

In the special correspondence of the Tribune of August 28^d I find the following under the heading of "A Model Administration Judge", in regard to the Kuklux outrages in my District.

— Exl —

I do not notice the statements of this paragraph on account of the assault which it contains upon myself, for I have too long been a ~~victim~~ mark for Conservative malignity to be disturbed by one more lie, even though it appear in the columns of the Tribune — a journal which has been almost a sine qua non with me, from my youth up. As I have been most unscrupulously assailed by the present allies of that journal for agreeing with it heretofore, I expect now to be equally denounced by it and then now for differing with it.

Of Part of the Kuklux plan

has un-

doubtedly been to assail the judiciary of the State, ^{and} destroy their influence with the public by accusing the judges of incompetency, partizanship and whatever other ~~vices~~ enormities came readily to their minds — My position as judge of the Superior Court was at the best a difficult one and I assumed it with great misgiving — There were three great impediments in my way — I was a Republican, a carpet-bagger and "young man". I was at once charged with ignorance and incompetency. The report was industriously circulated that the "Radical judge" always printed

with an interrogation, was ^{as} ~~entirely~~ ignorant of law as a pair of artillery practice and as ill-fitted by education for the duties of his position "as any corner-field sinner in the state." Soon after entering upon my duties as judge - another report was ~~constantly~~ inserted, published in every Conservative paper in the State except one, and assiduously circulated on the stump and in private conversation - by assertion and insinuation, ~~then~~ by the leading newspapers throughout the State - to the effect that I had been for three years, or as they sometimes felt it four years -

An inmate of a Penitentiary!

Inquiring as to the cause of this imprisonment, elicited the information that it was for the crime of "Horse Stealing" to which, ~~it~~ probably, my known fondness for a good animal, was supposed to give color - Having some confidence in my attainments and no little pride in the correctness of my life - I challenged my enemies to the proof and went on with in the discharge of my duties - I had no other remedy. A Republican who should have sought to vindicate his character before ~~the~~ through the juries of the State at that time would have been adjudged by all reasonable men, a fit candidate for the lunatic asylum. My position debarred me from redress which I might otherwise have been tempted to seek -

* - The Conservative papers of the State being generally as little liable in damages as the King of the beggars, and he - adds that -

As I determined to let the Klansman die a natural death - as I knew it must. I quietly continued in the discharge of my duties, treating with courtesy and fairness, members of the bar whom I knew to have assailed me as a "penitentiary bird" upon the stump and in private conversation - After this thing had continued for some time I offered a reward of one thousand dollars for evidence proof of the alleged report in the public prints. Of course, no one ever claimed the reward, for the men who uttered and circulated the calumny knew it to be a lie and only did it to embarrass my action as judge, bring the court into disrepute and prepare the way and excuse the acts of the Klans. It was but part of a general plan of slander, vituperation and infamous personal assault, which upon every representation of the government, which is entirely unparalleled in the history of political denunciation - It was a perfect process of falsehood and aspersion which none except those who passed through it can at all comprehend. Its purpose was to poison the public mind against Reconstruction and its results in order that the Klans might be organized and operated with impunity and success - and now that Klansmanship has proved a failure - has become a two-edged weapon cutting the hand which held it - this public opinion which themselves created out of whole cloth and their baseless slanders which very shame has compelled the better part of their party to ignore - are brought up as ex-

cuses for Kuklux outrages - This Special correspondent and his veracious informant propose to establish the fact that the "Administration Judge" is responsible for the acts of the Kuklux in this district - He says -

"In Calumet County I met a gentleman who ^{is counsel for some of the} knew more about the Order than any one else I have ever seen who was not a member - He gave me a list of at least a dozen white persons, who were murdered, and of a great number of barns and houses burned in that county before the first Kuklux outrage was perpetrated" -

Let me stop right here to remark that I have no idea that any "counsel for some of the Kuklux," ever made any such statement to any correspondent of the Tribune, or gave him any such list as he claims - It is a tissue His statement is a tissue of falsehoods, too bungled absurd and overwhelming to be uttered by any member of the bar of this district while in a state of sanity and sobriety consistent with coherency. The "Special" has either committed this remarkable batch of lies or been made game of by some humorous ~~man~~ ^{man} tar-heel who saw "something green" about him - He is either an outrageous knave or an unparalleled fool. Let us look at his statements -

- 1- He has a list of at least a dozen white persons who in the county before any Kuklux outrages were perpetrated -

I have lived within twenty five miles of the County seat of Calumet ~~county~~

the summer of 1865, and I have never heard of but three white persons being killed in the county - the one a child killed by the Kuklux by accident in one of their raids - ~~the~~ ^{the} other a man who was ^{to have been} a witness in certain Kuklux trials who disappeared something more than a year ago - It is not even known that he has been killed though strongly suspected - and the third the shooting of a man by ~~an~~ ^{the} watchman at Murray's Factory - These

~~I have~~ ^{have} ~~for~~ ^{ever} all of them long after the Kuklux terror had begun -

I have ~~been~~ ^{been} ~~presented~~ ^{the presiding judge} of the Superior Court - the only one having criminal jurisdiction - in that County since the Fall of 1868. During that time there has been - so far as I can recollect - but one presentment for the killing of a white ~~man~~ ^{person} and that was by another white man and - as I learn upon inquiry a Conservative.

During this time the Grand Jurors of the County have averaged more than three fourths Conservatives - the highest number of Republicans who have been upon any one grand jury having been five. The political complexion of the petit juries has usually been about the same - In no instance has there been a predominance of colored men upon the juries of this or any other county of the District -

If more than a dozen men were killed why was there no inquest, no presentment, no trial no rumor of it? When Sealed has been for four years busy in deceiving, magnifying and distorting fact and devising falsehood why has this never been whispered abroad before? Where is your "list" and who is your informant?

But he says further -

"A great number of houses and barns were burned in that county before the first Kuklux outrages were perpetrated"

~~That too~~

This too is a fact altogether unheeded of ~~houses~~ in this latitude - During the second year of the reign of the Kuklux one house and one barn were burned - and it was assumed in the case of one of them to have been the ~~work~~ work of a colored incendiary - No evidence of the fact that would even justify a jury a majority of which were Kuklux, in finding a verdict, was ever produced - But the Correspondent and his informant, not satisfied with these glaring lies go on to say that many "negroes and low-down white Republicans" were tried and sentenced for these murders and burnings in my court, but the ~~most~~ criminals being pardoned, the murders and burnings still continued and as the people took the law into their own hands, or in other words became Kuklux -

Now for the fact - no man has been tried for ~~murder~~ homicide or arson of any grade or degree in the County of Alamance since the organization of the present State government - Of course there have been no convictions and no sentences -

But the correspondent further testifies that - "Forsye and Holden put their heads together and in about two weeks as many hundreds of prisoners were pardoned and sent home"

Now, for the facts again. It ap-

7

peers from the official records
of the that Gov. Healden pardoned
^{and commuted the}
penalties -
from July 8th 1868 until Jan. 1st 1870 -

One Hundred and twenty Seven (127) persons convicted of various offenses. Of this number from the first day of Jan. 1870 to the 1st day of Jan. 1871, Gov. Caldwell pardoned fifty-two - Since that date I have not the record of pardons. But this takes us far past the date of Ku Kluxism -

Of the number pardoned by Gov. Healden only five were from the eight counties of this the Seventh Judicial District - less than from any other - Of these one was convicted and sentenced before I went upon the bench - I knew nothing of the case and so certified to the governor. One was committed to imprisonment for life - one was pardoned upon my recommendation - two ^{were pardoned} without my knowledge and one against my protest. This latter is the only one who has been pardoned since I have been upon the bench from the County of Alamance. His name is Wm Steel - a Democrat of a most notorious character for lawless violence. He was convicted of cutting a man across the abdomen in a fight so that his bowels gushed out and have since been kept in merely by a truss - He was an old man and was sentenced to six months in jail only - He should have had two years in the Penitentiary - Gov. Healden wrote me about it and I told him so. Of the fifty-two not pardoned in 1870 by Gov. Caldwell two only were from this district - One was ^{committed} pardoned without my knowledge and the other ^{one} pardoned against my protest, the former was a woman under sentence.

of death, the latter a Republican.

During my entire term of four years I have recommended ~~the pardon~~ of but ^{six or seven} fewer ^{to the} executive clemency - I have always than any other judge in the State, and few done up in writing - and the larger portion of it is probable that are who have ever been there, have been committed and not pardoned ~~on the bench~~ in the State. During the same time I have entered my written protest against the pardon of at least seven.

Of those whose pardons I have asked four have been Democrats - the politics of the others ~~was~~ not known - Of those against whose pardon I have protested five at least claimed to be Republicans - Besides this not a single

~~let the Tribune Special~~ ~~let~~ man was pardoned in the District prior to the organization of the Ku Klux - and their depredations - the commission of outrages by them.

Let the Spec Tribune assure us that about two hundred ~~was~~ ~~pardoned~~ niggers and low-down white Republicans were pardoned in two weeks by "Toussie and Holden getting their heads together" - The informant who knows so much evidently did not mean for you to put it in such tangible form - No doubt he was "counsel for the Ku Klux" and he was acting in that capacity when he lied to you Mr-Special - or else you were doing it when you lied about him - Who knows?

The entire "excuse" as regards this district is utterly false -

The Ku Klux Klan was organized all over this District between the

first of July and the first of November 1868. The first camp was established in Alameda County on the 23^d of October 1868 - At that time I had never held a Court in the county - Before the Spring Term 1869 - the range of the Kuklux had been established and the County was literally reeking with their crimes. From that time until July 1870 it was a constant terror - It disregarded law, outraged decency, mocked at rebellion and defied power - Its rule was absolute and bold - The deputy-clerk of the Court was the Chief of the County, the Sheriff was the Chief of a Camp, all his deputies were active members - The ^{+ grand jurors} jurors were mere creatures of its will and for two years paid no more attention to its existence and outrages than they would to the twittering of a nest of sparrows in a hedge by the roadside - Meantime no crime committed by a colored man was omitted to be prosecuted - The most trivial offenses secured conviction upon the most doubtful evidence - There was abundance of law for every one but Kuklux - Just at this time came the celebrated Holden-Kirk case, as it is termed - I happened to be one of those who was rather opposed to the movement, and especially doubted the extent of the Government's power - Yet I am now fully satisfied that this movement was one of the most beneficent events of the numerous decade of which it formed a part - I do not refer to its conduct or character - They may have been fully and well advised - I believe they were. But she it opened the eyes of the nation.

at length to the ~~horror~~^{danger} of Ku Kluxism
and saved us from the untold ~~horror~~
horror of its full development.

The theory of excusing the acts of the
Kluxes ~~was~~ by making it a sort of re-
taliatory institution for the acts of the
State government is a contemptible sham.
The organization was instituted before the
State government had been a month in oper-
ation and began its operations almost
immediately - The winter of 1868-9 - ^{abound-}~~was~~
ed in outrages in at least five counties of
this district - But the plan then was to deny
everything - The charge of Ku Kluxism was false
in toto - Men who were the gown by night
swore and protested by day that there was
no such thing in existence as vehemently
and with as much show of honesty as the
Tribune now tries to make it up since
~~now~~ that they were perfectly excusable - In the
fall

A MODEL ADMINISTRATION JUDGE.

Judge Tourgee's district, lying in the center of the State and including Alamance and Caswell Counties, the scene of the Kirk-Holden war, was the home of the Ku-Klux in 1870. It is unnecessary for me to repeat what occurred in those counties. There is no doubt that several men were murdered and a great many whipped, though the Ku-Klux are charged with many acts of which I believe the order to be innocent. I have never, however, seen the facts connected with the rise of Ku-Kluxism in this region published, as I learned them when there. In Alamance County, I met a gentleman who, as counsel for some of the Ku-Klux prisoners, knew more about the order than any one else I have seen who was not a member. He gave me a list of at least a dozen white persons who were murdered and of a great number of barns and houses burned in that county before the first Ku-Klux outrage was perpetrated. The guilty persons were in many instances discovered, tried, and sentenced to punishment. They were generally negroes or low-down white Republicans. Judge Tourgee's conduct at this time was very exasperating to the citizens who looked to his court for protection. I use the words of my informant, who, speaking of the matter, exclaimed: "Why, Sir, if you had gone into his court when he was trying some of these cases, you would have thought that, instead of being a Judge, he had been retained as counsel for the prisoner. I have heard him make the most outrageously partisan charges to the juries, and have known him to absolutely adjourn court to make a political speech." "But you say men were convicted and sentenced in his court," I remarked; "if this was so, what was the excuse for the Ku-Klux?" "Yes, he couldn't help convicting a great many, though many more escaped, and the authors of many outrages were never discovered. But the thing did not stop there; Tourgee and Holden put their heads together, and in about two weeks as many hundreds of prisoners were pardoned out and sent home. The burnings and murders still continued, and the people, seeing that they could hope for no protection from the Court, took the law into their own hands."