

2002

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Recommended Citation

Pruitt, Jr., Paul M. (2002) "Historic Notes and Documents: Judge Henry D. Clayton and "A Klansman": A Revealing Exchange of Views," *Florida Historical Quarterly*. Vol. 81: No. 3, Article 7.

Available at: <https://stars.library.ucf.edu/fhq/vol81/iss3/7>

Historic Notes and Documents: Judge Henry D. Clayton and "A Klansman": A Revealing Exchange of Views

by Paul M. Pruitt Jr.

On the afternoon of June 16, 1922, Alabama federal judge Henry D. Clayton addressed the Florida State Bar Association in Orlando.¹ Invited at the last minute, Clayton had been in Jacksonville, holding court by special assignment.² He knew many Florida lawyers—no doubt including Armsted Brown, an Alabama transplant who would be elected president of the Florida Bar that year.³ He was well accustomed to addressing such meetings, usually speaking on technical issues of

Paul M. Pruitt, Jr. is Assistant Law Librarian at the Bounds Law Library, University of Alabama. He thanks Glenn Feldman, Warren Rogers, William Warren Rogers, Samuel L. Webb, David Durham, Penny C. Gibson, John Howard, and Jim Cusick of the Special Collections Department, Smathers Library, University of Florida for their advice and assistance.

1. Henry D. Clayton, "The Indefensible Usurpation of Governmental Functions by Secret Societies," in *Proceedings of the Fifteenth Annual Session of the Florida State Bar Association* (Orlando, 1922), 65-66, 146-56; see also Jacksonville *Florida Times-Union*, 18 June 1922. Clayton was judge of Alabama's middle and northern districts from 1914 until his death in 1929; see Albert B. Moore, *History of Alabama and Her People*, 3 vols. (Chicago, 1927), 3: 66-67.
2. Henry D. Clayton to Senator C.A. Culberson, 20 June 1922; Henry D. Clayton to Herman Ulmer, 20 June 1922, both in Henry DeLamar Clayton Collection, Hoole Special Collections Library, University of Alabama, Tuscaloosa.
3. For Brown's biography, see *Florida Law Journal*, 8 (August 1934): 103. Brown had been for some years a state judge in Montgomery, Clayton's professional home base.

law or legislation, and so he had accepted the invitation. But this time he had something broader on his mind.⁴

A raconteur of the old southern school, Clayton represented Alabama in Congress from 1897 to 1914. Known today primarily as a Progressive and as author of the Clayton Antitrust Act, he was in fact strongly linked to Alabama's ruling planter-industrialist coalition.⁵ Even though as a judge, he spent much of his time dealing with procedural matters and trials, he kept an attentive eye on public issues and, by 1922, was much caught up in what one historian has called "the compulsion to preserve cultural values."⁶

In the 1910s and early 1920s, Clayton's genial manner masked his unease with the tenor of recent events. During the World War he had presided over important cases, including New York's "Abrams" sedition trial. Inspired by hatred of the Germans and their allies, he backed the American government in stifling civil liberties in the name of defense.⁷ Later, he fretted that federal officials had acquired too much power to investigate and regulate, and he expressed concern that the legacies of Progressivism and war—a desire for moral purity combined with a willingness to enforce conformity—would disrupt the settled order of government, which he attributed to southern gentlemen.⁸

4. See, for example, Hugh Henry Brown to Henry D. Clayton, 2 June 1922, Clayton Collection, discussing Clayton's recent speech before Mississippi's state bar association on the subject of waterpower.
5. Moore, *History of Alabama and Her People*, 3: 66; Arthur S. Link, *Woodrow Wilson and the Progressive Era, 1910-1917* (New York, 1963), 67-70; and Glenn Feldman, *Politics, Society, and the Klan in Alabama, 1915-1949* (Tuscaloosa, Ala., 1999), 130-31. For a perceptive treatment of Clayton's father and the family's background, see Henry James Walker, "Henry Delamar Clayton: Secessionist, Soldier, Redeemer" (Ph.D. diss., University of Alabama, 1995).
6. Henry D. Clayton, "Popularizing Administration of Justice," *American Bar Association Journal*, 8 (January 1922): 43-51. For Clayton's case load, see Tony Freyer and Timothy Dixon, *Democracy and Judicial Independence: A History of the Federal Courts of Alabama, 1820-1994* (Brooklyn, N.Y., 1995), 290-91, 296-97, 300-301, 308-309. For the quoted passage see Dewey W. Grantham, *Southern Progressivism: The Reconciliation of Progress and Tradition* (Knoxville, Tenn., 1983), 415.
7. Richard Polenberg, "Progressivism and Anarchism: Judge Henry D. Clayton and the Abrams Trial," *Law and History Review* 3 (fall 1985): 397-408. Presiding over this case, Clayton was filling in for a judge in New York City. Such substitutions would occupy him steadily over the years.
8. Clayton, "Indefensible Usurpation," 147, 152-54. For similar concerns, see Reuben Arnold, "Tendencies of the Times: Are We Going Forward or Backward?" in *Report of the Thirty-Eighth Annual Session of the Georgia Bar Association* (Macon, Ga., 1922), 319-49; and R.B. Ewins, "The Citizen and the

By 1922, Clayton's attentions were focused upon the second Ku Klux Klan. Revived in Georgia in 1915, the Klan spread as a fraternal order with psychic ties to the past. Though its members engaged in acts of public service, they also embraced the dark side of "Americanism," proclaiming the Klan "defender of the nation against Catholics, Jews, Negroes, aliens, strikers, boot-leggers, immoral women, and miscellaneous sinners."⁹ Klansmen were increasingly evident in the South's turbulent cities, where, as novelist Ellen Glasgow wrote, "the past was going out with the times and the future was coming on in a torrent." The Klan appealed to thousands of city-dwellers who, as transplanted rural white Protestants, perceived "modernism" in all its guises as both threatening and tantalizing.¹⁰

In Alabama, Birmingham's True Americans, a precursor of the Klan, elected a slate of anti-Catholic officials as early as 1917. Within three years, a Klan-backed candidate almost unseated influential Senator Oscar W. Underwood.¹¹ Thereafter, Alabama Klan membership grew explosively, and as violent incidents (including floggings, kidnappings, and the August 1921 murder of a Catholic priest) grew common, it was obvious to Clayton that masked men were taking both law and politics into their own hands.¹² The Klan's "Indefensible Usurpation," as Clayton would put it, seemed to threaten everything he stood for. Aware of a group of elite Birmingham lawyers, including former U.S. Senator Frank S.

Government," in *Proceedings of the Forty-Sixth Annual Meeting of the Alabama State Bar Association* (Montgomery, Ala., 1923), 203-13; Feldman, *Politics, Society, and the Klan in Alabama*, 13-14.

9. *Ibid.*, 12-13, 27-29; Virginia Van der Veer Hamilton, *Hugo Black: The Alabama Years* (University, Ala., 1982), 65; and David M. Chalmers, *Hooded Americanism: The History of the Ku Klux Klan* (Chicago, 1968), 225. See also Ralph McGill, *The South and the Southerner* (Boston, 1964), 129-44.
10. Blaine A. Brownell, "The Urban South Comes of Age, 1900-1940," in Blaine A. Brownell and David R. Goldfield, eds., *The City in Southern History: The Growth of Urban Civilization in the South* (Port Washington, N.Y., 1977), 123-24, 145-50; and Kenneth T. Jackson, *The Ku Klux Klan in the City, 1915-1930* (Chicago, 1992), 240-44. The Glasgow quotation is from her novel *One Man in His Time* (Garden City, N.Y., 1922).
11. Feldman, *Politics, Society, and the Klan*, 64-66; Hamilton, *Hugo Black*, 73-75; Roger Newman, *Hugo Black: A Biography* (New York, 1994), 90.
12. Newman, *Hugo Black*, 71-88, 92; Hamilton, *Hugo Black*, 71, 85-93; Jackson, *Ku Klux Klan in the City*, 237. See also Paul M. Pruitt Jr., "The Killing of Father Coyle: Private Tragedy, Public Shame," *Alabama Heritage*, 30 (fall 1993): 24-37. Feldman estimates Alabama membership at 115,000 by 1924 and 150,000 by 1925; *Politics, Society, and the Klan*, 7.

White, that had begun to fight the Klan through anti-mask proposals, Clayton decided to open a new front of anti-Klan work in Florida—at the same time supporting his friends back home.¹³

In Florida, the Alabama-born Sidney J. Catts had been elected governor in 1916 on a “message of support for the American flag, Prohibition, and the little red schoolhouse against the menace of the convent, parochial school, Rome, and Africa.”¹⁴ Catts served as a cultural and political precursor to the second Klan, which was launched in Jacksonville in 1920. Soon—thanks to vigorous recruiting by the order’s “Kleagles”—the Klan was well established in several of Florida’s growing cities.¹⁵ Even more than elsewhere, the 1920s were boom times in Florida. But the era was also marked by a combination of optimism and fear.¹⁶ Cannily, the Klan’s strategists tailored their appeals to both the prejudices and social patterns of middle-class whites, offering women and children membership in auxiliary organizations (most notably the Women of the Ku Klux Klan) and embracing a range of educational, religious, and civic activities.¹⁷ Merging the fervor of war-time propaganda with the innocuous appeal of civic boosterism, Klan leaders such as Grand Dragon I.E. Phillips soon attracted as many as sixty thousand dues-paying members.¹⁸

For all its talk of good works, the Klan’s overriding mission in Florida was to oppose certain racial, socio-economic, and ideological forces. The volatile conditions of the times made violence a

13. See Henry D. Clayton to Frank S. White, 1 June 1922; Frank S. White to Henry D. Clayton, 3 June 1922, both in Clayton Collection.

14. Chalmers, *Hooded Americanism*, 225. For Catts as a reform-minded demagogue, see Wayne Flynt, *Cracker Messiah: Governor Sidney J. Catts of Florida* (Baton Rouge, La., 1977), 221-28, 230, 236-37, 238-39. For Catts’s 1917 visit to Birmingham and his encouragement of the True Americans, see Feldman, *Politics, Society, and the Klan*, 59.

15. Michael Newton, *Invisible Empire: The Ku Klux Klan in Florida* (Gainesville, Fla., 2001), 42-43.

16. For the Florida boom, see George B. Tindall, *The Emergence of the New South* (Baton Rouge, La., 1967), 104-109.

17. Chalmers, *Hooded Americanism*, 227-29; Newton, *Invisible Empire*, 43-48. The civic activities of Florida Klansmen included donating to churches and charities, awarding Bibles to high school students, and in Miami in 1923, entering a float in the Fruit and Flower Parade. For an example of money donated to a Jacksonville church following an appeal to Imperial Wizard W.J. Simmons, see Jacksonville *Florida Times-Union*, 2 May 1922.

18. Newton, *Invisible Empire*, 43-44. See also Jackson, *Ku Klux Klan in the City*, 237, 239, who gives similar figures for the years 1915-1940 and estimates that membership in Jacksonville was 3,500, in Miami, 4,000, and in Tampa-St. Petersburg, 2,500.

safe option. In 1919 and 1920, labor troubles erupted in Jacksonville, Tampa, Miami, and Pensacola, involving industries as diverse as ship-building and cigar-making.¹⁹ Some of the state's leading citizens (and the conservative Democrats with whom they were affiliated) were comfortable with Florida's long-standing tradition of dispensing extralegal justice to persons labeled as radicals or troublemakers.²⁰ Manufacturers benefited from strong-arm tactics used against foreign-born workers, such as police raids and a Klan demonstration in Ybor City in the spring of 1920.²¹ Many actively promoted such responses. Well-connected Tampa lawyer-industrialist Peter O. Knight, for example, had been involved in vigilante activities since 1899.²²

To make the complex situation more complex, white union members resented black workers who, while comprising as much as 40 percent of the workforce in some unionized industries, were excluded from many unions.²³ Office-holding defenders of labor, especially Progressives of the Catts stripe, were just as likely to be anti-black as anti-liquor and anti-Catholic.²⁴ Consequently, Klansmen were able to unleash what one historian has called their "basic negativity" against diverse targets, with the support (depending upon circumstances) of either management or labor—often without needing to fear the wrath of elected officials.²⁵

Thus as early as 1920, Florida Klansmen learned to inhabit parallel universes of civic activism and terrorism. In Jacksonville and Orlando, they employed "open parades and covert warnings" to keep blacks from voting.²⁶ A Klan-like "race war" in Ocoee,

19. Flynt, *Cracker Messiah*, 216-19.

20. See Robert P. Ingalls, *Urban Vigilantes in the New South: Tampa, 1882-1936* (Knoxville, Tenn., 1988), 205-14, for an assessment of the historic interaction of economic interests, class and race bias, and concepts of frontier justice and honor. For extralegal violence against blacks, see Walter W. Manley III, E. Canter Brown Jr., and Eric W. Rise, *The Supreme Court of Florida and Its Predecessor Courts, 1821-1917* (Gainesville, Fla., 1997), 324.

21. Newton, *Invisible Empire*, 42-43.

22. Ingalls, *Urban Vigilantes in the New South*, 101-102, 233 n 138.

23. See Flynt, *Cracker Messiah*, 214-18, 222; see also Ingalls, *Urban Vigilantes*, 27. By 1915, overall, black citizens made up 39 percent of Florida's population of one million. Blacks were most strongly represented in the state's urban population (54 percent in Jacksonville); see Manley, et al., *Supreme Court of Florida and Its Predecessor Courts*, 321-22.

24. See Flynt, *Cracker Messiah*, 234-35, for an example of Catts's racial attitudes. See also Grantham, *Southern Progressivism*, 60-64, 123-27.

25. Newton, *Invisible Empire*, 61.

26. Jackson, *Ku Klux Klan in the City*, 226.

Orange County, killed at least eight people and saw the destruction of homes, churches, a school, and a lodge.²⁷ Tampa vigilantes, in addition to their labor-control activities, employed “shaming rituals” and lynch law, including the exhibition of a tarred and feathered Spanish emigrant accused of exposing himself in a park.²⁸ The Klan was likewise a burgeoning force in politics, having recently made a “virtual clean sweep” in Volusia County’s 1920 elections.²⁹

When Clayton sat down to compose his speech in early summer 1922, all of this weighed on his mind, but he probably expected a sympathetic hearing. The Florida State Bar Association, like its Alabama counterpart, was a voluntary organization with roots in the nineteenth century.³⁰ It was a small organization. At a time when the number of legal professionals in Florida was rising rapidly (three thousand out-of-state lawyers would apply for permission to practice in 1925 alone), membership in the association was less than a thousand.³¹ Association lawyers were hardly a compact elite, but some of their concerns (such as regulation of bar admissions and judicial elections) demonstrated a desire to make decisions for the larger bar.³² Clayton, for his part, began by urging his Florida brethren to go even further—to become spokesmen for the bar *to* the public. Lawyers should never, he told them, become so specialized, so

27. Newton, *Invisible Empire*, 50; Walter Francis White, *A Man Called White: The Autobiography of Walter White* (New York, 1948), 55. The Ocoee riot of 1920 was in a sense a rehearsal for the destruction of the Rosewood community in January 1923.

28. Ingalls, *Urban Vigilantes in the New South*, 184.

29. Chalmers, *Hooded Americanism*, 226; *New York Times*, 8 June 1922.

30. For the Alabama association, see Freyer and Dixon, *Democracy and Judicial Independence*, 70-72.

31. The 1925 figure was based upon figures compiled by the state’s newly created board of bar examiners. Before that date, lawyers were for the most part admitted by circuit judges with the assistance of local lawyers. Another gauge of the growth of the legal profession was that almost eight hundred new lawyers were admitted by examination between 1925 and 1927. Yet as late as 1928, the membership of the state association was only 976. See Robert H. Anderson, “Admission to the Bar in Florida,” *Florida State Bar Association Law Journal* 1 (September 1927): 4-7; and *Florida State Bar Association Law Journal* 2 (December 1928): 60-67. For a brief online “History of the Florida Bar,” see <<http://www.flabar.org/>>, keyword: history.

32. For 1922 discussions of admissions and judicial elections, see *Proceedings of the Fifteenth Annual Session of the Florida State Bar Association*, 11-17, 27-31, 34-42.

focused on success or wealth that they neglected their essential duties.³³

One such duty was to uphold, against all assaults, the concept of government as protector of fundamental rights. With a tolerant glance at the old-time Klan, Clayton conceded that vigilantes might be useful in times of chaos, though not in the relatively peaceful, prosperous America of 1922. Modern vigilantism was nothing less than a conspiracy against the true spirit of the law, an effort to tear down the structures of fair play and due process that lawyers and judges had erected over the centuries. If the Klan were not opposed, he predicted—perhaps with the Ocoee riots in mind—then government would lose its legitimacy and society might degenerate into “armed cliques.”³⁴ Unlike many lawyer critics of the Klan, including the aristocratic Leroy Percy of Mississippi, Clayton did not voice a concern over religious bigotry or terror inflicted upon blacks.³⁵ His passion centered on the erosion of constituted authority—though a major subtext of his speech was that Klan leaders were cowardly men of poor character who could not be trusted to wield power.³⁶

If Clayton’s critique seemed strangely incomplete, it was because he was a repentant Progressive who understood the Klan’s yearning for a simpler society. An important theme of his talk was that the “proponents of modernism” (i.e., the Progressives) had created an atmosphere of repression in which every aspect of life was subject to oversight. Klansmen might dislike this regime of

33. Clayton, “Indefensible Usurpation,” 146-47. These exhortations were part of Clayton’s introductory remarks.

34. *Ibid.*, 147-52. Praise of the first Klan was common among early twentieth-century southern Democrats; Virginius Dabney, *Liberalism in the South* (Chapel Hill, N.C., 1932), 163-64.

35. See Clayton, “Indefensible Usurpation,” 154, 156. He does not mention religious bigotry; and he denied that the Klan was concerned with matters of “color.” For contrast, see Leroy Percy, “The Modern Ku Klux Klan,” *Atlantic Monthly* 130 (July 1922): 122-28. For criticism of religious bigotry and of the selective enforcement of prohibition (another subject of which Clayton made no mention), see Arthur G. Powell, “The Twin Sister of Liberty: Address of the President,” in *Report of the Thirty-Ninth Annual Session of the Georgia Bar Association* (Macon, Ga., 1922), 67-92, especially 81-82, 86-90. Even Clayton’s Birmingham allies concluded that the Klan was “treading on dangerous ground” by pandering to “prejudice, one of the elemental passions of the human race”; see *Birmingham News*, 18 June 1922.

36. Clayton, “Indefensible Usurpation,” 151-52, charged Klansmen with cowardice and notes that “the mob or clan disease is largely attributable to unsound thinking; sometimes to the malevolence of individuals.”

commissions and inspectors, but in enforcing their own versions of morality, Clayton implied, they perversely imitated its intrusiveness. It is noteworthy that Clayton provided only two detailed examples of the Klan's propensity to violence, both involving resentment of newfangled government.³⁷

In this vein of empathetic criticism, Clayton noted sorrowfully that the Klan was a native white organization. Yet he could not resist a dig at the concept of America as a "melting pot" of races and cultures. "The World War," he observed, "showed [it] had melted too little."³⁸ In the end, it is apparent that Clayton shared many of the Klan's ideas and prejudices. But it is equally clear that he opposed the Klan for at least three powerful reasons: his instinctive preference for order and continuity, his devotion to openness in government, and his respect for the procedural decencies of the Common Law. All were inextricably bound up in his professional identity as lawyer and judge.

Clayton was surely not surprised that the Florida lawyers listened to him politely, applauded, and took no action.³⁹ He knew perfectly well that bar associations were notoriously deliberate bodies, preferring either to avoid controversial proposals or to debate them indefinitely.⁴⁰ Even the members who fully agreed with him probably saw no reason to act overtly—certainly not yet.⁴¹ In meetings over the next few years they criticized the Klan, openly or by implication, while promoting such reforms as an "integrated" bar.⁴²

37. *Ibid.*, 153-55. The outrages were against a Birmingham physician/health officer and a Columbus, Georgia, city manager.

38. *Ibid.*, 154. For Clayton's anti-immigrant sentiments, see Polenberg, "Progressivism and Anarchism," 397, 405-408. Clayton's audience had only recently heard their 1921-1922 president, Charles Andrews, call for a "thorough" Americanization of the legal profession; see *Orlando Morning Sentinel*, 15 June 1922.

39. *Proceedings of the Fifteenth Annual Session of the Florida State Bar Association*, 26, 43, 65-66. They did vote Clayton an honorary membership.

40. See Tony A. Freyer and Paul M. Pruitt Jr., "Reaction and Reform: Transforming the Judiciary Under Alabama's Constitution, 1901-1975," *Alabama Law Review* 53 (fall 2001): 90-95, for the slow progress of debating and lobbying for an "integrated" (comprehensive) bar proposal in Alabama.

41. Despite recent Klan triumphs in local races, there was some reason to think, in 1922, that Klan-style issues might be losing their political force. In the 1920 Democratic primary election for United States Senator, Governor Sidney J. Catts, a crypto-Klansman, had been decisively defeated by old-line incumbent Duncan U. Fletcher; see Flynt, *Cracker Messiah*, 271.

42. See William E. Kay, "Some Thoughts on Existing Conditions," in *Proceedings of the Sixteenth Annual Session of the Florida State Bar Association* (Miami, 1923), 67-

Cautiously, these men sought to standardize and control the bar, but at the same time they were probably fearful of exposing divisions within the profession. Without a doubt, some lawyers were themselves Klansmen—and who could tell the full number?⁴³

Clayton may have been more disappointed with journalists' response to his oration. The Jacksonville *Florida Times-Union* reprinted Clayton's speech, though coverage of his substantial remarks competed for space with a breezy aside in which he praised Sunshine State lawyers.⁴⁴ Back in Alabama, the speech was the subject of a brief front-page article in the *Montgomery Advertiser*, but was largely ignored by other newspapers, including the *Birmingham News*.⁴⁵ The simple fact was that the southern economic elite, as represented by editors and lawyers, was reluctant to make up its mind as to whether the Klan was a dangerous or a useful body.⁴⁶

Clayton received congratulations from friends and friendly strangers, several of whom reflected his own ambivalence.⁴⁷ Some

70, for a direct challenge to the Klan ("the very existence of which is a challenge to republican government, and an insult to modern civilization"), a defense of the rights and patriotism of Jews and Catholics, and a plea for "bar integration" as a boon to the profession and the people. See also remarks on the dangers of popular election of judges by President John W. Sutton, K.I. McKay, Martin B. Withers, and others, made at the association's 1928 Tampa convention, in *Florida State Bar Association Law Journal* 2 (June 1928): 15-22, 37-38.

43. Governor Catts's former associate J.B. Hodges of Lake City was perhaps the most notable lawyer-Klansman in Florida; see Flynt, *Cracker Messiah*, 250-51. For Hodges see *Florida State Bar Association Law Journal* 2 (December 1928): 63. For a Klan-related breakdown of professional collegiality in Alabama, see R. Marvin Woodall's remark in *Proceedings of the Forty-Sixth Annual Meeting of the Alabama State Bar Association*, 57-58, that cooperation among lawyers was "almost impossible, with the secret orders of my county."
44. *Florida Times-Union*, 15, 16, 17, 18 June 1922; Orlando *Morning Sentinel*, 15, 16, 17 June 1922. The Tallahassee *Daily Democrat* contained no account of Clayton's speech.
45. *Montgomery Advertiser*, 17 June 1922. The failure of the *Birmingham News* to cover Clayton's speech is somewhat odd, since that paper had denounced an alleged Klan outrage against a well-connected physician—an incident mentioned by Clayton in Orlando. See note 38; and Feldman, *Politics, Society, and the Klan in Alabama*, 68. For a statement (authored by Clayton's friends) demanding that the Klan unmask, see *Birmingham News*, 18 June 1922.
46. Feldman, *Politics, Society, and the Klan in Alabama*, 116-36, argues that Alabama's "oligarchy" was not fully unified against the Klan until 1926-1927, when Klan-backed candidates began to dominate state government.
47. Thomas D. Samford to Henry D. Clayton, 20 June 1922; M.S. Carmichael to Henry D. Clayton, 20 June 1922; and Henry D. Clayton to Senator C.A. Culbertson, 20 June 1922, all in Clayton Collection.

praised his speech but asserted that judges and law enforcement officials were partly to blame for the breakdown of order. A Florida preacher expressed frustration with legal technicalities that allowed criminals (“big boot leggers”) to escape prosecution. The secretary of the extraordinarily named Georgia League for Law Enforcement through Constituted Authorities believed that the Klan existed “because of the failure of the court[s] to deal adequately with crime, particularly social crime.” Finally, a Texas lawyer wrote both to thank Clayton and to point out how lawyers themselves were not above reproach—accusing Alabama federal judge David I. Grubb of having recently “Ku Kluxed” two Jewish New Yorkers through unfair rulings.⁴⁸

Clayton’s most interesting correspondent, however, was not a friend but one who was impertinent enough to view Clayton as a possible convert. “A Klansman” was a businessman, church goer, civic leader, habitué of a large urban “Klavern,” and either a resident of Orlando or an employee or guest at Orlando’s Hotel Empire.⁴⁹ His five-page letter is filled with smug hostility, announcing that he had caught the judge in the professional error of accepting hearsay evidence against the Klan.⁵⁰ He had the real inside information, of course, and so did several lawyers attending the convention who, he said, must have laughed inwardly at Clayton’s ignorance.

“A Klansman” defended his order. Individual Klansmen may have taken part in mobs, he wrote, but so have Methodists, Masons, and other identifiable individuals. Klansmen had never sanctioned lawless behavior but rather had “taken in hand” situations the law could not handle. He boasted of the Klan’s growing membership and wondered, coyly, if the Klan’s triumph (and the resulting reign of righteousness) would put Clayton out of work. Finally, he ended his tirade of boosterism and ersatz religion by inviting Clayton to repent his errors and join the Klan.

It is well to remember historian Wayne Flynt’s remark that the Ku Klux Klan of the 1920s was “a folk movement, tremendously

48. W.J. Carpenter to Henry D. Clayton, 17 June 1922; Jesse E. Mercer to Henry D. Clayton, 20 June 1922; and Joseph W. Bailey to Henry D. Clayton, 18 August 1922, all in Clayton Collection.

49. “A Klansman” to Henry D. Clayton, 28 June 1922, Clayton Collection. All information is derived from this typewritten letter, written on Hotel Empire stationary. Presumably, “A Klansman” read about Clayton’s speech in the newspapers.

50. “A Klansman” also scorned information derived from the testimony of ex-Klansmen.

popular among masses of deeply religious and patriotic people who saw their values eroded by strange new forces they could not understand."⁵¹ "A Klansman," by his invocations of familiar institutions, reflected some of this devotion to traditional virtues. Yet, even more clearly, he displayed a mentality produced by the merger of two other folk movements—the frontier lawlessness that marred American legal culture, especially in the south; and the conformity and shallow-minded group pride associated with Sinclair Lewis's fictional character George Babbitt.⁵² Like many of his fellows, "A Klansman" was respectable and middle-class; like them, too, he was ready to summon up primitive emotions in order to justify his actions. In Florida's cities there were thousands of such men, and it is no wonder that bar association leaders and politicians thought twice before challenging local circles of power.

All certain knowledge of "A Klansman" ends with his letter. We cannot know whether his faith was shaken by reports, two days after he wrote Clayton, of a beating administered to the editor of the Winter Park *Florida Post* by men who claimed to be Klansmen.⁵³ Nor do we know his reaction to subsequent Klan-inspired violence, such as the January 1923 rampage of murder and burning that took place at Rosewood, Florida.⁵⁴ If he remained loyal to the Invisible Empire, he probably enjoyed a later Orlando convention, one hosted in November 1923 by the local Klan (Cherokee Number 9).⁵⁵ There, surrounded by pals, he may have shored up

51. Flynt, *Cracker Messiah*, 302-303.

52. For frontier lawlessness, see James M. Denham, "A *Rogue's Paradise*": *Crime and Punishment in Antebellum Florida, 1821-1861* (Tuscaloosa, Ala., 1997). As for Lewis's famous novel, it is interesting to note that it was published in 1922, and that its protagonist was a member of a Klan-like society, the Good Citizens League. See Sinclair Lewis, *Babbitt* (New York, 1961), 311-12, 323-27.

53. Tallahassee *Daily Democrat*, 1 July 1922. This Associated Press dispatch was filed in Orlando. See also *New York Times*, 1, 2 July 1922.

54. David R. Colburn, "Rosewood and America in the Early Twentieth Century," *Florida Historical Quarterly* 76 (October 1997): 175-92; and Michael D'Orso, *Like Judgment Day: The Ruin and Redemption of a Town Called Rosewood* (New York, 1996). See Stephen R. Prescott, "White Robes and Crosses: Father John Conoley, the Ku Klux Klan, and the University of Florida," *Florida Historical Quarterly* 71 (July 1992): 18-40, for the February 1924 beating and mutilation of a Catholic priest in Gainesville.

55. Chalmers, *Hooded Americanism*, 227, 311-13. The Klan was active into the 1930s and beyond in Florida; see Jerrell H. Shofner, "Communists, Klansmen, and the CIO in the Florida Citrus Industry," *Florida Historical Quarterly* 71 (January 1993): 300-309; Ingalls, *Urban Vigilantes*, 200-201; and Newton, *Invisible Empire*, 71-73.

his belief that they were representatives of a blameless and righteous order.

Clayton did not take up "A Klansman's" implied offer. As late as 1927, he continued to cheer on opponents of the Invisible Empire. In that year the *Montgomery Advertiser* quoted Clayton's remark that "there is no place for the Klan in Alabama now."⁵⁶ By then, the Klan did not lack for critics, many of whom viewed it, in the aftermath of Tennessee's famous Scopes trial, as an embodiment of benighted fundamentalism. More to the point, the *Advertiser* and its regional allies had come to view the Klan as an altogether too-successful challenger of traditional Democratic machines.⁵⁷ Clayton's Orlando speech had anticipated these political and cultural wars while demonstrating how narrow, in some respects, was the gap between traditional Democrats and their sheeted foes.

**"The Indefensible Usurpation of Governmental
Functions by Secret Societies"⁵⁸**

By Hon. Henry D. Clayton of Alabama

Recent and almost daily happenings, current history, warrants us as lawyers who believe in a government of laws and not of men, in declaring opposition to all secret organizations under whatsoever name that assume the right to administer corrective or punitive justice according to the tenets and oaths of their members—men without the authority of law. Such acts have at different times in the history of our country contributed to the idea that government, local or general, has failed to perform its functions and that the citizens have found it necessary to do

56. *Montgomery Advertiser*, 28 October 1927, quoted in Feldman, *Politics, Society, and the Klan*, 130-31.

57. John T. Kneebone, *Southern Liberal Journalists and the Issue of Race, 1920-1944* (Chapel Hill, N. C., 1985), 21-24, 27-28, 41-49; Feldman, *Politics, Society, and the Klan*, 116-36; and Daniel Webster Hollis, *An Alabama Newspaper Tradition: Grover C. Hall and the Hall Family* (University, Ala., 1983), 24-43. In Alabama in 1926, Klansmen had backed victorious candidates for U.S. senator (Hugo L. Black), governor (Bibb Graves), and attorney general (Charles McCall). For a final view of the ambiguities of 1920s anti-Klan politics, see J. Mills Thornton III, *Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery, Birmingham, and Selma* (Tuscaloosa, Ala., 2002), 20, 22, 587 n 3.

58. The text of Clayton's address has been edited chiefly in order to eliminate a few repetitive or purely oratorical passages.

these things to remedy governmental deficiencies. It is true that the people have the right to revolutionize or to change their government whenever they deem it wise to do so; but it is quite a different thing for this set of men or that set of men to undertake outside of the law to declare that the government is inefficient and to arrogate to themselves the power, independent of established public authority, to furnish supplemental remedies.

There is no place for an invisible empire in the United States, nor any reason for clan or gang to do any part of the business of governing or correcting or punishing citizens or a citizen. A secret organization for such purpose is reprehensible notwithstanding avowals of its members that they have benevolent objects and have sworn in secret meetings to uphold the Constitution of the United States. Such avowals and such oaths cannot defeat the charge that these organizations are conspiracies against law and government. They are without lawful power to try any man for anything or to condemn and punish any citizen for any dereliction or crime, and whenever they do try and punish a citizen, they violate not only the law, organic and statutory, but they offend the very spirit of the law and do an inestimable wrong to society.

The good men who have joined such organizations ought to sever their relations. The example of an eminent citizen of Alabama may be cited. He joined the Klan, discovered that the organization had many cases on the "docket"—mark the word!—against citizens for in the most part trivial matters which members felt called upon to have heard in secret by the Klan, without the knowledge o[r] presence of the accused. In some instances mere personal grievances or spite were involved. Just as soon as he succeeded in clearing the "docket" by having the cases dismissed, this good man abandoned his fellowship.⁵⁹

Such organizations cannot justify their existence by the facts of history as it can be demonstrated. It is familiar that in the days of '49 in California, with the excitement incident to the discovery of gold there, murders and

59. See White, *A Man called White*, for a similar resignation in South Carolina.

robberies in that mining region became so frequent that good citizens formed the Vigilantes for the restoration of law and order. Conditions there were chaotic and crime was rampant. We know that just as soon as—and it was soon—the courts could function, that organization disappeared, for it was entirely useless in organized and ordered society.

It will also be remembered that in the early days of reconstruction some good citizens of Tennessee organized the first Ku Klux Klan. It is authentic that the first thought and object was to have merely a social or benevolent fraternity. It is also history that in those unhappy hours of our Republic there was no civil government of or by the people of the South, who had been defeated in arms, but that there was the rule of the Carpet-Bagger and the Scalawag in control of ignorant Negroes in brutal numbers. These Carpet-Bag and Scalawag vultures were vested with power by the government at Washington and their decrees were enforceable [sic] by a triumphant and present military. The gleam of bristling bayonets controlled the situation and illumined the hard conditions imposed. The Klan conceived the idea of aiding in the restoration of self-government, the preservation of the white man's civilization, and it believed it better to appeal to the superstition and fear of the ignorant and misguided rather than to force. We had well-nigh forgotten until within the last two or three years the regrettable things of those unhappy times. The Klan was investigated by Congress, the facts revealed and opinions and arguments advanced. These need not now be recited. However, let us remember that within one year after the Klan was born those who had used it under conditions most distressing, disbanded and declared it at an end. And it is not to be forgotten that after the good men had discarded that organization bad men took it up and in garbs and shrouds and masks, and in darkness perpetrated outrages against black people and white people as well.⁶⁰

60. Clayton used similar words to praise the original Klan in his 1927 interview; see *Montgomery Advertiser*, 28 October 1927; and Feldman, *Politics, Society, and the Klan*, 130-31.

Florida lawyers are familiar with *Bacon et al. vs. The State* (22 Florida 51). In June, 1886, the Supreme Court of this great state delivered a righteous judgment forever condemning in this commonwealth the organization and methods of oathbound conspirators who would seek to punish any man whom they might find guilty of social or criminal dereliction. That case revealed an organization of men more blood-thirsty and defiant of law than the deepest dyed villain whose deeds adorn the pages of "Dead Eye Dick," the dare-devil type of dime novels. . .⁶¹

The astonishing thing is that after all these years and in these times of peace in our land, with orderly government functioning everywhere, the justice of the peace and his constable in the remote hamlet and the Supreme Court of the United States at Washington—all other governmental agencies between these two extremes of judicial authority operating in orderly fashion, it is, I repeat, strange indeed that men should feel called upon to organize themselves into secret societies, to try and condemn their fellow citizens in secret and to inflict punishment in darkness. Such organizations have no place in our land. They are not useful in the governing business and their activities cannot fail to be productive of crime. . . No citizen wants his right of person or property passed upon by any secret conclave. He demands a fair trial, in the daytime, by an impartial judge and a jury of his peers. This is the final analysis to which we reduce our representative democracy in matters of all complaints, public and private, for infractions of the law in any and every kind of case. The fifth wheel is useless to the farmer's wagon and automobiles do not run on five wheels. So, likewise, are invisible empires and oathbound organizations unnecessary for good government; indeed and in truth their existence and actions constitute crime against government.

We can amplify the charge against these clans or gangs by reference more in detail to their methods. They are not only practiced under shrouds and behind masks and in darkness, inherent evidences of cowardice, but they

61. This case involved a purely local conspiracy; see also *Edmund P. Bacon, et al., v. State of Florida*, 22 *Florida Reports* 46 (1886).

are un-American and inevitably lead the way to atrocities. An effective remedy for the extirpation of these unlawful organizations would be to reach their membership and to appeal to any of the good citizens who may be members and have them understand the danger of clan and gang organizations. I happen to know that in one American city in the stress and excitement of the war, with the idea that it would serve a definite patriotic purpose, two secret masked societies of the Vigilantes kind came into existence. Parades by day and night were staged. Men of fine integrity and patriotism were members and officers.⁶² I believe these organizations have passed out of existence, but it is said that at one period it was with the greatest difficulty that the leaders who happened to be men of unusual strength of character were able to restrain activities and outrages based upon mere suspicion, or to deter the secret regulation of trivial matters. It is not to be doubted that the absence of the restraint of public opinion, the confidence begotten by the possession of the power of numbers and secrecy accompanied by intolerance make manifest the harm to come from secret organizations. The danger is inherent in the very existence of bands, call them Klansmen or gangmen. Their very threats are anonymous, made in the name of nobody that can be recognized, and subscribed with mystical names and signs not usable in any lawful business or enterprise. Every stage of the proceedings of these bands [is] despicable, and they cannot justify their conduct upon any claim that they promote virtue and safety, public or private.

In the main the conduct of the American people . . . may be construed to indicate a regrettable indifference to the outrages committed by secret organizations with or without names. Public opinion should declare that there is not the slightest element of fair play in the conduct of clansmen and gangmen. No member is as bold as was the blood avenger of ancient times, who had the courage to encounter his enemy in single-handed conflict. This modern outlaw always acts through overpowering numbers.

62. One of the groups to which Clayton referred was the True Americans. A similar group was the Guardians of Liberty; see Flynt, *Cracker Messiah*, 303.

These marauders always bear deadly weapons; the victim is helpless. He must submit to a flogging or killing, according to the decree of the secret conclave.

Business and industry have thrived in a way under the dominion of a tyrant, but one seen and known, and whose laws and decrees and methods of enforcement could be learned; but it must be expected that industry will wither if brought under invisible tyranny actuated by variable whims or passions, preference and prejudice. It matters not how much noisy propaganda may be promulgated as to education, sociological and humanitarian benefits which should be provided by government, if the results of such propaganda [do] not overcome the widespread ignorance of the fundamental purposes of government. The average citizen instinctively feels that he is entitled to protection. If his government, local or general, cannot afford this protection the primitive law of self-defense will cause him to seek protection through unofficial and perhaps secret organizations of his friends and neighbors. Thus it is easy to foresee clans multiply and the widespread growth of armed cliques for the existence of which can be urged self-protection. It would be easy to go further and tell how such organizations would act, as they have done in the past, for instance, develop strong men as leaders, and thus the process would go on from clan to tribunal government, oligarchies, and eventually to monarchy, or anarchy. It is within the bounds of conservatism to say that our citizenry cannot be expected to remain loyal to a government, local or general, which is unable to afford protection. Out of disloyalty there will come the destruction of orderly procedure and methods, and there will be a lapse into barbarism. Public complacency, indifference, and cowardice must not contribute to the destruction of our institutions.

For the serious menace of "invisible" government and outrages perpetrated behind masks or under the cover of ghostlike paraphernalia there should be a remedy, and it will be found and made effectual whenever there is an aroused public sentiment to condemn generally all secret organizations pretending in the name of righteousness to supply the deficiencies in government. The growth of

masked vengeance cannot be charged to the inefficiency of the courts. It may be that some thoughtless and pretended publicist would charge the cause to be the failure of the courts to properly discharge their duties, but the fact is that few, if any, of the matters that have provoked the white-garbed or masked forces of iniquity have appeared to have been the subjects of any sort of court action. Any observant man will agree that the mob or clan disease is largely attributable to unsound thinking; sometimes to the malevolence of individuals. And then, too, the idea seems to be popular that legislation and official legislation can and must effect, restrict, direct and prohibit, here there and everywhere.

Let it be admitted that much modern legislation and regulation has patent benefits to its credit, but it is true that all such has come so fast as to warp our mental processes and to militate against our ability for sound thinking. We are able to cause an official to be sent to inspect and approve or punish our neighbor for the way he keeps his back yard. Our children's teeth and nostrils are the subjects of public inspection and criticism. Our neighbor's cows must be dipped in a prescribed way or the neighbor must go to jail. In some states it is undertaken to get away from the old-time right of barter or trade, the law of supply and demand, of profit and loss, and to regulate the purchase of necessities by legislation enforceable [sic] by criminal prosecution. Amusements are censored, recreation is regulated. Unless the school to which we send our children is approved by officialdom we must go to jail and the children become the wards of juvenile courts. The amount of earning that wives or husbands must contribute to the support of the family [is] not merely the grounds for prosecution and punishment but a source for the interference of the courts of domestic relations. The towels and toilets of the hotels are the subjects of regulation, and the sad commentary is that such is necessary in many cases for sanitation and health.

It is not to be wondered at that one set of men, finding their neighbor doing something too trivial yet to have become a subject of regulation, that they should forthwith put into operation the tyranny of mind and foster intoler-

ance. It is easy for us to comprehend the mental process of the man who has seen his neighbor regulated in all things, becoming impatient at the lack of official regulation as to some other matter and thereupon endeavoring to supply the remedy called for by the supposed legal or official neglect. In the campaigns for the multitudinous regulatory laws that hedge us about in every act of commission or omission, some men have argued as to the inalienable rights, natural rights and privileges of personal liberty; the proponents of modernism have "squelched" the objectors and have put them in the category of reactionaries.

Thus has intolerance of thought and action been encouraged. We have taught ourselves to talk and think violently about personal habits and customs and too often intolerant action has followed. We have stressed the sidelines of governmental activity to the neglect of the fundamental rights guaranteed to the citizen. Too many people are willing to maltreat a neighbor or to be unjust to an official because they have dared to give offense in some trivial matter or have not conformed to the judgment of the critic. In the pulpit, on the platform, in the court room, in the school and home let there be taught the fundamental truths as to the rights of men and the common sense application of the governing principles of our intricate society. It would be well if the present generation could fully realize that the great factors in civilization are not in public school education, sanitation and highway construction and the like, but that these factors are the principles which demand the preservation of life, liberty and property and the continuation of the pursuit of happiness. The fruits of such tutelage will be the reduction of unlawful acts by day as well as in the darkness of the night. . .

Let it be noted that in the criticism of outrages mentioned there has not yet been heard any suggestion that the "melting pot," which the World War showed had melted too little, was blameworthy. This would indicate that the guilty parties are native Americans. It is also to be said while the first Ku Klux Klan is reputed to have taken undue interest in politics and the color question, the recent activ-

ities have appeared to be free from color or political alignment. The activities of the masked marauders have seldom been directed against the perpetrators of capital offenses. Vagrancy, family troubles and disapproval of official methods of local officials seem to have afforded a considerable part of the cause of action on the part of the maskers.

Take [a] Birmingham episode: In Alabama we have a number of what are called "whole-time health officers," officials devoting all their time to looking after the public health interests of cities and counties. . . . At that great industrial city of the South a thorough-going young physician holds the place of County Health Officer. He seems to have offended some people in the ordinary discharge of his duties, and at a time when there was no epidemic or other cause for excitement or unusual activity of his department. The result was that he was enticed from home under cover of darkness and severely maltreated and ordered to quit his job or suffer. The latest report is that he has not quit and is still discharging his duties faithfully and acceptably.⁶³

The justly proud little city of Columbus, in Georgia, enjoyed the possession of its own modern government. It had a mayor and city commissioners, but much of the governing business was done through a city manager, a capable man from a Northern state. He was not charged with any misconduct, official or otherwise, nor was there any effort to procure his discharge in the orderly way provided by law. Threatening letters were sent to the mayor; the city manager was attacked and beaten. Finally, pursuant to the threats, a bomb was placed at the residence of the mayor and its explosion did great damage. A few days thereafter the city manager resigned and returned to his former home.⁶⁴

63. Clayton referred to the case of Dr. J.R. Dowling, abducted and flogged on 17 May 1922, by nine masked men; see Feldman, *Politics, Society, and the Klan*, 67-70.

64. The city manager was H. Gordon Hinkle who left Columbus on 26 May 1922, several weeks after he was beaten and about a week after Mayor Homer Dimon's home was bombed. Within a few days an anonymous letter-writer threatened Police Chief J.M. Huling. Hinkle commented that city commissioners had refused him the authority to "clean house"; see *New York Times*, 28, 31 May 1922; and Gregory C. Lisby, "Julian Harris and the *Columbus Enquirer-Sun*: The Consequences of Winning the Pulitzer Prize," *Journalism Monographs* 105 (April 1998): 1-10.

I have given you these two instances of outrages by marauders where the victims held high place. In all probability there are numerous instances where the victims are obscure and without influence, and who, therefore, have suffered in silence or have respected the threats of these conspirators against individuals and society itself.

The worst feature of such outrages is that they are not perpetrated as the avowed acts of criminals or miscreants but are committed under the guise and pretense of morality, reform or uplift. These law violators are guilty of the inexcusable self-deception of believing that they may do wrong and that thereby good will follow. There is too much disposition to minimize the import of such outrages, but I deem it a subject of such timely interest as to discuss these things and occurrences. I would not say that present-day outrages are all perpetrated by the Ku Klux Klan, but that outrages are perpetrated in that name and according to mystic and reprehensible methods. Whoever may be guilty of these outrages, the time-honored rules of common sense, propinquity, repute and circumstantial evidence all unite to put the Ku Klux Klan on the defensive.

Men of Florida, let me urge you to follow the example of former United States Senator White of Alabama,⁶⁵ who was a brave Confederate soldier and now a leading lawyer, and former United States Senator Percy of Mississippi, now in the front of the bar of that state.⁶⁶ They have publicly denounced "invisible" interference in government by clan or gang, and have the support of their brethren and people.

65. Francis (Frank) White was U.S. Senator from 1914-1915; see Thomas M. Owen, *History of Alabama and Dictionary of Alabama Biography*, 4 vols. (Chicago, 1921), 4: 1755-56. For White's support of the 1922 Birmingham anti-Klan resolutions and of anti-masking ordinances presented to (but not passed by) the Birmingham City Commission, see *Birmingham News*, 18 June 18 1922; and Feldman, *Politics, Society, and the Klan*, 69-70.

66. Leroy Percy, a Delta aristocrat, was U.S. Senator from 1910 to 1913. For his 1922 battle against the Klan in Greenville, Mississippi, see William Alexander Percy, *Lanterns on the Levee: Recollections of a Planter's Son* (Baton Rouge, La., 1973), 225-41.

Letter from "A Klansman"

Hotel Empire⁶⁷
Orlando, Florida
June 28, 1922
Judge Henry D. Clayton,
Jacksonville, Florida,

Dear Sir:

It was with considerable surprise I noted your reference to the Ku Klux Klan, in your address before the State Bar Association, in Orlando the other day.

From your remarks, I presume you are not a member of the Ku Klux, if so, from whence your testimony providing evidence for an intelligent judgement against the Klan?

If you are not a Klansman you were forced to receive heresay [sic] testimony on which to base your verdict. You would throw such testimony out of your court in half a minute, therefore why use it against the Ku Klux?

Intelligent Americans will not accept your evidence, therefore you are waisting [sic] your time.

You quoted as evidence, a statement from an Alabama friend of "high standing." I do not know the party to whom you refer, but I do know that if any real, true-blooded, patriotic American, who has taken the Ku Klux obligation, which is to protect the American home, support the public schools, shield the purity of Womanhood, keep the flag of stars and strips [sic] sacred and free and to respect all laws governing our great American nation; to commit no act unbecoming an upright, God-fearing, home-loving, law abiding citizen; should retire from the Ku Klux—which seldom happens—his tongue will remain as silent regarding the workings of the Klan as the pyramids of Egypt.⁶⁸

67. The text of "A Klansman's" letter is edited only for clarity.

68. Klan initiations included solemn and terrifying language. Alabama initiates promised never to "yield to bribe, flattery, passion, punishment, persecution, persuasion, or any enticements whatever"; quoted in Hamilton, *Hugo Black*, 100; see also Newman, *Invisible Empire*, 95.

To be sure, unworthy men creep into the Ku Klux, just the same as they do into other secret Orders, for example; I am a Mason. A few years ago, a Mason on the square and with the grip voluntarily proposed a certain business deal and that night wrote letters informing his aides what had been done and to get busy as I was off my guard and they could work me out. Am I to condemn the Masonic Order because one member proved to be a traitor? No, the great and noble principles of Masonry were just as holy and sacred as before. Just a wolfe [sic] in sheeps clothing crept inside. The same applies to the Ku Klux.

I assure you every precaution is observed by the Ku Klux to prevent an unworthy, unamerican or lawless person from obtaining entrance into the order, but we have grown to several million and unfortunately a few traitors and unprincipled men have crept in. Every effort is made to weed out an unworthy person as soon as discovered.

Every candidate coming into this order is given several opportunities to retire, before he becomes fully initiated [,] provided he is not pleased with what he has seen and learned thus far; with these opportunities given, and in the face of them he chooses to go on through and later drops out and complains about or reveals the workings of the Order to outsiders, I consider [him] to[o] low and unprincipled to give heed to. If he retires in silence that is his business. Some retire from Masonry but do you hear them bellyaching about the shortcomings of Masonry? NO.

Judge, I wish to inform you that not a single mob in the United States has ever been organized, headed or encouraged by the Ku Klux; I do not say Klansmen, as individuals have not been in mobs and lynchings just a[s] Masons, K.P.'s [Knights of Pythias], Odd-fellows, Methodist or Baptist. No Klan has ever attempted to take the law out of its proper channel and mete out justice in its stead. There have been cases that our present laws could not get to that were taken in hand and corrected by the Ku Klux.

Several of the leading Attorney's [sic] who sat and listened to your tirade against the Ku Klux, in Orlando, were members and some leaders in the Ku Klux. Did they fly

up and resent your statements as false and an insult to them? No, they were men too big, for they had learned the lesson of silence and forbearance, so they just sat and smiled at your display of assine [sic] ignorance.

Judge, possibly you are not aware that the Ku Klux membership number into the millions and now growing at the rate of several thousand per day and among them many of the leading men in the United States.

I sat in a lodge with over 5,000 Klansmen, the other night. They had 800 candidates on the waiting list and voted on 193 applicants that night.⁶⁹ I can point you to a number of lodges over the country whose membership run up to 10,000 and over and no one dropping out either.

Did you presume, in your address the other day, to imply that only scalawags, cuthroats and bums composed the Ku Klux? If so you were wandering far afield. Personally, I wish to say that nine-tenths of the Klansmen are better men than I am; yet I am a Mason, Odd-fellow, Praetorian, member of the Church, Supt. Of our Sunday School and chairman of the Board of Officers of my Church. I am conducting my own business and am able to borrow from the banks in my town, on my OWN name such monies as needed to operate same. I have never been arrested nor tried before a Judge or Jury.

If all men lived according to the teaching of the Ku Klux there would be no need of Courts, Judges or Juries. I wonder if the fear that the acceptance of these principles by all men of earth would cost you your job, caused your voice to be lifted against it? I hope not, for I want to believe sincerity accompanied your words but ignorance misguided your tongue and this is written that this ignorance may be dispelled.

Judge, if you will live upright, godly, honest, 100% American, with an unquenchable [sic] devotion to your country, a love for your flag that will press from your body

69. The largest Klaverns in Florida included Stonewall Jackson Number 1 of Jacksonville, John B. Gordon Number 24 of Miami, Olustee Number 20 of St. Petersburg, and Cherokee Number 9 of Orlando; see Newton, *Invisible Empire*, 43.

every drop of your blood in its defense, if necessary; an evidenced willingness to go all odds for the protection of woman[']s sacred purity, childhood opportunities and a constructive policy that will build our nation into a strength of character and nobleness that no opposing power or influence can ever harm; Yes I say, if in you abide all these American principles and your daily actions prove the same you may some day have an opportunity to join the Imperial Ku Klux Klan, an[d] by them be led above the clouds of injustice to the mountaintop of intelligence where the sunlight of knowledge will dispell [sic] the clouds of ignorance, permitting your eyes to be opened allowing your vision to span the valley of activity, where justice, mercy and liberty mingle together in the hearts of men for the general happiness, up lift [sic] and highest rewards of earth, then it will be that your conscience will prostrate your body in ashes and twine you about with sackcloth and in lamentations [sic] cry aloud to the God above for forgiveness for the unjust criticism thrust at the Ku Klux in your Orlando address.⁷⁰

I do not believe you would purposely do injustice to any body or organization of men, hence this letter and I trust you will receive it in the same spirit in which it has been written, via, Brotherly Love.

Truly yours,
A Klansman

P.S. If you wish to reply use enclosed addressed envelope and it will reach the writer.⁷¹

70. This sentence is a fairly restrained example of Klan rhetoric; see Percy, "The Modern Ku Klux Klan," 123, 125.

71. At present, no envelope is attached to the letter.