

# A Judicial Spanking For The Klan

**A** DANIEL HAS COME TO JUDGMENT, in the opinion of many a newspaper writer, when a Federal judge in a formal opinion read from the bench delivers a denunciation of the Ku Klux Klan in terms as strong as any private enemies of that organization have ever used. When Judge W. H. S. Thomson, in ending the complicated Klan case at Pittsburgh, speaks of the Klan as an "unlawful organization" coming into court "with filthy hands after open and flagrant violation" of the law, he represents, in the opinion of the Cincinnati *Enquirer*, "the fierce sunlight of the forces of



law and order and civilized process, before which the terrorism and sinister tendencies of Ku Kluxism must fade and shrivel into nothingness." Now this is the first time, the Birmingham *News* reminds us, "that a United States court has spoken on this particular matter; it has remained for the Pennsylvania judge to give a national character to the indictment of the methods and the interests of the predecessors of the Knights of the Great Forest." Not that our papers accept at its face value the mass of testimony given at the Pittsburgh trial, accusing Klan officials of all kinds of chicanery, blackmail, violence, terrorism, and even murder. Far from it. The Buffalo *Courier-Express* is mindful that most of the specific outrages mentioned occurred back in 1923 and 1924, and "events of four or five years ago can not necessarily be taken as measuring-sticks of what Klansmen or their successors are to-day." Much of the testimony must be taken with a grain of salt, observes the New York *Herald Tribune*, seeing that the witnesses "are former members of the Klan, and therefore credulous romantics to start with, and that in addition they harbor a bitter grudge against the organization, and are seeking deliberately to discredit it." The Boston *Transcript* is aware that "there is a tendency to preposterous exaggeration, to a sort of crazy lying, in people who are in any way associated with this fanatical organization." But the Norfolk *Virginian-Pilot* speaks for all of these papers, and many others, in declaring that the significance of the Pittsburgh "revelations" is "something apart from their circumstantial veracity":

"This particular charge may be untrue, and that particular charge may be exaggerated, but the general picture of the inside workings of the great American Camorra as it functioned prior to its metamorphosis into the Knights of the Great Forest, remains authentic. It checks at too many points with facts generally known, for its veracity to be doubted. The picture is one of a tragic mobilization of simple, unsuspecting people by unscrupulous exploiters, of the systematic poisoning of their minds by appeals to prejudice and false alarms, and of the criminal employment of these people by dangerous men to keep alive the delusion that the Klan was engaged in patriotic and morally valuable work, and that all participants in that work were but discharging their duty to society, to country, and to God. So thoroughly were the poor tools of the organizers and kleagles deluded by this spurious gospel of vigilantism, that they organized themselves into 'wrecking crews' and 'battalions of death,' lent themselves to espionage, threatenings and blackmail, joined in kidnappings, tarrings, and floggings, and participated in scores of other abominations—altho the simplest of them knew what they were doing was mean, infamous, and criminal by the test of decent social behavior, and by the letter and spirit of the law."

"The Ku Klux Klan can not afford to pooh-pooh charges away at this time," reflects the Brooklyn *Eagle*:

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"It should welcome some form of investigation that will thoroughly disclose its proceedings of the past few years. If it has acted lawfully and uprightly, it stands under the obligation to have its reputation cleared; if it has done even a part of the things charged against it, the decent element in its membership must want to know the truth."

Such is the general impression made by the Pittsburgh trial. The case was exceedingly complicated, there being both a suit and a counter-suit. As briefly summed up in a Pittsburgh dispatch to the New York *Herald Tribune*—

"The Klan sought to enjoin five members of western Pennsylvania Klans from doing business under the name of the organization, at the same time seeking \$100,000 damages from each of the defendants, who had been 'banished' from the order for their acts.

"In retaliation, the five 'banished' members filed a counter-suit against the order, asking that its charter be revoked, a receiver appointed, and accounting be given of more than \$15,000,000 which the Klan is said to have collected from more than 300,000 members in the State of Pennsylvania."

Additional liveliness was given to the case by the fact that the attorney for the banished members was one of the group. For three days the liveliest sort of testimony was offered, with sharp cross-examinations, spirited sparring of counsel, humorous incidents, and exhibitions of temper and frayed nerves. The anti-Klan testimony as it came from the mouths of witnesses during three days of the trial is well summed up in Judge Thomson's final opinion quoted below. One piece of anti-Klan testimony which aroused much newspaper attention was a deposition made by D. C. Stephenson, now in the Indiana State prison under conviction of murder. Stephenson had been high in the counsels of the Klan, and gave a detailed account of how Hiram Wesley Evans maneuvered six years ago to make himself successor as supreme head or Imperial Wizard of the Klan to its modern founder William J. Simmons. The full story runs to more than 40,000 words and, according to the New York *Evening World*, "is the most astonishing record of the use of criminal means, including debauchery, blasting of reputations, torture, and even murder, for the purpose of obtaining and retaining control of a secret organization of intimidation that has been revealed since the exposure of the activities of the Molly McGuires in the Pennsylvania coal-fields, half a century ago." Only a part of this deposition was admitted in evidence, the chief items, according to a New York *World* dispatch, being—

"His charge that Grand Dragons were instructed by Evans to follow his order blindly, and that if they failed to do so they would be unseated, punished, and their characters attacked.

"His allegation that the 'Black Mask Robe Gang' was authorized by Evans, and was the official robe when Klansmen went on killing and whipping parties.

"His charge that Evans had boasted that a negro had been burned at the stake in Texas; that Klansmen had cut off a negro's ears; and that 'KKK' had been branded on the forehead of another negro.

"His testimony that after a riot in Perth Amboy, New Jersey, in 1923, Evans had told him 'if the Klan can make it look as if we are being persecuted, it will help increase our membership.'"

Mr. Simmons also made a deposition attacking the present Evans régime as "grossly disgusting," and stating that when he was head of the order there never was a riot involving the Klan. As opposed to the witnesses whose testimony alleging violence so impressed Judge Thomson, the Klan attorneys produced witnesses who stated that Klan demonstrations were always peaceful and law-abiding, and that on the particular occasion of the riot at Carnegie, Pennsylvania, the parading Klansmen were unarmed, and the victims of an unprovoked attack, in which a Klansman was killed. The most notable witness offered by the Klan was the Imperial Wizard himself. Mr. Evans, as a New York *Times* correspondent sums up his answers to questions and cross-questions, "denied that men were ever burned, flogged or tarred and feathered by the Klan, and declared that the organization would not tolerate such an action."

In bringing the case to an end, Judge Thomson first dismissed the cross-suit against the Klan as being beyond the jurisdiction of his court, the matter being the concern of the State of Pennsylvania. The main suit brought by the Klan against the exiled members was dismissed two days later on Friday, the 13th of April, on the ground that "this unlawful organization, so destructive of the rights and liberties of the people," has come into court "with filthy hands and can get no assistance here." In justifying this decision the Judge declared (as the Pittsburgh *Post-Gazette* prints the opinion) that the Klan originally obtained its charter in the State of Pennsylvania, as a charitable and patriotic organization, but that—

"In violation of its charter and in violation of its own constitution, it has established and is maintaining a form of despotic rule, which is being operated in secret, under the direct sanction and authority of the plaintiff's chief officers. That in violation

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of the rights and liberties of the people, it has set up tribunals not known to the law, before which citizens of the commonwealth, not members of the Klan, are brought, subjected to some form of trial, and upon conviction, severe corporal punishments are imposed, painful, humiliating, and often brutal in their character, and, in some instances, destructive of life itself. . . .

"That the plaintiff organization, through its actual operations and teachings, has stirred up racial and religious prejudices, fomented disorder and encouraged riots and unlawful assemblies, which have resulted in flagrant breaches of the peace, defiance of the law, bloodshed and loss of life, and that such unlawful assemblies and riots have, in many instances, been brought about for the avowed purpose on the part of the officers in control of increasing the membership of the organization. . . ."

In particular, Judge Thomson states that the evidence establishes violations of the law in Pennsylvania, including the severe physical punishment of a negro, the kidnaping of a little girl, and the personal responsibility of Hiram W. Evans for the riot and bloodshed at Carnegie, on the ground that he gave the Klansmen the order to march in spite of the refusal of the local civil authorities to permit such a parade.

That the rank and file of Klan membership can be held responsible for all the acts of violence charged at Pittsburgh seems impossible to papers like the *New York Sun*, *New York World*, and *Indianapolis News*. What is important, says the *Indiana paper*, is the light shed on the character of the Klan leadership. People were induced to join the Klan, because they were told that in this way they would help in dry-law enforcement and the suppression of forms of vice neglected by various authorities—"their mistake was in not investigating the character of the higher leadership." It is the "exposure of the truth about this leadership" which has "practically wrecked the Klan as an active force," in the opinion of *The News*. That this is the beginning of the end and that the Klan has evidently spent its force are statements made by the *New York Evening World*, *St. Louis Post-Dispatch*, and *St. Louis Star*. But the *Milwaukee Journal* is not so certain—"one would have thought that the disclosures, or rather the partial disclosures, in Florida and Georgia and Texas and Indiana would have broken the Klan. They did not. It only changed its coat and went on doing business at the same old stand." Similarly *The New Republic* ventures a guess that the result of this "terrible indictment" upon the rank and file Klan membership "will probably be negligible":

"They are emotionalists, who will, no doubt, find little difficulty in persuading themselves that Judge Thomson had some ulterior motive for uttering his burning words. In fairness it should also be noted that the cruelty of the Klan has in nearly every district been the work of only a part of the membership, hundreds of thousands of Klansmen being leading citizens of small towns in the West and South, as earnest and anxious for the welfare of the country as they were ignorant and misguided. The Klan is dying; but it is boredom and reluctance to pay dues which have cut its membership in two, and not any change of heart. The former Klansman will continue to think and vote as tho he were still a member of the order."