be crossed in that vicinity. The nearest possible way of getting across the river would have made a trip of 60 miles, which could not have been accomplished in one night. This did not deal directly with the killing of Page, but it should have made the rest of his testimony worthless unless he could support it beyond the shadow of a doubt, which he did not do. Two questions were presented by the defense: the Federal court had no jurisdiction over the murder, and the prisoners were entitled to be released on bonds. Judge Hill held that the crime was committed in violation of the act of May 31, 1870, and that fact gave the Federal court jurisdiction. He allowed the prisoners to be released on bond. The bonds required were in varying amounts. Eight of the prisoners were required to give $5000 bond, two were required to give $1000, and only $500 bonds were required from the remaining sixteen. Cholson
testified to the committee that every one of these men had told him, as their counsel, that they were not guilty of the offense charged against them.
CHAPTER IV

REPORTS OF THE INVESTIGATING COMMITTEE

Report of the Majority

The first point the Republicans considered was the testimony of men who had been members of the Ku Klux Klan. They presented a long argument to show that the testimony of this group was not reliable. To prove their point, they compared it with that of other witnesses. The other witnesses they used for this comparison were such men as Tomlinson and Owens, who were very ardent Republicans, but not outstanding men in the party.1

The second point they dealt with was the administration of justice in the southern states. They quoted testimony to show that justice was administered in ordinary civil and criminal cases. On the other hand, they quoted testimony to show that the courts could not cope with violence committed by the Ku Klux Klan. They used the testimony of Democrats to prove this point.2

The third point stressed by the Republicans was the extent of the violence committed by the Ku Klux Klan. One of the methods they used in proving this was naming the counties in which violence had occurred. They named all the counties in which witnesses had said violence was common, without regard to whether or not cases had been reported from them. To show how many outrages had been committed, they pointed to the lists of victims
which had been presented by some witnesses. These included the
two lists presented in Spartanburg county, Merrill's list of 68
cases on which he said he had enough positive information to con­
vict the men accused of committing the violence, and Lakin's list
of ministers attacked in Alabama. In connection with this point,
they pointed to the indictments in North and South Carolina as an
indication of the large membership of the Ku Klux Klan, and the
effectiveness of the Federal government in dealing with them.

The fourth point they made was the horrible nature of the
outrages committed against Republicans. They described the Justice
case, in North Carolina. The South Carolina outrages they described
were the Laurens and Chester riots, the raid on the Unionville
jail, and the attack on Elias Hill. For Alabama, they stressed
the attacks on Methodist ministers because they were "loyal", the
attack on Boyd, and the letters left at the University for Republi­
can students. They pointed to the attacks on schools in Mississippi,
particularly those for negroes. They quoted witnesses who had
testified that the people were opposed to the school system not
only because of its expense, but also because it was a "radical
measure". They did not describe any of the outstanding Georgia
outrages, but said that Gordon's testimony showed that the political
control of the negroes by the northern men was exasperating to the
southern people.

The fifth point the Republicans attempted to prove was
that the Ku Klux Klan was a strictly political organization
opposed to the Republican party. General Forrest's testimony was
the basis for their final conclusions on this point. They fixed
1866 as the year in which the Klan had first appeared. They did
this from Forrest's statement that he thought he had first heard
of it about that time. They then listed a group of four reasons
for the organization of the Klan which they claimed were shown by
his testimony. The first reason was the animosity between the
Union and rebel soldiers. They deduced this from a series of his
statements. He had said the original object of the members of the
organization was to prevent crime and protect each other. The
organization was to prevent anybody from committing crime. There
was a great deal of disorder on the part of all political parties,
and both races. There was the "greatest bitterness betwixt the
soldiers of the two armies". They selected the last named condi-
tion as the foundation of the crime and danger Forrest had already
mentioned, and, consequently, the reason for the organization of
the Klan. The second reason was taken directly from his testimony.
The Klan was in opposition to the Union Leagues. The third reason
was that the white people were apprehensive of violence by the
negroes. This apprehension, they said, was the result of the
resentment against northern men for influencing the negroes and
detaching them from the political support of their former masters.
They drew this last conclusion from Forrest's statement that the
negroes had become violent after the Republicans had assumed
leadership of them. The fourth reason was the fact that the white
people were afraid of Brownlow's negro militia. 6

After listing these four reasons, they listed another
group of seven reasons for the organization of the Klan. These
were taken from the testimony of other witnesses. They said the
Reconstruction acts were the fundamental reason for the organization of the Klan because they were behind all the things of which the southern people were complaining. The Reconstruction acts had created a situation which made it possible for the carpet-baggers to go into the southern states and win the vote of the negroes. Union Leagues established by the carpet-baggers to win and hold political control of the negroes were charged with crime, and the Klan was organized to counteract their influence. The carpet-baggers, through the Leagues, put ignorant and unworthy men in control of the states, and these men abused their power. Inferior magistrates were the most incapable and untrustworthy group of state officers. Governors abused the pardoning power. Capable men were kept under political disabilities.7

They now had two lists of reasons for the organization of the Klan, and proceeded to eliminate the specific reasons which did not support their point that the Klan was strictly political. They said that all the points in the second list were merely excuses given by the witnesses in trying to justify the existence of the Klan. They pointed out that the Reconstruction policy of Congress had not been inaugurated until after the organization of the Klan 1866. This, they argued, invalidated all seven of the reasons, because they all depended on the Reconstruction acts to make them valid. They said they could not believe the negroes were generally lawless, because the evidence showed that there had been no trouble in arresting them. They said that the affiliation of northern men with the Leagues was natural, because they were organizations to support the Union for which these men had fought. These points,
they said, disposed of the first three of the seven points as reasons for the organization of the Klan. They admitted that the governments of the southern states were atrocious, but said this only intensified the activities of the Klan. It could not have been the reason for the organization of the Klan, because that had taken place before the states were re-admitted to the Union. Thus, they argued, the only reason left which could apply to the organization of the Klan was opposition to northern men and the Republican party, and, impliedly, the Federal government. Therefore, it was organized for strictly political purposes.

The sixth point they attempted to prove was that the Klan was composed of the late "rebel soldiers", as opposed to "Union men", and that prominent men were responsible for the disturbed conditions it had created. They evidently took their assumption concerning the membership of the Klan from Forrest's statement that there had existed the, "greatest bitterness betwixt the soldiers of the two armies". They had said that the, "complaints of the defeated insurgents", was always given as the foundation for violence. This was aimed at the prominent men, because they were the ones who, as witnesses, had complained of the abuses of the state governments and the oppression by the Federal government. They said that prominent men were responsible for the prevalent violence because they made statements about the conditions which incited the younger men to action. Stevenson, in his report on financial conditions in the south, was less discreet than the rest of the Republicans in making this charge. He wrote that the sub-committee which had been appointed to investigate financial
conditions in the south had concluded that the financial conditions
had not caused the organization of the Ku Klux Klan. The Klan was
an organization which disregarded the economic interests and con­
siderations, and its activity had prevented the economic growth of
the south. The following is his last statement:

"These leaders are men of high intelligence, and they
must have intended the results they have produced. Their
purpose must have been to close the South against northern
men and capital; to hold the freedmen helpless and dependent;
to govern the States and finally the country, and thus
recover what they valued more than all else -- property in
slaves and political power."11

The last point the Republicans attempted to prove was
that the Klan was the same in the later years of its existence as
it had been in 1866. They listed several features which they
claimed proved this. The marauding bands were always called Ku
Klux Klans. They were always described as organized bands of men,
mounted on horses and armed, and wearing disguises. The civil
authorities were powerless to suppress them. The sympathizing
press always used the same tone. They assassinated all who inter­
fered with them. Opposition to the Leagues was always given as an
excuse for their existence. Complaints of the defeated insurgents,
contrasting their past and present conditions, were always assigned
as the controlling causes of violence.12

The Republicans approved the continuance of the policy of
Federal action to control the Ku Klux Klan. They said, "The
apparent cessation of operations should not lead to a conclusion
that community would be safe if protective measures were with­
drawn".13 They recommended an increase in the United States
judiciary to take care of the large number of indictments which had
been found against Klansmen. They implied, in this connection, that as many indictments would be found in each of the other southern states as had been found in North and South Carolina. They recommended the removal of political disabilities. They gave no reason for this recommendation, but it must have grown from the fact that most of the witnesses, both Republicans and Democrats, had approved such a policy.\textsuperscript{14}

The Republicans failed, in this report, to establish definite proof of any but their second point. They nullified their first point by using the evidence they had declared unreliable to prove most of their later points. Had they proven the first point, their use of that evidence would have nullified all their later points. However, they did not satisfactorily prove the first point, because they had compared the testimony of two groups who were of opposite parties.

The fundamental aspect of their third point might have been proven, because there was a large amount of violence. However, they were interested mainly in the political aspect, and the evidence they used is unacceptable because it was taken from extremely partisan Republicans, and not supported by facts. This was particularly true of the lists of victims presented. The same thing was also true in the case of counties in which witnesses said violence had occurred, but offered no cases to support their statement. The fourth point was exaggerated. The true nature of the cases they used to support their point has already been discussed.

They misrepresented Forrest's testimony on all four of
the reasons for the organization of the Klan which they later used as proof that it was political. For the first reason, they selected one of Forrest's incidental statements. They disregarded the fact that he had said the people had organized the Klan to prevent crime by the negroes, and to protect themselves from the disturbances and threatening conduct of the negroes which had followed the organization of the Union Leagues and the state militia. Nor did they consider it important that he had said there was disorder on the part of all political parties and both races. They misrepresented his testimony as to the second reason by saying that the Klan was organized as opposition to the Leagues. He had said it was for protection from the disturbances which grew from the Leagues. For the third reason, the Republicans said, in effect, that the white people feared violence by the negroes because they, as Democrats, resented the fact that the Republicans, rather than their party, had won control over the negroes. In trying to create a political situation they merely made a ridiculous statement. Furthermore, they afterwards contradicted this statement. They said that the complaints against the carpet-baggers were mere pretexts for hostilities on others, because outrages had been committed against them in only a few instances. In regard to the fourth reason, Forrest had said the Klan was organized to protect the people from the outrages committed by the negro militia. They belittled the conduct of the militia as a reason for fear on the part of the white people, and wrote in such a way as to intimate that the fear expressed was not a motive for the organization of the Klan, but an excuse behind which it could hide its opposition.
to the Republican administration.

They had evidently set up the second list of reasons for the organization of the Klan to show that the Democrats were manufacturing pretexts for the purpose of covering up the real reason, which, they contended, was political. The conclusion of their argument depended upon their presumption that the Klan had been organized for political purposes in 1866. However, they had offered no valid proof of this, which nullifies their conclusion. The evidence does not prove that the Klan existed at any time before 1867 in Tennessee, and Congress had then started its Reconstruction policy. Furthermore, the Klan did not become at all active in other states before 1868, and did not create a general disturbance until 1870. Another point which nullifies their conclusion is the misuse of Forrest's testimony. He insisted that the Klan was a protective organization, but they ignored that entirely, and interpreted his statements in such a way as to gain their political object.

In regard to their fifth point, it was natural for the Klan to be made up of southern men, and, consequently, "rebel soldiers". Northern men were all distrusted because so many of them were inciting the negroes to improper conduct. There could be but one object in designating the two classes as "rebel soldiers" and "Union men" -- to create a political situation. There is no evidence showing that the Klan was made up exclusively of "rebel soldiers". It probably had been when it was first organized in Tennessee, because only discreet men were initiated, and most of such men had been either officers or soldiers in the Confederate
armies. However, a large number of the poor whites had evaded military service, and it was this class which now composed the Klan. There were also Republicans, and possibly even some negroes, in the Klan in 1870 and 1871. On the second aspect of the fifth point, the fact that prominent men denounced the state governments did not make them responsible for the acts of others. The Republicans did not even try to prove that these men had denounced the governments with the idea of inciting others to do violence. They merely made the statement that the prominent men were responsible for the violence because their words had incited others to act.

Stevenson's statements on this point are in direct contradiction to the evidence before the committee. Practically all the Democrats who testified said the south considered the question of slavery closed. Democrats, and many Republicans, said the south had no desire whatever to try to restore slavery by force, which was the only means open to them to do so.

The statements the Republicans made to prove that the Klan was the same in its later years as it had been in 1866 may be conceded, but they did not prove the point. They disregarded the evidence which proved conclusively that there had been a complete change in the Ku Klux Klan during 1868 and 1869. The constitutions, obligations, and organization of the later Klans were entirely different than those of the original organization. The testimony of many witnesses shows that the original organization was disbanded during 1868 and 1869. A formal order for disbandment was published in the Alabama newspapers. The evidence shows that the Klan had first been controlled by responsible men, but they left
it, and then used their efforts to curb its activities. On the other hand, practically all the members apprehended and tried, and all those who confessed, were poor whites, and many of them were Republicans. These points are not based wholly on Democratic testimony. Many Republicans believed that such a change had taken place, although they had no direct knowledge of it.

Report of the Minority

The Democrats first described the procedure of the committee in organizing for the investigation. They pointed to the fact that the Republican majority had voted down their resolution to limit the testimony by the legal rules of evidence. This allowed the use of all kinds of hearsay evidence instead of limiting the investigation to the actual facts concerning conditions in the south. It gave the Republicans a distinct advantage, because they controlled the committee. They then pointed to the fact that the Republicans had refused to investigate four of the southern states, although the Democrats submitted resolutions providing for sub-committees to do so. They contended that the Republicans had limited the investigation to seven states, and then made a complete investigation of only five, because they knew they could not gain their object by investigating the others. 16

The Democrats argued that the disturbance in the south was local, rather than sectional. To prove this, they attempted to show that it had existed in only a very small part of the total
area of the south. They contended that the Republicans had refused to investigate conditions in four of the southern states, and had shortened the investigation in two others, because they knew there were no political organizations committing outrages in any of them. They said that the violence in the states investigated had been limited to 40, of over 420, counties.17 This last statement belittled the actual situation. Outrages had been reported from 63 counties, and there were at least 8 more where violence probably existed to some extent. These two groups do not include about 25 counties Republican witnesses had named as afflicted with Klan violence, without supporting their statements by indicating outrages which had occurred in them.

In their minority report, they described the conditions which existed in the south. They first described the political, social, and economic demoralization of the south at the close of the war. They drew upon General Grant's report to show the situation as it had been observed by a representative of the government. They then pointed to the control of the ignorant negroes by the unscrupulous carpet-baggers and scalawags. They went into detail in describing the state governments. The particular points they stressed were bribery, legislative frauds, excessive pardoning, and the court systems. They contended that excessive pardoning and the corruption of the judiciaries made legal proceedings a farce when it was possible to institute them. They presented Logan's record as a North Carolina district judge in support of this point. They said the United States commissioners were as bad as the state judicial officers, and pointed to Scoggin's court in North Carolina.
as an example. They showed that the army had been aiding and abetting the abuses by the commissioners and state courts. Their illustrations of the points they make are valid, but their general statements are too sweeping. The evidence shows that the abuses they described did exist to some extent all over the south, but they picked the most flagrant instances and implied that conditions elsewhere were equally bad. The judges were inefficient, and there was excessive pardoning, but even the Democratic witnesses had said that the courts, with a few exceptions, gave substantial justice in cases in which there were no political factors.

They next described the oppressive policy of the Federal government in handling the south. The Freedmen's Bureau was their first "horrible example". They accused the government of using it as a political agency, and allowing its agents to get rich at the expense of the southern people, who were already extremely poor. The evidence shows that the abuses they refer to existed. The cotton tax and toll frauds were next described. Most of this description was taken from sources other than the testimony, but it appears to be valid, except that it was not common throughout the states investigated, as they implied. They then described the supervision by Congress over the reorganization of the state governments. They contended that this policy had been adopted by Congress to keep the control of the south in the hands of the Republicans. Alabama was used as the illustration of how this policy operated. The evidence used to support these points is correct, but the general conditions were exaggerated. They used Grant's report to show the attitude of the people toward the government before
Congress had gained control of Reconstruction. This part of Grant's report refutes the argument of the Republicans that the Klan was organized right after the war in opposition to the Federal government.  

"Had there been no wanton oppression in the South," the Democrats said, "there would have been no Ku Kluxism." They pointed to Forrest's testimony in support of this statement. He had said the Klan was first organized for protection because of fear of the state militia, the Leagues, and the general disorder which had resulted from them. They supplemented Forrest's testimony by using Gordon's. He had said the Klan was the result of the apprehension the people felt because of the conduct of the negroes, for which they believed the Leagues were responsible. Many other witnesses gave the same testimony. The Democrats quoted the testimony of these witnesses, instead of interpreting it, as the Republicans had done. They said that the worst governments had produced the worst disorders, and supported the statement by pointing to South Carolina as the example. They also pointed to Virginia as being on the other extreme. She had a good government, and no disorder at all. They also said that Alabama and Georgia had less disorder after they had gotten rid of their oppressors. The Democrats started with a good argument, but spoiled it by going too far. Their original statement was correct, and would have strengthened their argument that misrule was the reason for the general disturbance. But the three states they named to show that good government prevented disorder were all controlled by the Democrats. This left them open to the argument
that violence had stopped in those states because the Klan had accomplished its object by, "putting the Radicals down, and putting the Democrats up".

The Democrats attempted to show that the cases so widely heralded, before the investigation, as Klan outrages had been exaggerated, or entirely misrepresented. In this connection, they quoted testimony concerning the Eutaw, Paytona, and Huntsville riots in Alabama, the Darden case, in Georgia, the Meridian riot, in Mississippi, and the Biggerstaff case, in North Carolina. All these except the Eutaw and Paytona riots have been discussed. Both these riots had grown out of political meetings, and were of the same nature as the Meridian riot. The Democrats contended that the reasons for which the Klan committed outrages were misrepresented. They said all the outrages committed were the result of personal and local feuds, regardless of party affiliation. They did not present enough evidence to prove this point. They were correct if consideration was limited to outrages for which they considered the reasons definitely proven, but this would have eliminated all but a very few cases. There were some cases in which there were strong political factors. These could not be entirely eliminated because party lines were drawn so closely in accordance with race, and the parties were so extremely antagonistic. It is impossible to say whether political factors were the fundamental motives, or merely secondary motives, in cases into which they entered prominently. The Democrats did prove quite conclusively that the outrages, and in many cases the reasons for them, had been exaggerated, but they tried to prove too much.23
They described the character of the witnesses the Republicans had called before the committee. These included such men as Taliaferro and Lakin, whose characters have already been discussed. They also named several others who were fully as unreliable. Some of these others were Morris, Hargrove, Roper, Whitfield, Rockafellow, and Howle.24

Minority Report on South Carolina

The Democrats presented a separate report on conditions in South Carolina. They probably did this because it was the most disturbed of the southern states, and because its government best illustrated the abuses they alleged as the cause of violence by the Ku Klux Klan.

They stressed the unreliability of the negroes as witnesses. They said that the negroes who had testified had been picked by local Republicans, and those who testified at Spartanburg had been herded together in the post office while waiting to be called before the committee. The postmaster was one of the most ardent Republicans in the community, and there were usually other Republicans there also. They said it was impossible to judge the truthfulness of the negroes without watching them while they testified. Their stories were very similar. The Democrats called them "parrot-like recitals". The incident of the negro who saw a man post a notice on a tree warning him to leave the Republican party was given as an example of the negro testimony.25
They described the population of the areas in which the Klan committed outrages. They said the people were ignorant, uneducated, and lawless. There had always been labor competition between these poor whites and the negroes, and the whites had always disliked the negroes because of it. Both these points may be conceded as correct.

They went into a detailed description of the abuses of the state government, particularly the organization of the negro militia, and said the carpet-baggers were the root of all the evil. They did not exaggerate the conditions. There is little doubt that they were correct in blaming the carpet-baggers for the existing state of affairs, because they had absolute control of the government. They discussed the Leagues in connection with the carpet-baggers, who had organized them, and were still their leaders. They pointed out the fact that the Leagues had existed in South Carolina in 1867, which was before the Klan was first heard of there.

They argued that the people were not hostile to the Federal government. They again pointed to Grant’s report as proof of this, and to the fact that the quartering of troops on the people did not excite their animosity. In fact, they said, the people sustained cordial relations with the army officers. They were correct in this argument as far as open animosity was concerned. The prominent people committed no acts of violence against the troops, and the officers were accepted socially, but many of the Democratic witnesses had said that they considered the presence of the troops an insult to the people of the south. The lower classes
did openly insult and antagonize the soldiers. The Democrats contended that the people were in no position to be aggressive and defiant toward the Federal and state law, as was commonly charged. This was true. A large proportion of them were under political disabilities, and neither government gave them any consideration whatever. They said the Republicans were trying hard to show that the prominent men were responsible for the general disturbance, but disregarded the evidence which disproved their contentions. They pointed to the public meetings which had been called by Democrats to condemn violence and pledge themselves to help stop it. They also quoted Governor Scott's letter congratulating these citizens for their action and sincerity.

They said that except for the "parrot-like recitals" of the negroes every effort of the Republicans to make the Klan appear as a political organization had failed. As proof that it was not political, they told of the northern newspaper correspondent who had tried to get access to the North Carolina confessions so he could publish a story. The officers let him see five of the confessions, but refused to let him look through all they had. He published the points which each of these five men had given as the reasons for certain raids by the Klan, and classed only one as political. The officer wrote to him, saying that his judgement of what was, and was not, political was fallacious. He said that all these raids had been political because they had been in violation of the Enforcement act. This shows the attitude of the Republicans in regard to raids by the Klan as political affairs, although it is rather extreme. Anything into which they could inject a
party division was considered a political affair, and any objection by a Democrat to a Republican act was considered prima facie evidence of hostility to the government. They also attempted to show that the activities of the Klan had not weakened the Republican party. They presented figures showing that the Republican vote in 1870 had increased over that of 1868 in five counties in which violence was prevalent, and that the Democratic vote in the same counties had decreased. The figures were correct, but they did not prove the point, because Klan violence did not become general in South Carolina until after the 1870 election.
Although the Ku Klux Klan originated as a social organization, it soon became a protective and corrective organization. This phase probably did not develop fully until after the convention at Nashville in 1867, although it may have existed locally before then. There was undoubtedly considerable disturbance by the negroes after the arrival of the carpet-baggers, and the organization of the Union Leagues and negro militia. The carpet-baggers were teaching the negroes to distrust and hate the whites, or at least the whites were sure they were. The negroes were becoming insolent towards the whites, were burning their property in some places, and were holding secret political meetings. It seemed to the whites that much of the disturbance on the part of the negroes was contemporaneous with these meetings. The negroes were moving about from place to place in a very restless manner, and the whites feared that this would lead to a general up-rising. Many of the negroes did not stay on the plantations and work, but seemed to subsist by stealing. It was this situation which induced the Ku Klux Klan to take over the job of preventing the disorderliness and lawlessness of the negroes, and of protecting the people in the event of an up-rising of the negroes.

There was nothing in the prescript or organization of the Klan which indicated that it was primarily in opposition to the
Republican party. The precept stated that the organization acknowledged the laws of the United States. However, the very nature of the conditions which caused it to change from a social organization made it indirectly political. The Republican carpet-baggers were inciting the disturbances by the negroes, the negroes were practically all Republicans, and the whites connected the disturbance with the Union Leagues, which were Republican organizations. Although its object was not to oppose the Republican party, its acts were almost invariably against members of that party. It was this situation which led the Republicans to believe that the Klan was strictly a political organization from the beginning of its existence. This feeling was intensified later, when the Klan began taking action against obnoxious state officers.

It must be remembered, however, that there were comparatively few such cases.

The activities of the Klan during its first stage were very much different than they were in 1870 and 1871. One of their most common performances was to parade publicly at night. These parades were conducted in military order, and with military discipline, and were usually managed so as to give the impression that the Klan was far stronger in numbers than it actually was.

A variation of this was the visiting at League meetings. The Klan did nothing during most of these visits. They merely appeared at the meeting-place, which was often enough to break up the meeting. The negroes were terrified at the mere sight of the Klan. They were led to believe that these grotesquely garbed figures were dead confederate soldiers who had risen from the grave. Ghostly tricks
were played on the negroes to instill and perpetuate this belief. The Klan also posted notices warning lawless and obnoxious persons to improve their conduct or leave the neighborhood. In some instances, the Klan inflicted summary punishment in the form of whippings for acts or for conduct which was particularly bad. There is no indication as to how extensive these last two forms of activity were. It is certain, however, that they existed hardly anywhere except in Tennessee before 1868. The conduct of these bands indicates that their members had had military training. They were probably composed mainly of confederate soldiers and officers.

The secrecy and disguise used by the Klan led to the abuses which soon became common. At first, individual members of the organization used the disguise to hide their identity while inflicting punishment upon others for personal reasons, without the sanction of the organization. This was the result of relaxing the stringency which had been observed in admitting members. Some indiscreet men were allowed to become members, and they took advantage of the opportunity to promote their own interests. Then lawless characters began covering their activities by imitating the Ku Klux Klan.

These abuses led to the disbandment of the Ku Klux Klan in 1868 and 1869. Individuals gave up their membership because they saw that the organization was being perverted. They knew that violence would lead to difficulty with the authorities, and hinder the progress of rebuilding the south. After leaving the Klan, many of these prominent men used their influence to disband the local
dens. General Forrest, who was at the head of the organization, was writing an enormous number of letters about that time. He had said he was trying to disband the Klan, so it is safe to presume that a large proportion of those letters were for that purpose. It was sometimes said that he issued a formal order for disbandment, but there is not sufficient evidence to prove that statement. It is true that such an order had been published in the newspapers in Alabama, but no one knew where it originated, and it did not appear in the other states. There was also the story that he issued a secret verbal order for disbandment, but there was still less proof of this statement. The fact probably was that he was merely writing to prominent men urging them to assist in disbanding the Ku Klux Klan, and the real activity was by these men.

The disbandment did not put an end to the existence of the Klan, but it brought about a very decided change in its organization and activities. A comparison of the original Klan prescript with the later constitutions and obligations shows that the organization had changed almost entirely. A few of the officers were given the same titles as those which the original Klan had used, but not very many. A few of the provisions of the original prescript were approximately duplicated, but not exactly, and most of the provisions of these later documents were entirely different than those of the original prescript. Another evidence of the change in the organization is the committee system used in North Carolina. The mode of operation had changed completely. There were no parades, and no evidence of military discipline. In fact, these later bands did not seem to have recognized leaders, and
there was no discipline whatever. The violence committed by the Klan was local, being limited to areas in which there was a majority, or a comparatively large number, of poor whites. It was also sporadic. There were periods during which no outrages, or very few, were committed, followed by periods during which outrages were very numerous.

It is evident that the members of the Klan during this period were not men of good character, as they had been during the first stage of its existence. Practically all of them were poor whites. The few who did not belong to this group were of a middle class. There was no evidence to show that any prominent man was a member of the Klan during this period. Many of the members were very bad characters. Others were illicit distillers, particularly in North Carolina, South Carolina, and Georgia. There were some Republican members in North and South Carolina, and possibly in some of the other states, although there was no positive proof in regard to the other states. It is possible that there were negro members in Mississippi, although the truthfulness of the evidence on that point was rather doubtful.

During this period, the Klan operated almost entirely where there were large numbers of poor whites, and either a minority, or a comparatively small majority, of negroes. It did not exist in sections of any state except Mississippi where there were large majorities of negroes, and comparatively few poor whites. The poor whites hated the negroes for two reasons. The two classes were in direct competition as laborers, and the negroes were usually given the preference. The poor whites also feared that the negroes would
become their social equals. They were quite commonly thrown into contact with each other, and there seemed to be some evidence that equality was imminent. These facts, considered in the light of the activities of the Klan, indicate very definitely that it was acting in the interests of the poor whites. Consequently, they would compose the membership of the Klan.

The conduct of the Klan indicates that it was composed of violent men who had no respect for the personal rights of others, particularly those of negroes. Witnesses, including many Republicans, believed that the activities of the Klan indicated that it was composed of violent and lawless men. None but the most violently partisan Republicans charged prominent men with participating in Klan raids. The most conclusive evidence that the Klan was made up of the classes named were the confessions, convictions, and identification of members of marauding bands.

On the other hand, it is quite certain that prominent men were not members of the Klan at this time. Their character precluded the possibility that they would participate in raids on which there was such extreme violence, and total lack of organization and leadership. It is true that they would probably feel no compunction about whipping negroes, but beating men, women, and children with guns, shooting into houses at night, shooting at victims after whipping and releasing them, mutilating people, and disemboweling and throwing them into rivers are entirely different matters. Prominent men were charged with promoting the violence for political reasons. If this had been the main object of the violence it would probably have taken an entirely different course.
than the wholesale whipping of negroes. The prominent men were intelligent enough to strike at the root of the trouble by directing their activities against the leaders who were the cause of the political situation. This has already been discussed in detail in another connection.

The relations of the prominent men to the negroes made it improbable that they would have been guilty of wholesale attacks on them. They were the personal benefactors of the negroes, helping them by furnishing them tools and animals for their farming, and giving them advice whenever they asked for it. Furthermore, they wanted the negroes as laborers, and the activities of the Klan were driving them off the land, and demoralizing them as laborers. It is ridiculous to suppose that they would disorganize the labor situation, or have someone else do it, and then complain about it.

It was definitely proven that prominent men used their influence to disband the Ku Klux Klan, then, later, to curb the Klan's violence. The Republicans argued that these activities were merely gestures to mislead them, but this hardly seems possible when the activities were directly in the interest of the men performing them.

There were some exceptions to these features of the Klan during its second stage. The first instance was the Justice raid, in North Carolina. Most of the men in the band which attacked him were evidently violent men, but they were kept under control by a leader who was certainly not of that character. Union and York counties, in South Carolina, furnished the most extensive exception. Evidence concerning some of the Klan activities there indicates
that it was made up of, or led by, prominent men. This is shown by
the orderliness of the raid on the Unionville jail, and the notices
the Klan published in both counties warning people that they would
be punished for imitating the Klan. The nature of the visits to
school teachers in Mississippi indicate that the bands which made
them were probably led by discreet men. It is doubtful if there
were enough prominent men who actively opposed the school system
to make up bands of the size which acted against teachers.

The violent groups existed in the same localities as
these exceptional groups. This might indicate that all Klan
activities were conducted by the same group, but the evidence shows
that this was not so. The two groups had entirely different
purposes in making attacks. Justice was attacked because he had
become the leader in a personal feud which was disrupting both
the social and governmental conditions in Spartanburg county. The
Unionville people were positive there was going to be a miscarriage
of justice in the case of the imprisoned negroes, who had committed
an outrageous crime. Mississippi citizens were opposed to the
school system, and were taking measures to abolish it. The violent
groups in these localities committed outrages for the same reasons
that they did elsewhere. These reasons will be discussed later.
The conduct of the different groups also indicates that they were
entirely different in nature. The exceptional groups operated in
military fashion, and with military discipline, while the others
used the same haphazard methods as they used elsewhere. The
exceptional groups did not commit any wanton violence. It is true
that they shot negroes at Unionville, but they did not abuse them
before doing it, and they were careful in picking the ones they intended to execute. The Mississippi bands did not inflict punishment on the school teachers at the first visit unless the teachers refused to comply with their demands. As a matter of fact, they treated them with some consideration, as was shown by Huggin's account of the visit to him. The other bands abused any negroes, and many whites, who happened to get in their way, whether man, woman, or child.

It is possible that the membership of the two groups overlapped to some extent. There may have been some members of the exceptional groups of a more violent nature who also acted with the other groups. This situation had existed during the first stage of the Klan’s history. These exceptional groups were probably revivals of the original Ku Klux Klan for the specific acts which they performed. They seem to have had the characteristics of the original Klan, and they appeared in only a few instances.

As in the first stage of the Klan’s history, there was necessarily a political aspect about its activities. Practically all its activities were directed against the negroes and their white leaders, who were all Republicans. This gave the Republicans some grounds for their contention that it was a political organization whose object was to take the control of the government from their hands.

The political aspect was brought about by the political position of the negroes. Many of the state officers were negroes, particularly in South Carolina. Their vote had elected the
carpet-baggers and scalawags, who were filling their pockets from their offices, and were performing acts and passing laws which the Democrats believed were to keep them in subjection. The poor whites considered the political rights of the negroes another step towards the social equality which they feared. They classed the carpet-baggers and scalawags with the negroes, because they controlled them, and were responsible for the existing conditions. This situation intensified the hatred of the poor whites for the negroes, and it extended to include the carpet-baggers and scalawags.

Besides the general political situation, there were undoubtedly some attacks by the Klan for purely political reasons. Forced renunciations of the Republican party can probably all be classed as such. Some of the attacks on officers may have been for purely political reasons, but the evidence indicates that there was usually a combination of reasons. The officers were usually charged with official misconduct, but they were also personally obnoxious, mainly because of their control over the negroes. Some of the negroes may have been attacked because they had voted the Republican ticket, as they said. There was no evidence, in many cases, which either proved or disproved their statement to that effect. The only proof on this point is their reliability as witnesses, which was shown to be very doubtful. The fact that most of them also gave another reason for the attacks, when they were cross-examined, creates the presumption that the same situation actually existed in other cases, although they avoided mentioning it. This presumption is strengthened by the fact that
their testimony was quite uniformly similar.

The political aspects of the Klan's activities were grossly exaggerated by the Republicans. They contended that all the violence committed was for political reasons, and that the other reasons the Klan gave its victims at the time of the attacks were mere pretexts. The circumstances of many of the attacks definitely indicated that politics had nothing to do with them. In many other cases, there is doubt as to the real reason for the attacks, with the presumption in favor of some reason other than politics. The Republicans were entirely wrong in claiming that the Klan was responsible for campaign and election riots. The fact that some Democrats were attacked by the Klan is a very strong point against this contention of the Republicans.

The evidence concerning the political effects of the activities of the Ku Klux Klan is too inadequate to attempt positive proof on any one point. However, the circumstances indicate that there was some political effect, particularly on voting. Van Trump, in his minority report on South Carolina, presented figures to show that the Republicans had gained, and the Democrats had lost, strength in some of the counties in which Klan violence was common. The figures were correct, but they did not prove the point because the Klan did not become active in South Carolina until after the 1870 election. In the other states, Democrats admitted that the Republican vote had decreased in 1870. They refused to admit, however, that this change was because of the activity of the Ku Klux Klan. Some of them said they had persuaded negroes to vote with them. If this was true, it must have been
only a local situation, because the Democratic vote did not show an increase corresponding to the Republican loss. Other Democrats said the negroes had stopped voting for the Republicans because they were getting disgusted with the carpet-baggers. There is no means of proving or disproving this, but it seems highly improbable. The negroes were no judges of whether an official's conduct was good or bad, because they had no experience in governmental affairs. The Republicans had an over-powering hold on their vote through the Leagues, and by the use of the argument that the Democrats would return them to slavery if they regained control of the government. The evidence shows that many negroes were still expecting the Republicans to fulfill their promises to give them land, so they had not lost faith in them in that respect. Many negroes testified that they were warned to vote the Democratic ticket, or not to vote the Republican ticket, and that they were afraid they would be attacked if they voted. These facts would indicate that fear of the Klan, if not actual violence by it, was the real reason for the decline in the Republican vote in Georgia and Alabama.

The Republicans claimed that Republican officers were in constant danger of attack. Many had been attacked, and many had resigned because they had been warned that they would be punished if they did not, or merely because they feared an attack by the Klan. Some were attacked, and a few had resigned because of it. However, the Klan's activities did not destroy the Republican administrations. Not very many men left office for these reasons, and when one did there was always another Republican not only willing, but anxious, to take his place. This fact indicates that
the situation was not as serious as the Republicans pictured it.

The Republicans said they could not hold political meetings because of the danger from the Klan, and that this had been demonstrated several times. This was not supported by the evidence. It may have been Klan members who disturbed the meetings, but there was no proof of it, or that they acted as an organization. The men who precipitated the trouble were always drunken poor whites. The Republicans tried to implicate prominent men in these affairs, but failed absolutely. As a matter of fact, it was proven that prominent men helped quell such disturbances in almost every case.

The hatred of the poor whites for the negroes and their leaders was the basic motive for most of the violence by the Ku Klux Klan during its second stage. Attacks on individuals on account of their immorality occurred usually in cases of misconduct between men and women of different races. The poor whites regarded this as an indication of approaching social equality. Insolence towards white people by the negroes incensed the poor whites, because they considered it evidence that the negroes believed themselves their equals. The poor whites were extremely intolerant of the rights of the negroes, and were very resentful of any attempt by them to insist on their rights. They were much more resentful against a negro than against a white man for stealing. Attacks for the purpose of driving negroes off the land were made by poor whites who wanted the land themselves. They took guns away from the negroes, or made the negroes break them in their sight. The evidence does not indicate the exact object in doing this, but it
seems logical to suppose that it was motivated by the attitude of the poor whites that it was dangerous for the negroes to have any means of opposing them. There were attacks made on negroes for no apparent reason. Hatred is the only logical explanation for such an act. Attacks against Methodist ministers were probably for the same reason, with some of the political aspects entering. The church was disliked because it was organized by people from the north, and was composed mostly of negroes.

Attacks on the Mississippi school system had some racial factors in them, although they were of a slightly different nature. From the conduct of the marauding bands, it is probably safe to presume that some prominent white people were involved in such visits, but the strength of the bands was contributed by the middle and lower classes. Many of the prominent men objected to the increase in the already burdensome taxes which the school system caused, and many of them objected to paying taxes for the education of the negroes, who paid practically no taxes themselves. A majority of the prominent class approved of educating the negroes, and some even furnished buildings for schools, but there were probably some who believed that the situation called for action. The other two classes were opposed to educating the negroes because of their dislike for the race.

Fear of the miscarriage of justice had racial, social, and political aspects. The people considered the judges and other officers incompetent, and prejudiced in favor of negroes and Republicans, particularly negroes. They believed that criminals were being thrown back upon society because of this prejudice.
This was the case in the raid on the Unionville jail, and in most of the other murder cases after which the Klan punished the murderers.

In some localities, part of the activities of the Klan were directed against the people who had committed violence in the name of the Ku Klux Klan. Persons were punished for such imitation in Union and York counties, in South Carolina. Another phase of this activity was the posting of notices warning imitators to desist or expect punishment. These notices always stressed the fact that violence was detrimental to the interests of the community. This is another phase of both the social and racial aspects of the violence. It was a case of prominent men acting against the lower classes to protect the negroes, principally because of the labor question, but also in the name of law and order.

Lawlessness was another social aspect of the Klan's activity. There were numerous cases of robbery by the Klan during its attacks. In fact, it seems to have been the motive for quite a number of attacks. In some localities, the Klan was undeniably acting in the interests of illicit distillers, both in making attacks, and in admitting members.

Social effects of Klan violence were much more clearly defined than the political effects. It was generally admitted that the conduct of the negroes improved after Klan violence became common. There was less stealing, and practically no disturbance. The negroes seem to have been quite generally afraid of the Klan. They testified that their daily life, and even their family life,
was demoralized because of their fear of visits by the Klan. Labor was disorganized. Negroes were afraid to stay on the farms, and those who did stay were often so demoralized that they were inefficient laborers.

It will be seen from the discussion that the social, racial, and political aspects of the Ku Klux Klan during this second stage of its existence were inseparable. The Klan was undoubtedly made up of poor whites, who hated the negroes. Political activities of the Klan were motivated by the hatred of the poor whites for the negroes. Most of the outrages by the Klan were motivated by race hatred. Many activities which seemed to have a political reason also had the other factors entering, and these other factors were usually, if not always, the fundamental reasons for attacks. Exceptional cases, such as those which occurred in Union and York counties, were all for social reasons. These facts indicate, beyond all doubt, that the activities of the Klan during this period were motivated by racial, rather than political, factors. While it cannot be denied that the political aspect was present, it was secondary, almost incidental, and could not be avoided, because of the general situation.

The 1872 campaign was approaching, and the Republicans were beginning to think of means of re-electing Grant. His popularity was declining, and the reform element which had been successful in Missouri in 1870 was spreading its activities to the south and southwest. The Enforcement act had been passed in 1870, as a means of assisting the Republicans in holding the full strength of the negro vote in the south. In spite of this, three
states had elected Democrats to various offices. The Republicans accused the Democrats of intimidating the negroes to keep them from voting. They passed the Ku Klux Act of April 20, 1871, to prevent such intimidation in the coming election.

The development of the Congressional policy of investigation shows that the Republicans intended to use the conditions in the south to their own advantage in the coming campaign. A review of the procedure in Congress during the development of this policy will show that the Republicans were determined to pass a law dealing with the Klan. At the same time, they were preparing to authorize an investigation of conditions in the south, and give the investigating committee the right to publish information concerning conditions there. They could not justify the proposed publication, in the face of the Democratic accusation that it was to enable them to issue "political bulletins", so they relinquished that provision in order to assure the passage of the resolution. They said, at first, that this investigation was to be for the purpose of collecting information upon which to base legislation to control the Ku Klux Klan. The House passed a bill for this purpose the day before the resolution authorizing an investigation was passed, and the Senate had instructed a committee to report a bill. This proves that the Republicans were determined to investigate, even though they were obviating the necessity for it by their apparent intention to pass a law dealing with the Klan. They had an overwhelming majority in Congress, so there was no reason to believe that their move to pass a law would fail. Consequently, they must have had some motive other than that which they had expressed, and
there seems to have been no other valid reason for an investigation.

The procedure and reports of the investigation proved beyond all doubt that it was a political move. The Republicans failed to grant any of the requests of the Democrats concerning procedure. They limited the investigation to seven states, and later made a thorough investigation of only five, despite the protests of the Democrats, and gave no reason for their action. This indicates that the Democrats were correct in their contention that the Republicans knew they could not further their political objects by investigating conditions in the other four southern states. The investigation of Florida was very short and incomplete. It was probably dropped because the committee found no evidence that the Ku Klux Klan had been operating there. All the violence which was reported was very clearly nothing more than local outrages by lawless individuals or groups. Only two witnesses were examined from Tennessee, the birth-place of the Ku Klux Klan. There was no evidence to show that violence had existed there after 1868, which was probably the reason for not continuing the investigation of conditions in that state. The Republicans also failed to grant the request of the Democrats in the matter of testimony. They were determined to allow hearsay evidence, instead of limiting the testimony to facts. This would seem to indicate that they knew the facts would not support their contentions, but that they could get hearsay testimony which would do so.

Their procedure in calling witnesses bears out this last presumption. They called only Republicans, a large number of whom were officers, either state or national. Other white people they
called were as ardently Republican as the officers. Besides white people, they called a large number of negroes, who were all Republicans. Even Republican witnesses admitted that the general character of the negroes created doubt as to whether they would tell the truth or not. Besides this, there was strong circumstantial evidence showing that they were influenced. Their testimony, while not often contradictory, was doubtful, because cross-examination frequently brought out pertinent facts they had failed to mention.

The methods the Republicans used in questioning their witnesses showed that they were primarily interested in developing the political aspect of the Ku Klux Klan. They usually started with a general question which seemed innocent of political intent, but they always moulded it into some political shape after the first few answers of the witness. All the newspaper editorials they entered as evidence were interpreted from their political point of view, and the interpretation was based on whether the paper was Democratic or Republican. Their constant attempts to implicate prominent men in the Ku Klux Klan show a political object. These men were the leaders of the Democratic party, and could be held responsible for its acts. The Republicans showed comparatively little interest in the party affiliation of the men who confessed to membership, or to that of those who were convicted. The acts of these men did not go far towards implicating the Democratic party, because they held no prominent position in it.

The report of the Republican majority furnishes conclusive evidence that the investigation was for political purposes. The whole report centered on the point that the Ku Klux Klan was made up
of Democrats who had organized to combat the Republicans. In fact, they tried to eliminate everything which was not direct evidence of the political purpose of the Klan, or which would have given it some justification for existence. They completely failed to prove their point.

The Federal trials of Klansmen show the effort the Republican administration was making to break up the Klan. Political factors were evident in these trials. Klansmen were tried for violating the political laws already discussed. One of these laws, the act of 1871, was applied in cases which had occurred before it was passed. Most of the juries in the South Carolina cases were made up of 11 negroes and 1 white man, although there were two exceptions in which there were 3 white men on the juries. The Democrats were represented only on one jury, and there was only one Democrat on it. The prosecuting attorney, in selecting jurors, made a special effort to have all, or nearly all, negroes. Judge Bond blocked attempts to take cases before the Supreme Court. He probably had the legal right to do so, but he was extremely arbitrary in refusing to give Judge Bryan's opinions any consideration. He must have intended to keep the attorneys for the defendants from appealing any case which would have jeopardized the status of the laws aimed at the Ku Klux Klan. There is no doubt that the laws would have been declared unconstitutional. The 1870 law was later declared unconstitutional, and the 1871 law was modeled after it, with more stringent provisions.

The main object of the prosecuting attorney during the trials in South Carolina was to prove that the Ku Klux Klan, as an
organization, was a conspiracy in violation of the laws of 1870 and 1871. They established this to the satisfaction of the juries, and thereafter members of the Klan were convicted of conspiracy, even though they had never been on a raid. As a matter of fact, it seems that no one was safe. Millar was convicted in spite of the fact that the prosecution did not prove that he was a member of the Klan.

Other activities, such as the use of troops in making arrests, and the suspension of the writ of habeas corpus in South Carolina, whether justifiable in light of the existing conditions or not, show that the Republicans were making strenuous efforts to subdue the Ku Klux Klan. All these governmental activities were undoubtedly political measures. The Republicans contended that the Klan was a political organization, and that its purpose was to oust the Republicans from control of the southern states, and, eventually, the Federal government. Therefore, their efforts to destroy it must have been for the purpose of retaining their political ascendancy.

The Democrats defeated the purposes of the Republicans throughout the investigation. They put the Republicans in a very bad light by forcing them to refuse to investigate four of the southern states, and then compelling them to refuse to limit the investigation to facts by applying the legal rules of evidence. They called witnesses who were, as a general rule, reliable men. At the same time, they discredited a large number of the Republican witnesses, including the negroes, men accusing others of membership in the Klan, men confessing to membership in the Klan, Republican
officers, and many other individuals. They further strengthened their own position by calling Republicans as witnesses, and the fact that these Republicans testified in their favor on most points, including the political aspect of the Klan. They countered the Democratic newspaper editorials presented by the Republicans to show that the Democrats sympathized with the Klan by presenting other Democratic editorials denouncing the Klan and its violent course.

During the investigation, and in their report, they proved several points which destroyed the argument of the Republicans that the Klan was strictly political. The first of these was the character of the men who made up the membership of the Klan. The fact that the Klan was made up of poor whites kept the Republicans from showing that its membership made it a political organization. Moreover, they proved that there were Republicans in the Klan. The second of these points was their proof that prominent men were not members of the Klan. They showed that this class of men had organized the Klan for the protection of the white people, and that they had left it when it became violent. They also showed that these men had been leaders in the local movements to call meetings for the purpose of denouncing Klan violence, and getting the support of the people in the community to help stop the violence. The next point was their proof that the Republicans had exaggerated the nature and extent of the Klan violence. They proved that many of the cases reported had never occurred, or had been of an entirely different nature than they had been reported. They showed that the hatred of the poor whites for the negroes was
an extremely important factor in the organization and operation of the Klan, although they did not stress this point as much as they might have. They disproved the contention of the Republicans that all outrages had a political aspect by showing that there had been other reasons for a great number of the attacks reported. This served to strengthen the racial aspect of Klan violence. Their questions brought out the fact that Klan outbreaks were confined to certain well-defined areas. They contended that they would have extended throughout the south if the Klan had been a political organization. They also contended that, since the Klan existed in many localities where the Democrats were in the majority and never appeared in any of the localities where the Republicans had the largest majorities, it was impossible that it could have been a political organization. The fourth point they stressed in this connection was the condition of affairs in the south which gave rise to Klan violence. Their report brought out the fact that the violence had not become common until after the organization of the Leagues and the state militia, and, in some localities, after the widespread burning of white people's property. They also sought to emphasize the fact that the people were living under an oppressive Federal government, and incompetent and corrupt state governments.

There were three features of their reports which discredited the Republican contentions. The first was the fact that they presented testimony in proof of their points, and left it to stand on its own merits. They did not need to misinterpret and misrepresent facts, as the Republicans had done. They were able to do this because their witnesses were truthful men, and could
testify intelligently on both sides of the question because they were educated and had a thorough knowledge of both races and all classes of society found in the south. The Republicans were forced to rely on Democratic witnesses because their own were extremely prejudiced, and often very clearly untruthful. To make the evidence presented by Democratic witnesses fit their contentions, they had to distort it. The second important feature of the Democratic reports was the fact that they proved their points, although they exaggerated the general conditions in the south. There is no single one of their points which can be discredited, in its fundamental aspect, by any evidence presented by reliable witnesses, or any combination of circumstances brought out by the evidence. The final important feature of their reports was the fact that they presented evidence absolutely disproving the contention of the Republicans that the Klan was strictly political,
FOOTNOTES
Introduction


2. Testimony Taken by the Joint Select Committee to Inquire Into the Condition of Affairs in the Late Insurrectionary States, House Report number 22, 42nd Congress, 2nd Session, Washington, 1872, XI, 504. (This report will be cited hereafter as Report of Investigation)


5. Ibid., II, 341; III, 116-19, 241, 242; VI, 155, 177, 299; VIII, 360, 372, 461; IX, 1303, 1304; XI, 504, 523; XII, 353, 1049.

6. Ibid., I, 295.

7. Ibid., III, 443; IV, 948; V, 1436; VIII, 238, 314.

8. Ibid., IV, 966-69, 1190, 1202; V, 1425; X, 1355, 1962-63; XI, 186.

9. Ibid., III, 120.

10. Ibid., VI, 379-380.

11. Ibid., I, 294-95.

12. Rhodes, op. cit., VI, 83.


15. Ibid., XIII, 206.

16. Ibid., II, 368; III, 122, 229, 261-262; VI, 920, 1190; IX, 1078-80; X, 1678; XI, 190.

17. Ibid., III, 239.

18. Ibid., IV, 1192; VIII, 228, 229; IX, 684-85.

19. Ibid., VI, 311.

20. Ibid., III, 10.
21. Ibid., VI, 151-52, 310-12.
22. Ibid., VIII, 185, 379, 503-4, 521-22.
23. Ibid., III, 132-33.
24. Ibid., III, 240.
25. Ibid., IV, 855.
29. Ibid., VI, 151.
30. Ibid., VI, 32-34, 139-41, 152-53, 165-67, 293, 396-99; VII, 626, 767, 918-20.
31. Ibid., IX, 1153.
32. Ibid., XII, 729, 742, 744, 901, 916, 918.
33. Ibid., II, 514.
34. Ibid., II, 256, 274.
35. Ibid., III, 460.
36. Ibid., III, 152.
37. Ibid., IV, 774.
38. Ibid., III, 516.
39. Ibid., IV, 827.
40. Ibid., VI, 155.
41. Ibid., XI, 208.
42. Ibid., I, 214.
43. Ibid., VI, 317.
44. Ibid., IV, 1240.
45. Ibid., X, 1644-45.
46. Ibid., II, 370.
Chapter I


2. Ibid., 577.

3. Ibid., 577.

4. Ibid., 577.

5. Ibid., 577.

6. Ibid., 571.

7. Ibid., 576.

8. Ibid., 576.

9. Ibid., 572, 573.

10. Ibid., 579.

11. Ibid., 572.

12. Ibid., 572.

13. Ibid., 598.


47. Ibid., III, 154.

48. Ibid., VI, 153.

49. John Murrel and his associates.

50. See appendix, p

51. Lester and Wilson, Ku Klux Klan, New York, 1905, Chapters I and II.


53. Lester and Wilson, op. cit., Chapter III.

54. Ibid., Chapters IV and V.

   Report of Investigation, (General Forrest testified that he disbanded the Ku Klux Klan in 1868), XIII, 12, 16.
15. Ibid., 1078.
16. Ibid., 1098.
17. Ibid., 1817.
18. Ibid., 1815.
19. Ibid., 1815.
20. Ibid., 1816.
21. Ibid., 1816.
22. Ibid., 1816.
23. Ibid., 1816.
24. Ibid., 1817.


26. Ibid., 69.
27. Ibid., 32.
28. Ibid., 173.
29. Ibid., 176.
30. Ibid., 69.
31. Ibid., 122.
32. Ibid., 134.
33. Ibid., 134, 135.
34. Ibid., 180.
35. Ibid., 182.
36. Ibid., 189.
37. Ibid., 189.
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APPENDIX

KU KLUX KLAN OBLIGATIONS
From the Original Prescript

"Creed"

"We, the ..., reverently acknowledge the majesty and supremacy of the Divine Being, and recognize the goodness and providence of the same.

"Preamble"

"We recognize our relations to the United States Government, and acknowledge the supremacy of its laws.

"Obligation"

"I, ..., of my own free will and accord, and in the presence of Almighty God, do solemnly swear (or affirm) that I will never reveal to anyone not a member of the ..., by any intimation, sign, symbol, word, or act, or in any other manner whatever, any of the secrets, signs, grips, passwords, mysteries, or purposes of the ..., or that I am a member of the same, or that I know of anyone who is a member, and that I will abide by the prescript and edicts of the ... So help me God."\(^1\)

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"You solemnly swear in the presence of Almighty God that you will never reveal the name of the person who initiated you; and that you will never reveal what is now about to come to your knowledge; and that you are not now a member of the Red String Order, Union League, Heroes of America, Grand Army of the Republic or any other organization whose aim and intention is to destroy the rights of the South, or of the States, or of the people, or to elevate the negro to a political equality with yourself; and that you are opposed to all such principles: So help you God.

"You further swear before Almighty God that you will be true to the principles of this brotherhood and the members thereof; and that you will never reveal any of the secrets, orders, acts, or edicts, and that you will never make known to any person, not a known member of this brotherhood, that you are a member yourself, or who are members; and that you will never assist in initiating, or allow to be initiated, if you can prevent it, any one belonging to the Red String Order, Union League, Heroes of America, Grand Army of the Republic, or any one holding radical views or opinions; and should any member of this brotherhood, or their families be in danger, you will inform them of their danger, and, if necessary, you will go to their assistance; and that you will oppose all radicals and negroes in all their political designs; and that should any radical or negro impose on, abuse, or injure any member of this brotherhood, you will assist in punishing him in any manner.
the camp may direct.

"You further swear that you will obey all calls and summonses of the chief of your camp or brotherhood, should it be in your power to do so.

"Given upon this your obligation, that you will never give the word of distress unless you are in great need of assistance; and should you hear it given by any brother, you will go to his or their assistance; and should any member reveal any of the secrets, acts, orders, or edicts of the brotherhood, you will assist in punishing him in any way the camp may direct or approve of; So help you God."2

Read to Other South Carolina Witnesses

"I do solemnly swear that I will support and defend the Invisible Circle; that I will defend our families, our wives, our children and brethren; that I will assist a brother in distress to the best of my ability; that I will never reveal the secrets of this order, or anything in regard to it that may come to my knowledge; and if I do, may I meet a traitor's doom, which is death, death, death. So help me God, and so punish me my brethren."3

3. Ibid., III, 527.
"Shotwell Oath"

North Carolina

"I, before the great immaculate God of heaven and earth, do take and subscribe to the following sacred and binding oath and obligation: I promise and swear that I will uphold and defend the Constitution of the United States as it was handed down by our forefathers, in its original purity. I promise and swear that I will reject and oppose the principles of the radical party in all its forms, and forever maintain and contend that intelligent white men shall govern this country. I promise and pledge myself to assist, according to my pecuniary circumstances, all brothers in distress. Females, widows and their households, shall ever be specially in my care and protection. I promise and swear that I will obey all instructions given me by my chief; and should I ever divulge, or cause to be divulged, any secrets, signs, or passwords of the Invisible Empire I must meet with the fearful and justful penalty of the traitor, which is death -- death -- death -- at the heads of the brethren."

"Leach Oath"

North Carolina

"You solemnly swear before Almighty God that you will never turn State's evidence against any brother for any act or deed done by him, in any court or courts whatever; that you will

be true to the principles of this brotherhood, and to its members; that you will never reveal any of its secrets, edicts, or orders; that you will never make known to any one not a known member of the brotherhood that you are yourself a member, or who are members; that you will never assist in initiating, or allow to be initiated, if you can possibly prevent it, any one belonging to the Union League or M. O. A., or any one holding radical views or opinions; that, should any member of this brotherhood or his family be in danger, you will inform him or them of such danger, and, if necessary, go to his relief; that you will oppose all radicals and negroes in their political designs; that, should any radical or negro impose upon, injure, or abuse a member of this brotherhood, you will assist in punishing him in any manner the camp may direct; that you will obey all calls and summons from the chief of your camp, so far as it is in your power to do so; judging from this your obligation; that you will never give the word of distress unless you are in the greatest need of assistance; and that, should you hear it given by a member, you will go to his assistance; and that, should any member reveal or make known any of the secrets, acts or deeds, or order of the brotherhood, you will assist in punishing him in any manner the camp may direct or approve. So help me God."5

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