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KU-KLUX.

SPEECH OF HON. JOHN SCOTT,

OF PENNSYLVANIA,

Delivered in the United States Senate, May 18, 1872.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 656) to extend the provisions of the fourth section of the act approved April 20, 1871.

Mr. SCOTT. I ask that the bill be read.

The Chief Clerk read as follows:

Be it enacted, &c., That the provisions of the fourth section of the act approved April 20, 1871, entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," shall continue in force until the end of the next regular session of Congress.

Mr. SCOTT. Mr. President, this bill proposes to continue in force until the end of the next regular session of Congress the provisions of the fourth section of April 20, 1871, which I ask the Secretary to read.

The Chief Clerk read as follows:

"Sec. 4. That whenever in any State or part of a State the unlawful combinations named in the preceding section of this act shall be organized and armed, and so numerous and powerful as to be able, by violence, to either overthrow or set at defiance the constituted authorities of such State, and of the United States within such State, or when the constituted authorities are in complicity with, or shall connive at the unlawful purposes of, such powerful and armed combinations; and whenever, by reason of either or all of the causes aforesaid, the conviction of such offenders and the preservation of the public safety shall become in such district impracticable, in every such case such combinations shall be deemed a rebellion against the Government of the United States, and during the continuance of such rebellion, and within the limits of the district which shall be so under the sway thereof, such limits to be prescribed by proclamation, it shall be lawful for the President of the United States, when in his judgment the public safety shall require it, to suspend the privileges of the *habeas corpus,* to the end that such rebellion may be overthrown: *Provided,* That all the provisions of the second section of an act entitled "An act relating to *habeas corpus,* and regulating judicial proceedings in certain cases," approved March 3, 1863, which relate to the discharge of prisoners other than prisoners of war, and to the penalty for refusing to obey the order of the court, shall be in full force so far as the same are applicable to the provisions of this section: *Provided further,* That the President shall first have made proclamation, as now provided by law, commanding such insurgents to disperse: *And provided also,* That the provisions of this section shall not be in force after the end of the next regular session of Congress."

Mr. SCOTT. Mr. President, these provisions and the proposition to extend them suggest the following inquiries:

First. Are there unlawful combinations organized and armed in any State or parts of any State?

Second. Are they so numerous and powerful as to be able by violence to either overthrow or set at defiance the constituted authorities of the State and of the United States within such State?

Third. Are the constituted authorities in complicity with or do they connive at the unlawful purposes of such combinations?

Fourth. Is the conviction of offenders or the preservation of the public safety impracticable by reason of all or either of these causes?

Fifth. If the conviction of offenders and the preservation of the public safety be not at the present moment impracticable, does the past give such reason to apprehend such a state of affairs as will render them impracticable, and as will require this power to be lodged in the President for the protection of the public welfare?

These inquiries open a very wide field of investigation; but I do not propose to follow any of them at great length, nor can I take them up in their order, as the testimony which I shall consider will bear upon them all. There was a time when it might have been advisable to dwell upon the evidence establishing the existence of the Ku Klux Klan, the combination against which principally it is well known this legislation was directed; but that time has passed. Its existence now stands confessed. In speaking of South Carolina, in the view of the minority of the committee upon the condition of the late insurrectionary States, they say this:

"We pass, then, the negro testimony for whatever it is worth. But while we do this, we do not deny that in that portion of South Carolina commonly known as the Piedmont region, embracing the counties of Spartanburg, Laurens, Chester, and York, a broken and somewhat mountainous region of country, largely populated by an ignorant, uneducated, and, when excited by wrong, a lawless class of white people, there have been within the last eighteen months or two years numerous instances of lawless outrage upon the black population by disguised men known by the name of Ku Klux; but that this state of things, to any considerable extent grows out of politics, in the ordinary partisan sense of the term, we do most emphatically deny."

Passing from the consideration of a single State to the condition of the States generally the minority says:

"While we do not intend to deny that bodies of disguised men have, in several of the States of the South, been guilty of the most flagrant crimes, crimes which we neither seek to palliate nor excuse, for the commission of which the wrong doers should, when ascertained and duly convicted, suffer speedy and condign punishment, we deny that these men have any general organization, or any political significance, or that their conduct is indorsed by any respectable number of the white people in any State, on the contrary, the men and the bands by which such outrages are perpetrated are almost universally regarded by the intelligent people of the several States as the worst enemies of the South, as they furnish the men now in power at Washington the only excuse left to maintain war upon them, and to continue the system of robbery and oppression which they have inaugurated—a system which is destructive not only of their peace and prosperity, but is intended to blacken and malign their character as men before the country and the world."

Then follows a mild admission that these "disguised bands may have been found operating in one-tenth part, or forty out of the four hundred and twenty counties in the States of North and South Carolina, Georgia, Alabama, Mississippi, and Florida." Although the existence of these bands is thus admitted, I desire without going into repetition of the testimony, to sketch briefly how long and in what States they have existed.

General N. B. Forrest testified that the Ku Klux were organized in Tennessee in 1866. To my mind his testimony is satisfactory evidence that, if not the originator of the order, he was its chief executive head. If I had him before a fair jury upon trial for that offense I could convict him at least of that upon his own testimony; and it would seem the minority of the committee came to the same conclusion, qualified only with a "perhaps." They say on page 449:

"Perhaps the men who knew more about that formation of what has come to be familiarly known as the Ku Klux organization than any others were General N. B. Forrest, of Tennessee, and General John B. Gordon, of Georgie, extracts from whose testimony we propose to incorporate into this report, as illustrative of its origin, objects, and dissolution."

Gordon and Forrest both declined to tell all they knew. Gordon fixes 1865 or 1866 also as the date of the organization in Georgia of which he was asked to become chief. Starting its existence at those dates, I can but refer, without quoting, to the citations in the report of the majority from pages 17 to 22 to show its continued spread and operations through every insurrectionary State from those dates up to and including the year 1868.

The citations referred to show that in Texas, Kentucky, Virginia, North Carolinia, Georgia, Alabama, Mississippi, Arkansas, and Louisiana, up to 1868, scenes similar to those described in Tennessee were enacted. In some of these States they were of more limited extent than in Tennessee. In Louisiana they were far worse, the testimony taken in 1869 showing that over two thousand persons were killed, wounded, and otherwise injured in that State within a few weeks prior to the presidential election, and that half the State was overrun by violence.

General Forrest alleges that he disbanded the order in Tennessee in 1868. How unreliable his dates are will be ascertained by an examination of his testimony and the correspondence referred to in it. He was at first of the impression that it was early in 1868 he had disbanded it, but he has finally brought to the recollection that it was after his return from the Democratic national convention, in 1868, that he was interviewed at Memphis; that the interview was published in the Cincinnati papers; that he wrote a letter on the 3d of September, 1868, correcting the correspondent in what he considered erroneous in his statement. These facts brought him to the conclusion that it must have been in the latter part of 1868 that it was disbanded; but the bloody history since 1868 shows it was not disbanded. His own testimony shows it had extended into Alabama, Mississippi, and North Carolina in that year. General Gordon's testimony shows that it was in Georgia.

The testimony taken by the joint committee clearly establishes that the same organization, pursuing the same purposes and seeking to accomplish them by the same means, has existed, and been active since 1868, in the States of North and South Carolina, Georgia, Florida, Alabama, and Mississippi. There can be no reasonable doubt of its existence still in Tennessee and in most of the other States where it is for the present quiet but ready to act whenever it may be deemed necessary or prudent to do so. Its recent character is better fixed, however, by the evidence furnished from the organization itself, evidence which stamps it as one of the foulest blots upon the civilization of this century. At the trials in Columbia, South Carolina, the constitution of the Ku Klux in that State was given in evidence, having been found in possession of one Samuel Brown, Esq., a man of wealth and standing in York county, who was chief of a Klan, and is now expiating his offence in the Albany penitentiary, sentenced upon his own confession. The same constitution governed the order in North Carolina, as is shown by the testimony of David Schenck, Esq., a leading lawyer of Lincolton, in that State, who became a member of the order in 1868, and says that in doing so he considered that he was swearing to support the platform of the convention that nominated Seymour and Blair in New York. It is printed in the North Carolina testimony as an appendix to his evidence, page 414, and can there be consulted. Without quoting at large from it, several points will be observed in that constitution and in the by-laws.

First, article three, section one, provides that among the duties of the secretary is the following: "to notify other Klans when their assistance is needed," "give notice when any member has to suffer the penalty for violating his oath." What that penalty is, article six, section one, shows: "any member who shall betray or divulge any of the matters of the order shall suffer death." That the intercourse of the Klans with each other is kept up through the organization is shown by article two, section two, of the by-laws: "a brother of the Klan wishing to become a member of this order, shall present his application with the proper papers of a transfer from the order of which he was a member formerly, shall be admitted to the order only by a unanimous vote of the members present." That this intercourse extends through State and national organizations is apparent from article six, section six, of the by-laws: "the person, through the Cyclops of the order of which he is a member, can make application for pardon to the Great Grand Cyclops, of Nashville, Tennessee; in which case execution of the sentence can be stayed until pardoning power is heard from."

Among the duties of the Cyclops, the chief officer, he is required to "inspect the arms and dress of each member on special occasions." (Article three, section one, of the constitution.) And article five, section one, of the by-laws provides: "each member shall provide himself with a pistol, Ku Klux gown, and signal instruments." The by-laws show the political character when taken in connection with the oath. Section three of article one of the by-laws: "the C" [Cyclops] "shall have power to appoint such members of the order to attend to the sick, the needy, and those distressed, and those suffering from Radical misrule as the case may require." The oath administered was as follows:

Obligation.

"I, (name,) before the immaculate Judge of heaven and earth, and upon the holy Evangelists of Almighty God, do, of my own free will and accord, subscribe to the following sacredly binding obligation:

"1. We are on the side of justice, humanity, and constitutional liberty, as bequeathed to us in its purity by our forefathers.

"2. We oppose and reject the principles of the Radical party.

"3. We pledge mutual aid to each other in sickness, distress, and pecuniary embarrassment.

"4. Female friends, widows, and their households shall ever be special objects of our regard and protection.

"Any member divulging, or causing to be divulged, any of the foregoing obligations shall meet the fearful penalty and traitor's doom, which is death, death, death."

Organized under such a constitution and bound by such an oath the proceedings of its members in the northern counties of South Carolina after the election of 1870 and until the spring and summer of 1871, as well as in the southern portion of North Carolina, were of the most lawless and desperate character. I do not propose to attempt a recital of them. They embrace indignity, outrage, and murder. They were inflicted principally upon the negroes, but in many instances also upon white men, and of the highest respectability. I give several instances as showing the character of all.

Elias Hill, formerly of York county, South Carolina, is a remarkable character. He is crippled in both legs and arms, which are shriveled by rheumatism; he cannot walk, cannot help himself, has to be fed and cared for personally by others. He was in early life a slave whose freedom was purchased, his father buying his mother and getting Elias along with her as a burden of which his master was glad to be rid. Stricken at seven years old with disease, he never was afterward able to walk, and he presents the appearance of a dwarf, with the limbs of a child, the body of a man, and a finely developed intellectual head. He learned his letters and to read by calling the school children into the cabin as they passed, and also learned to write. He became a Baptist preacher, and after the war engaged in teaching colored children and conducting the business correspondence of many of his colored neighbors. He is a man of blameless character, of unusual intelligence, and is so well educated that he speaks very good English.

That man was brought before the committee and the narration of his testimony was a scene which would have been worthy of the painter's pencil, and which will never be forgotten by any man who witnessed it. Carried into the room set up in a chair, for the purpose of giving his testimony, he went on to tell us how, on the 6th of May, 1871, but a few weeks before this committee visited that place, after the passage of the bill denouncing penalties against these offenses, a body of masked and disguised men came to his lowly cabin at midnight, took him from his bed, searched his house for his papers, alleging that he had been in correspondence with Mr. Wallace, the member of Congress, in reference to the business of the colored people of the district. They took him out, and that decrepit body which I have described was laid upon the ground, and he was there scourged with a horse whip, and after being thus scourged they put a halter around his neck and threatened to drag him to the river and drown him, telling him, "You must no longer teach these children; you must no longer preach the gospel here; you must no longer permit meetings of the colored people to be held at your house; you must quit writing to Wallace, quit taking a Republican newspaper; you must come out in the newspaper of the county and declare that you renounce your Republican principles; and unless you do these things we will come back and kill you."

The voice in which he gave this statement was one of peculiar strength and melody, that kind of a voice which those who were accustomed to hear his preaching said to me melted down his audience with more power than that of any man in South Carolina. He was examined at length, and after giving his evidence in chief—it is worth any Senator's while to turn to it in the testimony and read it—the following was elicited by a member of the committee. He having been charged by the Ku Klux, while whipping him, with preaching political sermons, that subject was thus brought to his notice:

"By Mr. Van Trump:
"Question. You do not feel very kindly toward the white race?
"Answer. I am afraid of them now.
"Question. Frightened at them?
"Answer. Yes, sir. I have good will, love, and affection toward them, but I fear them.
"Question. Is that because you are a Baptist, or why?
"Answer. I know it is my duty as a human being to respect all the human race, and also the grace of God teaches me to say so.
"Question. When you get to preaching, do you not show up the wrongs and oppressions suffered from these white people?
"Answer. Yes, sir.
"Question. Is that what you generally preach about?
"Answer. Yes, sir; love universal.
"Question. I do not wish to mislead you or have you answer without fully understanding my question.
"Answer. Please to ask it again.
"Question. I ask you if the subject-matter of your sermons is the wrongs and cruelties inflicted by these white people?
"Answer. No, sir; not at all. I was accused of that on the night when they beat me; but that is not the subject on which I preach; it is scriptural salvation.
"Question. You have the idea that these white people are determined to put you black people down?
"Answer. Yes, sir; I have that idea very strongly. They are determined to keep us from using any influence for republicanism, which we believe is God's will. I do believe it comes nearer to God's will and universal love and friendship in this world than any other.
"Question. You mean republican government?
"Answer. Yes, sir.
"Question. Do you also mean the Republican party?
"Answer. Yes, sir. I believe the Republican party advocates what is nearer the laws of God than any other party, and therefore I feel that it is right.
"Question. When you are preaching, do you preach republicanism in your sermons?
"Answer. No, sir; I preach the Gospel, repentance toward God, and faith in our Lord Jesus Christ.
"Question. Do you never preach about politics?
"Answer. No, sir.
"Question. Then these Ku Klux were wrong in their accusation?
"Answer. Yes, sir; they were."

I wish, Mr. President, that every man in the nation who has ever felt disposed to palliate the crimes of Ku Klux, could see that remarkable man and hear his narrative of his wrongs. What was the effect of it upon this man, an American citizen, a better one than thousands who have been engaged in scourging his race? He wished to live under our institutions; he loved them as you see; but he felt so well satisfied that the animosity of the people of that portion of South Carolina against the colored race would not permit him to remain that he entered into correspondence with the secretary of the Colonization Society, and made an arrangement to go to Liberia, unknown to most of those who surrounded him. When that was learned the whole neighborhood rose up and protested against this man, their counselor, their friend, their preacher, their teacher, leaving them; but he had made up his mind that he could not live where he wanted to live, and he went, followed, according to my information, by some twenty or thirty families from the region in which he lived; and to-day—I read not long since in one of the religious periodicals of the country a description of his arrival in Liberia—to-day Elias Hill is banished from the Republic of the United States, living in Liberia against his will, because he cannot live in South Carolina for fear of the Ku Klux.

John Genobles, of Spartanburg county, sixty-nine years of age, a respectable white man, who had been in the county since 1827, acted last year as an election officer. Disguised men took him from his bed on the night of the 22d of April, 1870, stripped him, beat him with hickory withes, and concluded by saying to him, "If you will agree to go to the court house and get on the steps and there declare yourself a Democrat, and say that you have quit this partyism or this Radicalism, we will let you go; but if you do not, we will come back and kill you." He proceeds, "Therefore, of course I did it."

"Question. You promised to do so?
"Answer. Yes, sir; I promised to do so if they would let me off, for I was nearly dead, almost frozen. The toes of my right foot have not a good feeling in them yet, and I don't know as I'll ever have the feeling in my right foot as before, for I was almost chilled to death in that cold rain."

In pursuance of that promise he went to Spartanburg, the county town, and thus relates what he did on the day of the Sheriff sales at the county court:

"I got up—the sheriff was then done selling his property—I got up on the steps, and said that I was no longer a partisan man and was not in favor of a black Republican government; that I thought that a white man was somewhat superior to a blackman. That is pretty much all that I said; also, that I was a member of the church so long—some forty-three years." * * * * *
"Question. Was this statement made by you because of you belief in truth of what you said, or was it to save your life?
"It was to save my life."

Dr. John Winsmith, a native of the same county, sixty-eight years of age, a man who had been for fifteen years in the sonate and house of representatives of South Caralina before the war, of irreproachable character, and who considers himself a Conservative, decided in the late elections to support Governor Scott, because, as he states, the opposing candidates declared themselves better Republicans than Scott, and Scott was Republican enough for him. Some forty or fifty disguised men visited his house, occupied by himself and wife, at night and saluted him as a "damned rascal." The brave old man immediately got his pistol and fired at them. They put seven balls in him, endangering his life, and entering the room where his wife was, said to her:

"We came after this man Winsmith, this Radical." She said to him. "If you are after my husband, and say he is Radical, I tell you what, perhaps I ought not to say, but you tell a lie; he is no Radical; he is a Conservative and not a Radical in anything. Said he, "Why does he act with the Radicals, then?" She did not reply. Said he. 'If he is not, why don't he come out in the newspaper and say so?'"

This is freedom of opinion in South Carolina. I come now to a case which has excited considerable attention. On Saturday evening, the 31st of December, 1870, a company of negro militia left Unionville, and when a short distance from the town met a man named Stevens coming in with a barrel of illicit whisky for one of the hotels. He was a drayman, had lost a leg in the confederate service, and was accompained in his dray by another man. The purpose with which the militia went out is not clearly ascertained; one statement being that they said they were going out to "mug a man," and another that they were going out to "guard Budd Williams," a negro from being Ku Kluxed. Whatever was their purpose, upon meeting Stevens they demanded whisky from him, and he gave them what he had in flask. They asked for more, and upon his starting from them they fired at him; he jumped from his wagon and ran; they followed, caught, and killed him. It would seem to have been a cruel, unprovoked murder, one for which all who participated in it certainly deserved to be convicted, and to suffer the extreme penalty of the law. It excited great feeling in Unionville, the white population believing, as expressed by a witness, "that the entire negro community were in sympathy with murderers." Moved by that feeling, they proceeded to disarm the negroes who composed the militia company, as a measure of self-protection. The people turned out on Sunday morning and arrested quite a number of the negroes charged with the offense, and lodged them in jail. On the following Wednesday night, the 4th of January, some forty or fifty Ku Klux rode into the town, surrounded the jail, entered it, took out five of these prisoners, proceeded a short distance from the town, where they killed two of them, the other three making their escape after being shot at and wounded. They were recaptured and again lodged in jail in a few days, and with some eight or ten others who were charged with the same offense remained there until the night of Sunday, the 12th of February.

Judge Thomas, the presiding judge of that circuit, apprehending that these persons might also be taken out and disposed of as the others had been, under a statute of the State authorizing him so to do, issued a writ of *habes corpus* for the purpose of bringing them before him at Columbia and committing them to prison there. It is well to consider thesefacts when those who clamor for the sacredness of the writ of *habeas corpus* come to look at the result in this case.

This writ was delivered to the sheriff at Unionville on Thursday evening, the 9th of February. The train would return to Columbia Friday morning, and not again until Monday. After the train left Friday morning the sheriff called a conference of lawyers to determine whether he ought to obey the writ. They thought it was informal, but all recognized "the well-known signature of Judge Thomas," and "advised the sheriff to keep the matter secret and communicate with Judge Thomas, and ask him whether it was genuine." Subsequently this advice was reconsidered, and on Friday evening the sheriff was advised to obey the writ on Monday morning.

On Sunday night a body of armed and disguised Ku Klux, variously estimated at from four to eight hundred, rode into the town, took possession of the jail, took out eight of the prisoners charged with the murder of Stevens and hung them.

If this intention to remove them on Monday was kept a secret until Friday evening, it will strike every one forcibly that this organization must, in that county or the adjoining ones, be not only numerous, but under wonderfully strict military discipline, when from four to eight hundred disguised, mounted, and armed men could be assembled in that time, especially when it is remembered that Union county had in 1870 but 8,718 white population, and the village itself not over four hundred. It may not appear so strange, however, when the prevailing sentiment is ascertained from the testimony and incidents revealed by it.

It seems that one man, Thomas Hughes, when he heard the firing which shot the prisoners on the first raid, supposed it was by negroes on the way to rescue the prisoners. He says he immediately got his gun and traveled hastily three-quarters of a mile into town, to defend the jail against the negroes. He went in, aroused a magistrate, and informed him of his suspicions. Although the magistrate slept within one hundred and fifty yards of the jail, the operation of taking out the prisoners had been so noiselessly performed that his slumbers had not been disturbed. He directed Hughes to go up street, ring the bell, and arouse the citizens. Hughes went, and in the hotel found members of a special citizens' police which had been guarding the town, who informed him that the negroes were not coming to the jail; that the Ku Klux had been there, and had taken the prisoners out. Upon hearing this, his ardor subsided; he rang no bell; the citizens were not aroused, and Hughes went home with his gun. He was Stevens' brother-in-law. Some days after that he was selected as the jailor, and was in charge of the jail when the second raid was made. On neither occasion were the citizens aroused, although the special police, who had been raised from apprehension of a negro rescue, were on duty.

Upon the trial of two men in court subsequently for another offense growing out of this, a leading lawyer—and a Democrat—at that bar, R. W. Shand, esq., took notes; and he testifies that the evidence disclosed that one of the men who were hanged by the Ku Klux, Walker, a trial justice, arrested on suspicion, was not with the militia at all, and that the testimony did not justify the suspicion.

This, Mr. President, is a statement of a case against criminals who were entitled to trial by law. I come now to the statement of a case involving an officer of the law.

In the county of Greene, Alabama, there occurred in March, 1870, the murder of Alexander Boyd, the prosecuting attorney of the county, a case strongly illustrating the power of this organization to execute its decrees even upon an officer of the law, and to paralyze the public voice and the authorities, a full corroboration of Chancellor Clark's statement, that "they keep quiet, for they might be conversing with one of them in the street and not know it," and that "grand juries have been powerless to bring any one of that organization to justice."

The facts are these: a man named Snoddy was killed, and three negroes were arrested for the murder, named Henry Miller, Sam Caldwell, and Sam Colvin. Col. Jolly, who defended them on the preliminary hearing, (page 265,) says that Miller and Caldwell were committed for trial, and Colvin was discharged. Miller and Caldwell escaped from jail, and it was understood that in some way Miller had been taken and killed. Colvin, who was the father of Caldwell, (Caldwell being his former master's name,) was taken and killed by disguised men.

It was asserted that Mr. Boyd made declarations to the effect that he had evidence in his possession to show who were the murderers of Colvin, and that he intended at the then approaching term of court to prosecute them vigorously, and to hold over the grand jury for the purpose of doing so. He was a single man, and boarded and lodged in a hotel on the public square in Eutaw, the county town. About eleven o'clock on the night of the 31st of March a band of disguised men, estimated generally at twenty-five, rode into the town, formed in front of the hotel, detached a squad who went in, compelled the clerk to show them to Boyd's room, and there deliberately murdered him, putting two balls through his forehead, and several through other parts of his body, (page 298.)

At the time this was done there were in the town the ministers and elders of a presbytery then holding its sessions, (page 258). The sheriff was at the hotel a very short time after Boyd was killed. There were yet persons on the street. The town contains, according to the census, a population of 1,920; but no alarm was given. The sheriff made no effort to call a posse, offered no reward, took no steps then or afterward to follow or detect the murderers. The people remained in their beds unaware of the occurrence until the next morning, and when communicated to one witness, Mr. Pierce, a member of the bar and afterward mayor of the town, it was in such manner that he supposed his informant was seeking to make an April-fool of him, (page 298.)

Boyd was buried the next day after he was killed. No meeting of the bar was called, and not a member of it attended his funeral, (page 300.) So fixed and so certain is it that he was a victim of the Ku Klux, that Mr. Pierce states his friends had placed upon his tombstone, "Murdered by the Ku Klux," (page 301.) At the next court the grand jury investigated the case, and their finding was, that they were unable to identify anybody connected with it but that the parties who committed the murder were traced on their way home to Pickens county. The impression seems almost universal that the men who did it came from some other county, some even stating that they came from Mississippi; and, strange as it may seem, it is also conceded, in the face of this, that the cause of his murder was the declaration of his intention to prosecute the murderers of Colvin, which could affect only persons in Green County.

Showing that the organization in Mississippi is in full sympathy and communication with the organization in Alabama. The occurences in South Carolina to which I have referred had taken place before the sub-committee visited that State. When there, ascertaining the fearful extent to which these lawless acts had been perpetrated with impunity, members of that sub-committee were impressed with the belief that if, after the community was made aware of them, there was any recurrence of violence, no other remedy than the most stringent one would suffice to bring the perpetrators to justice, and to prevent scenes of bloody retaliation.

Subsequently, after being apprised of an outrage occuring, as was alleged, in Spartanburg county, which afterward proved to have been in Union county near the line of Spartanburg, and of the destruction of a school-house in York county, the President's attention was called to the fact developed before the committee and to these renewals of violence after their visit, and to the necessity of exercising the power vested in him by the act of April 20, 1871. Instead of at once acting on this information, as we now learn from the President's message communicated to the House of Representatives, he instituted further inquiry through the Attorney General, and upon information obtained through that inquiry, he did exercise that power, and after proclamation suspended the privilege of the writ in the counties of Spartanburg, Union, York, Lancaster, Chester, Fairfield, Laurens and Newberry, in South Carolina. This was after a term of court had been held in York county and the subject given in charge of the grand jury. The presiding judge of that circuit, Judge Thomas, had requested of me as the chairman of the committee the information communicated to the President as to York county. I referred him to Major Merrill, the commander of the United States troops at Yorkville, and requested him to give all the aid in his power to any investigation directed by the court. I regret that I cannot incorporate here the whole report of Major Merrill made to his superior officer, but his account of the proceedings of the court, of the suspension of the writ, and of the scenes which followed it, gives a better idea of the true state of facts than any words of mine can give.

At the session of the U. S. Court true bills were found against seven hundred and eighty-five defendants, there being about five hundred defendants in all, as some of them were named in several bills. Of these, five were convicted upon trial; fifty-three pleaded guilty, and the others could not be tried and were held over. Several of them have since been tried and others have pleaded guilty, as I am informed, in Charleston at the circuit court. The evidence elicited at those trials leaves no doubt of the existence of the order, and its purposes as elsewhere described, and also of the intercourse of its members through the several States. Let me quote from the testimany of Kirkland L. Gunn, a witness who was examined in these trials in Columbia, South Carolina:

"Kirkland L. Gunn.
"By Mr. Corbin. We have no objection to asking the general question: First, what was the obligation and purpose of the Klan?
"Answer. The obligation, sir, that I took was that I should not divulge any part of the secrets of the Klan that I had joined, and it was for the purpose of putting down Radical rule and negro suffrage."
By Mr. Corbin. Mr. Gunn, you have stated the general purposes of the order. Now, will you please state to the jury, how those purposes were to be carried into effect?
"Answer. Well, sir, that is known, I think; but the way I was told that they were going to carry this into effect was by killing off the white Radicals, and by whipping and intimidating the negroes so as to keep them from voting for any men who held Radical offices.
"By the Court. State what was done in pursuance of the object of the order? What was done pursuant to the purpose of the order as you have stated it according to your knowledge?
"Answer. Their principle was to whip such men as they called Radicals, and men who were running the negro population, &c., and they murdered some.
"Question. Well, Mr. Gunn, when did they do this; night-time or day-time?
"Answer. In the night sir.
"Question. Whether the organization was armed according to the by-laws?
"Answer. Yes sir; they were armed.
"Question. What were their arms?
"Answer. Most generally pistols; sometimes shot guns, muskets, &c.
"Question. What is the Ku Klux gown generally referred to in the by-laws?
"Answer. It is a large gown made—all that ever I saw was made of some solid colored goods; I don't know what the color was; it looked dark in the night; I never saw a gown in daylight.
"Question. What were these gowns worn for?
"Answer. To disguise the person, sir.
"Question. Where the purposes of the order to be carried out with the disguise on?
"Answer. Yes sir.
"Question. When the Klan was assembled to prosecute any of its purposes, such as whipping and killing, where they disguised or not?
"Answer. Always, sir.
"Question. Now, Mr. Gunn, can you tell us anything about the extent of this general conspiracy, this organization, not only in York county, but beyond the limits of York county, or beyond the limits of this State?
"Answer. I met the same order in Georgia, sir. I don't know anything about it beyond York county, in this State.
"Question. You met it in Georgia what counties in Georgia.
"Answer. I found it in Whitefield county, and Catoosa.
"Question. What counties?
"Answer. The first meeting was Catoosa county.
"Question. What were they doing over in Georgia to carry out this conspiracy?
"Answer. The meeting that I was at last was to raise money for the purpose of sending to South Carolina, they told me.
"Question. For what purpose?
"Answer. For paying lawyers' fees and paying witnesses to go to court. [Laughter.]
"Mr. Johnson, (*soto voce*) I hope they raised it.
"Mr. Stanbery, (*soto voce.*) That is encouraging.
Mr. Corbin. (*soto voce.*) I should think that would be comforting information to you.
"Question. The whole matter discussed in the meeting?
"Answer. Yes, sir.
"Question. Taking care of the Ku Klux brethren in this State, were they?
"Answer. Yes, sir.
"Question. Was money raised?
"Answer there was, sir.
"Question. Raised it for sending on here?
"Answer. They told me that was the purpose.
"Question. Money paid in?
"Answer. Yes, sir."

The cases I have given and this testimony show the effect of this organization upon its victims. Now, I desire very briefly to call attention to the effect upon its members, and I do it in but one case; but it will I think, satisfy any one that it is idle to talk about demorilization and corruption in the southern States among the negroes or in any party, when it is apparent that in South Carolina and in a number of these States there is an organization which in its consequences would lead every man to distrust his neighbor and destroy all congdence in every judicial tribunal. I refer to the printed testimony on page 1342 for the purpose of making two or three very brief extracts from the evidence of a Dr. Bratton, let me state, who was the leading physician in York county, South Carolina. He had the largest practice of any physician in the county; a man of culture, a man of intelligence, a man probably, according to my recollection of his appearance, from forty to forty-five years of age. He was called before the committee when they were in York, and I will now read a few brief extracts from his testimony for the purpose of quoting afterward the truth in regard to him. The first question that is read is this:

"Our purpose is to inquire into the security of life, person, and property through this county, and the manner in which the laws are executed. Have you any knowledge of any offenses against the law, or against the security of person and property, that have not been redressed in the ordinary courts of justice?
"Answer. I have no personal knowledge of anything of the kind. I merely hear rumors and reports. Personally, I know nothing about it.

Passing to page 1344, I read the following:

"Question. Do you know of an organization in this county intended to prevent negroes from voting as they saw proper?
"Answer. I don't and that has not been the case.
"Question. Do you know anything of this organization commonly called Ku Klux?
"Answer. I am no member of the Ku Klux, and know nothing of their proceedings."

He was examined at very considerable length. I will remember the testimony. After referring him to some publications made in the newspapers, he altered his opinion as to there being no Ku Klux organization, and said, in answer to a question, (page 1348:)

"Question. You do believe now that there is a Ku Klux organization?
"Answer. From that article there must have been at the time; whether there is now I do not know."

On page 1350:

"Question. Now Doctor having stated your belief that there is a Ku Klux organization, since you saw this notice in the paper, state who in your belief compose it.
"Answer. I cannot tell you that, sir.
"Question. What class of people, sir;
"Answer. I cannot tell you who compose that organization. I know nothing about them. I do not belong, and have no means of knowing.
"Question. Have you no idea who compose it?
"Answer. No, sir; I have no means of knowing."

Bear in mind he denied all personal knowledge of a single Ku Klux outrage in that county, in which there were eleven murders and over six hundred whippings. He denied that he knew anything of the organization. He denied all knowledge, in short, of its operations except what he gathered from common rumor. Bear in mind the character of the man. Bear in mind that it is said that no man of respectability or character had any part in these outrages, much less countenanced them.—Now, sir, when the proclamation was made that the writ of *habeas corpus* would be suspended, Dr. Bratton fled, and my information is that he has never been back in York county since. Several of the men who hanged a man named Jim Williams, a militia captain, were arraigned and tried at Columbia for that offense, and the testimony upon that occasion proved that this Dr. Bratton, who thus swore, was the leader of the band; that he provided himself with a rope in the town of Yorkville and carried it on his saddle-bow out to the cabin of that man, Jim Williams, and with his own hand put the rope around Williams' neck and hanged him. Sir, I do not wish to leave this fact to my statement, but I quote from the address of Hon. Mr. Stanberry, the counsel of the defendants in that case, and let him speak of Dr. Bratton, so that the character of this organization and its effect upon its members may be apparent. Let it be remembered that this was on the trial of one of the young men who accompanied Dr. Bratton on that occasion. Mr. Stanbery says:

"How in God's name, gentlemen, can you make him responsible for the horrid outrage that followed. Why gentlemen, did not the men that were detailed to go down there and seize the man, supposed they were going for his arms? They were absent about an hour or less than an hour, when they returned they were silent; the question was. 'Have you got the arms?' No response whatever, but some showed guns; in a little while Dr. Bratton, in answer to a question put to him by some man where William was, said 'he is now in hell.' Gentlemen, I do not stand here to justify Dr. Bratton, but to defend this young man; let Dr. Bratton answer for himself, and do not hold this young man guilty on account of his misdeeds, I do not justify that horrid outrage that was committed there that night. It makes my blood run cold to listen to the relation of it; after they had got his guns, to take him out from his family, and without a moment's time to make his peace with God, to launch him into the other world, and upon their return to speak of it in the impious manner which has been detailed!

"Gentlemen, the right man is not here; you have the proof, but not the offender. When he or they, whoever they may be, shall be arraigned, then will be the time to mete out the just measurement of such a crime; but, gentlemen; I beg of you not to confound the just with the guilty."

That is not my language; that is the language of Hon. Henry Stanbery, who was taken from Cincinnati to defend these men, and he is speaking of a man who stood socially and professionally at the head of society in York county, South Carolina, and who swore before the committee that he knew nothing at all of that outrage.—Talk about corruption; talk about demoralization in Legislatures under the negroes, when the leaders of society are not only themselves murderers, but come before the country and deny it by perjury!

I have thus given in some detail the proceedings in South Carolina, because there the evidence of the existence of the organization and its purposes and acts is beyond controversy, and it is only necessary to apply the same evidence to other localities infested by the organization to appreciate the condition of the poor and defenceless, who are the objects of its attacks, and to show the necessity of the exercise of power by the strong arm of the Federal Government to suppress this monstrous conspiracy.

Now, sir, as to the extent to which this organization has prevailed: it is stated in the views of the minority that it does not prevail in more than forty counties in these States of North and South Carolina, Georgia, Florida, Alabama, and Mississippi.—Let me give you the names of the counties in these States in which these offenses have been committed. Outrages have been committed in North Carolina in the counties of Orange, Chatham, Alamance, Lenoir, Harnett, Sampson, Caswell, Guilford, Gaston, Lincoln, Moore, Rutherford, Cleveland, and Catawba.

South Carolina.—In the counties of Spartanburg, York, Union, Chester, Abbeville, Laurens, Fairview, Newbery, and Lancaster.

Georgia.—In the counties of Jasper, Walton, White, Morgan, Jackson, Hancock, Wilkinson, Washington, Cherokee, Greene, Madison, Pike, Whitefield, Habersham, Putnam, Haralson, Warren, Richmond, Gwinnett, Floyd, Glasscock, Chattooga, Dade, Clark, Jefferson, Oglethrope, Walker, Appling, and Columbia.

Alabama.—In the counties of Blount, Calhoun, Chambers, Choctaw, Fayette, Greene, Hale, Jackson, Jefferson, Lawrence, Limestone, Macon, Madison, Marshall, Morgan, Perry, Pickens, Sumter, Tuscaloosa, St. Clair, Cherokee, Coosa, Lauderdale, Marengo, Tallapoosa, and Walton.

Mississippi.—In the counties of Chickasaw, Kemper, Itawamba, Tishemingo, Prentiss, Lee, Leake, Tippah, Union, Alcorn, Kemper, Lauderdale, Lincoln, Lowndes, Marshall, Monroe, Noxubee, Oktibbeha, Pontotoc, and Winston.

Florida.—In the county of Jackson alone the evidence shows that within the last five years there have been one hundred and fifty-three homicides.

Here we have ninety-nine counties in all, and this in all probability falls below the number. I have not had time to make a careful examination of that part of the testimony at the taking of which I was not personally present, and have only inserted here the names of those counties where offenses are clearly shown to have been committed. I have no doubt there are more. I shall give presently a summary of the offenses committed in these counties.

These facts bear upon the denial made in the views of the minority of the extent of the organization, of its political significance, or of its having the countenance of any of the respectable white people of the South. Each of these may require a passing notice.

As to the members of the organization, the fact that in York county the number was almost equal to the white voting population is of itself startling, and when it is remembered that about the same state of affairs existed in the two adjoining counties, and to a large extent in other counties, it is evident that nothing but the power of the General Government is sufficient to restrain that organization in that State.

Again, after the concession that General Forrest knows so much more about the origin of the organization than any other person, his statement as to its numbers becomes important. In 1868 he said there were forty thousand in Tennessee and five hundred thousand in the Southern States. The only correction he made of that statement in his letter written to correct errors was that he believed there were those numbers. His belief as the head of that organization is significant, and equivalent to the knowledge of other people.

The allegation that the order does not exist in more than forty counties is met by the names of the counties of the several States which I have already given.

I will now give the summary to which I have referred. In North Carolina fourteen counties are shown in which outrages occurred, and in them there occurred eighteen homicides and three hundred and fifteen whippings. In South Carolina, nine counties in which the testimony taken by the committee shows there were thirty-five homicides and two hundred and seventy-six other outrages. The presentment of the grand jury says there were forty homicides in these counties, and over two thousand cases of other outrages. In Georgia there are twenty-nine counties shown, in which seventy-two homicides and one hundred and twenty-six cases of whippings are disclosed by the testimony. In Alabama there are twenty-six counties, in which two hundred and fifteen homicides are shown to have occurred, and one hundred and sixteen cases of other outrages. In Mississippi there are twenty counties in which there are twenty-three homicides, and seventy-six cases of outrages by this testimony; and in Florida, in the one county of Jackson—I have not had time to look through the other portions of the testimony—one hundred and fifty-three homicides have occurred in that county alone since the war; and let it be supposed that these even are all. These foot up ninety-nine counties, five hundred and twenty-six homicides and twenty-nine hundred and nine cases of other outrages shown in this testimony, and by this finding of the grand jury.

Now, let us go further. At Columbia there are true bills found against five hundred and one defendants. In the northern district of Mississippi there were bills found against four hundred and ninety defendants, and in the southern district against one hundred and fifty-two defendants. In North Carolina there are bills found against nine hundred and eighty-one defendants. I have not the returns of those that have been found in Alabama, but I knon a number of bills have been found there and that there have been a number of trials and convictions.

Now, sir, when you remember that there were twenty-nine hundred and nine outrages and five hundred and twenty-six homicides, and that these offences have been shown to have been committed by men in bands ranging from five up to seventy-five and a hundred and sometimes as many as four to eight hundred, it does not require much arithmetic to show that this is a formidable organization. When you have over three thousand victims, victims to violence committed by bodies of men in an organization, who need doubt as to the character and the extent and the power of the organization?

It is alleged that in all these proceedings the men are of that class in society who have no countenance. Sir, let me call your attention to two or three facts. The minority of the committee have admitted—it is an admission—thet General Napoleon B. Forrest and General John B. Gordon were the first men who were at the organization of this Klan. Who are N. B. Forrest and J. B. Gordon? I suppose that for political purposes I could give them no higher indorsement than to state that they were both delegates at large from their respective States of Tennessee and Georgia in the Democratic national convention of 1868; and taking the testimony of Schenck, of North Carolina, that he considered he was swearing when he was initiated in the Ku Klux organization to support the platform of that convention, it is not much to be wondered at that the platform was so constructed when two men who are admitted to have organized the Ku Klux were delegates at large in that convention, and their position ought to rank them as respectable men. In addition to that, J. B. Gordon was the commander of the left wing of Lee's army at the time of the surrender.

We have here, then, the Ku Klux in its beginning. Where is it in its ending? When these men were arraigned in South Carolina for the enormities which I have described, what was witnessed? Did the white people of that State accept the proceedings of the General Government against the Ku Klux as a relief from the terrible scourage which the minority of the committee say they are to them? Instead of that, we find in the public papers an appeal by Wade Hampton and others asking contributions from the community to defend such men as those who were associated with Dr. Bratton. This circular has already been read in the Senate, but I present it again in this connection:

[Circular.]

Eminent counsel from the North have been employed to defend the men prosecuted under the Ku Klux acts of Congress. This has been undertaken in order that ample justice may be done, and to the end that the constitutional questions involved may be considered. This is deemed a public duty. In order to carry out this purpose, it is necessary to raise the sum of $15.000 Your county has been assessed $2,000, which you will please raise and transmit to Columbia to the committee in charge.

WADE HAMPTON,
M. C. BUTLER,
J. B. PALMER,
J. P. THOMAS,
S. L. LEAPHART,
W. B. STANLEY,
JOHN McKENZIE.
Committee.

Colonel C. JONES, *Rock Hill, South Carolina.*

MY DEAR SIR: Mr. Stanbery, Reverdy Johnson, and Judge Barrett of New York, have consented to come, and we shall need $15,000. Do raise what you can.
Yours, truly, WADE HAMPTON.

Subscription lists have been placed in the hands of James Mason, W. H. McCorkle, and W. B. Metts, of Yorkville, and of J. M. Ivy, and W. L. Reddey, of Rock Hill.
C. JONES.

Accompanying this circular in the Yorkville Inquirer, of November 30, 1871, is the following editorial showing how that appeal was responded to:

"*The Ku Klux Trials*—We diret the attention of our readers to the circular in another column, with the appended notes, in relation to the trial of the persons prosecuted under the Ku Klux acts of Congress. Eminent northern lawyers have been retained to assist in the management of the cases for the defense, with the special purpose in view of fully arguing the constitutionality of these laws under which citizens of this State have been deprived of their personal liberty. In order to meet the expenses incurred by this movement, the committee state that the sum of $15,000 is necessary, and that York county is assessed for $2,000 of the amount. Col. W. H. McCorkle, and Messrs. James Mason and W. B. Metts have been appointed to receive subscriptions at Yorkville; and Messrs. J. M. Ivy and W. L. Roddley, at Rock Hill.

"Charleston has been assessed $3,000, and the citizens of that city have gone to work with a will to raise the required amount. Committees were appointed in the city and throughout the county to solicit subscriptions, and even before any concerted action had been taken, four citizens stepped forward and subscribed and paid $150. The Courier, in relation to the movement, says:

"'The cause is one which must appeal strongly to our people. It is the cause of civil liberty. This movement aims to secure a fair trial and the voice of the counsel who will be heard with respect by the court and by the country in defense of the accused, who are victims of martial law. Our fellow-citizens of the up-country are the present sufferers. It may be our turn next.'"

Thus we have Gordon and Forrest at the organization of the Ku Klux, who infused into it its spirit and its life; we find Gordon and Forrest and Wade Hampton all in the Democratic national convention in 1868; and then we have Wade Hampton and his associates demanding public contributions to defend the assassins whom Forrest and Gordon organized, and who went forth upon their work of murder and of outrage.

Mr. NORWOOD. I was out at the moment, and if the Senator will pardon me, I should like to inquire whether he stated, as I have been informed, that Gen. John B. Gordon is at the head of the Ku Klux organization in Georgia?

Mr. SCOTT. That there may be no misapprehension on that subject, I will turn the Senator from Georgia to what I did say. I quoted from the views of the minority of the committee, who say this:

"Perhaps the men who knew more about the formation of what has come to be familiarly known as the Ku Klux organization than any others were General N. B. Forrest, of Tennessee, and General John B. Gordon, of Georgia, extracts from whose testimony we propose to incorporate into this report as illustrative of its origin, objects, and dissolution."

General John B. Gordon was examined before the committee, and I commend his testimony to the study of the Senator from Georgia, and if he is in doubt after reading it that General John B. Gordon was the head of just such an organization as is shown to have operated from that time down to the present, I am very much mistaken in the clearness of his perception.

Mr. BLAIR. With the permission of the Senator I will state that General Gordon disclaimed having connection with any organization for the purpose assigned to it by the Senator in his speech. The minority of the committee argue that they state what were the real purposes of the organization at its inception but distinctly state that it had been departed from in many instances by persons who had gone into it; that in its origin General