

ALABAMA'S FLOGGERS

THE MOST HOPEFUL SCRAP OF PAPER that has made its appearance in Alabama in many moons, in the opinion of one of the State's own newspapers, is the report of a special grand jury in which 102 indictments were found against thirty-seven men charged with flogging white and negro residents of Crenshaw and Butler counties. Thirty-six of the floggers, it is said, were officials and members of the Klan. This is the third time in three months that the hooded order has been dealt a blow, says a Montgomery dispatch. The strange thing about the latest anti-Klan offensive is that it is being launched by Charles C. McCall, State's Attorney-General, despite the fact that he himself was until October 19 a member of the Klan, and was elected with Klan support. Less than a year after his election, telegraphs the *Montgomery Times* in reply to a request for Alabama editorial comment, "the responsible heads of the Klan have been brought out into the light of day." "The lash and the mask are on the run in Alabama," adds another Alabama paper, the *Eufaula Citizen*. But other Alabama editors warn us that the fight has just begun, for indictment falls far short of conviction. The *Andalusia Star*, however, believes that—

"The findings of the Crenshaw County grand jury will have a far-reaching effect, regardless of the outcome of the trials. The evidence showed that flogging in each case was done by members of the Klan. This fact alone would indicate that there is an element in the order which assumed that whippings could be administered by members without having to pay the legal penalty. The very fact that the State has been able to show that the courts are greater than the secret order will have a wholesome effect in Alabama."

The most damaging revelation made at Luverne, the county seat, during the grand jury investigation, telegraphs the *Birmingham Post*, "was the notice served on the world that a Klansman regards his oath to the Klan as taking precedence over his oath to the State." Therein lies the menace of the Klan, thinks the editor of this daily, "for it is setting up a government within a government. And that is anarchy." The people of Alabama, declares the *Tuscaloosa News*, "are not ready to accord to any order, creed, or fraternal organization the authority which they have vested in the courts." "There can be but one governing power—the regularly constituted tribunals of the land," adds the *Luverne Journal*.

The issue in Crenshaw County, we are told, was clearly drawn between law and lawlessness. The action of the grand jury, maintains the *Tri-Cities Daily*, of Sheffield, "has vindicated the people of Alabama." It has also vindicated Attorney-General McCall, "who was hailed as a briefless young lawyer during the 1926 political campaign," notes the *Anniston Star*. Now that the clean-up has started, the *Florence Times-News* hopes the action of the courts "will be such as to stamp out masked violence in Alabama."

The history of the fight that is now going on is told by a special correspondent of the *Scripps-Howard* newspapers in a dispatch from Montgomery, the State capital:

THE LITERARY DIGEST

October 29, 1927

~page 12~

"The fact that Attorney-General McCall knows the inner workings of the order has made it possible for him to level deadly blows. He has ordered its members into court and sent them to jail when they refused to come. He has searched the Klaverns of local organizations and the homes of Klan officials. He has seized records, correspondence, regalia, and paraphernalia.

"The issue now is whether the Klan is superior to the law in Alabama. Cecil Davis, a former State Klan officer, when called before a Crenshaw County grand jury at Luverne, bluntly declared that Klan law was superior to Alabama law, and refused to answer questions because 'my oath as a Klansman prevents me.' He was sent to jail for five days, and boasted that he would be free in twenty-four hours by action of Governor Graves. But this hope was in vain, and he served the sentence.

"The Klan is afraid of McCall in Blount County, where he sent two men to the penitentiary for kidnaping, and five others pleaded guilty in order to get jail sentences. In Jefferson County, of which Birmingham is the county seat, and where the Klan has been all-powerful for a decade, he indicted twelve men. Their trials were to begin to-day, October 19, with McCall prosecuting personally.

"Klan leaders are striving desperately to find some way of pacifying McCall and calling him off. As yet they have found no way, and apparently there is little likelihood that they will, as McCall comes more and more to appreciate the wide-spread endorsement given by the State to his prosecution."

In his resignation from the Klan, Mr. McCall said:

"I regard my oath as an officer of the law superior to any private and fraternal obligation I can take, and I do not feel that I should follow longer under the leadership of those leaders of the Klan in Alabama, who, in my judgment, are placing themselves at war with constituted authorities."

But the Davis incident is "proof positive" to the Birmingham *News* that many members of the Klan place their oath of allegiance to the hooded order ahead of their oath of allegiance to the State. Says *The News*:

"Davis, a reputed former Grand Titan of the Klan, not only places his loyalty to the Klan above his loyalty to the State, but states the reasons why he does so. He admits, to all



IF COLUMBUS WERE TO VISIT ALABAMA TO-DAY

—Maxwell in the Birmingham Age-Herald.

intent and purposes, that in his judgment the Klan is superior to the State. He almost boasts that it is superior.

"How many members of the Ku Klux Klan in Alabama have this Davis spirit of rebelliousness against this State's laws and institutions? How many Klansmen here yield obedience to this supergovernment?"

"It has remained for Davis to reveal in all its nakedness the pretensions of this hooded organization," points out the *Birmingham Age-Herald*. "He refuses to fulfil his duty to the State because he owes a higher duty to the Klan." Now, observes the *Mobile Register*:

ALABAMA'S FLOGGERS

p. 3

"It may not be technically treason for a citizen to permit his oath to a secret organization to interfere with his oath to the State, but it is at least treasonable in its significance when a citizen of this State tells a court that he can not answer questions put to him by the Attorney-General in a matter of profound importance to the State, actually refuses to answer such questions, and, on the issue thus raised, goes to jail for contempt of court.

"What are we coming to in Alabama when citizens who pretend to be devoted to American institutions assume this treasonable attitude toward the law and the courts of the State? If justice is to be blocked in Alabama by obligations assumed by citizens in oaths they have taken to secret organizations, we are in a bad way. Alabama is bigger than the Ku Klux Klan, bigger than any other organization in the State, whether hooded or unhooded, and citizens who fail

to realize it ought to be brought to book.

"On the basis of the grand jury report, it may be a question whether the State should not take immediate steps to vacate the charter of the Klan, not only in Crenshaw County, but throughout the State. Alabama, its confidence abused, its good name soiled, its laws violated, its sense of justice and decency outraged, would seem to be justified in seeking to revoke all charters under which secret conspiracies against the law are executed."

A few Northern papers, however, would treat the members of the Klan in the harshest possible manner. Says the *Chicago Tribune*, for example, of Mr. Davis, who refused to answer the grand jury's questions:

"No citizen who regards his citizenship oath would make such an excuse, for it places an obligation to the Klan above the obligation to the country. The ex-Grand Titan puts his Klan loyalty above his loyalty to the United States, and he deserves not only to be sent to jail, but to be deprived of his privileges as an American citizen.

"An organization that exacts such an obligation is outlaw and seditious, and its claims to be a protector of Americanism are bogus. It does not express American ideals and principles, but repudiates them. The Klan does not represent Americanism, but its opposite. It represents the ignorance and intolerance which persist in spite of Americanism."

Judging from recent State activities, however, the *Baltimore Evening Sun* is convinced that "Alabama has regained its sovereignty," and the *Asheville Citizen* observes that Klan officials are on the defensive and fighting what most of them realize to be a losing battle."