

THE KIRK-HOLDEN WAR OF 1870 AND THE FAILURE OF RECONSTRUCTION IN
NORTH CAROLINA

Jim D. Brisson

A Thesis Submitted to the
University of North Carolina Wilmington in Partial Fulfillment
of the Requirements for the Degree of
Master of Arts

Department of History

University of North Carolina Wilmington

2010

Approved by

Advisory Committee

Chris E. Fonvielle

Glenn A. Harris

Monica R. Gisolfi
Chair

Accepted by

Dean, Graduate School

TABLE OF CONTENTS

ABSTRACT	iv
ACKNOWLEDGEMENTS.....	vi
DEDICATION	vii
INTRODUCTION	1
Historiography	7
THE EVOLUTION OF KLAN TERRORISM IN NORTH CAROLINA, 1868-1870.....	14
ASSASSINATION OF JOHN W. STEPHENS	26
GOVERNOR HOLDEN’S MILITIA CAMPAIGN.....	32
From Militia Campaign to “War:” The Conservative Press Invents the “Kirk-Holden War”	38
IMPEACHMENT	49
CONCLUSION: THE ROAD TO REDEMPTION	57
BIBLIOGRAPHY	61
Primary Sources	61
Secondary Sources	63

ABSTRACT

The “Kirk-Holden War,” an 1870 militia campaign to curb Ku Klux Klan (KKK) violence, was one of the most important events during Radical Reconstruction in North Carolina because it precipitated the downfall of the Republican Party in the state. Republican governor William Woods Holden pursued the militia campaign because North Carolina’s civil authorities had proved completely helpless against Klan violence. Klan atrocities in North Carolina were not random acts of violence. Instead, Klansmen targeted specific citizens, either blacks who they thought no longer knew their place or whites who advocated freedmen’s rights. The Klan sought to destabilize the Republican Party and consequently the state government itself, which at the time was dominated by Republicans. Holden implemented the militia campaign in response to the Klan’s assassination of state senator John W. Stephens, and Holden’s militia campaign led to a backlash against the governor. Members of the Conservative Party spearheaded this backlash.

The militia campaign proved such an unpopular action that Conservatives successfully impeached Holden and removed him from office, making him the first governor in United States history to be removed from office. Holden was the founder of the Republican Party in the state and its most dynamic leader, and after his impeachment, the state party never recovered. The impeachment of Governor Holden signaled the start of Redemption and the restoration of Democratic rule in North Carolina. Democrats controlled the state for decades to come, the only major exception being the short-lived Fusionist Party of the 1890s, a coalition of Republicans and Populists. Governor Holden’s militia campaign against the Klan severely weakened the Republican Party in the state. This thesis examines the relationship between the Kirk-Holden War and the demise of Reconstruction in North Carolina. It tells the story of the early Ku Klux Klan in North Carolina from 1868 to 1870, the assassination of John W. Stephens in May 1870,

the Kirk-Holden War itself, as well as Governor Holden's impeachment and its subsequent ramifications.

ACKNOWLEDGEMENTS

Firstly, I would like to thank my family for all of their support and help throughout the years. I would not be where I am today without them. I would also like to thank my thesis committee, Drs. Monica Gisolfi, Chris E. Fonvielle, Jr., and Glen Harris, for all of their support and assistance during this process. I would especially like to thank Dr. Gisolfi, whose guidance over the last two years has proved invaluable. I would also like to thank the entire UNCW History Department, but especially Drs. La Vere and Fain, who were both very supportive and helped me to learn how to be a better student of history. Lastly, I would like to thank the Museum of the Cape Fear, who has provided me with a fantastic work experience while completing my thesis.

DEDICATION

I would like to dedicate this thesis to my wife, Erin, whose love, support, and encouragement are the reasons that I continued on my journey. I can never repay what she has given me.

INTRODUCTION

This project examines the “Kirk-Holden War” and its impact on the course of Reconstruction in North Carolina. I argue that Governor William Woods Holden’s militia campaign, which became known as the “Kirk-Holden War,” was the seminal event in the history of Reconstruction in North Carolina. Furthermore, the backlash against the campaign hastened the collapse of the state’s Republican Party. As a defining moment in the demise of Reconstruction in North Carolina, this is a story that needs to be told. In June 1870, Holden appointed former Union general George Kirk to command a militia unit composed of western North Carolinians. Kirk’s militia sought to restore law and order in Caswell and Alamance counties. In these counties, Klansmen had terrorized and murdered citizens, and their crimes had gone unpunished. In an effort to protect the citizens of Alamance and Caswell, Holden declared the counties in a state of insurrection and called in the militia to stop all Klan violence. Between mid-July and late August, the militia imprisoned 102 men with suspected connections to the Klan and Holden suspended the writ of *habeas corpus* in Alamance and Caswell counties. The arrest and imprisonment of these 102 men became known as the Kirk-Holden War.

The term Kirk-Holden War is intentionally misleading. The Conservative press created the term to vilify Holden and destroy the Republican Party. Governor Holden’s militia campaign was in no way a war. There were no opposing armies, no battles, and no casualties. During Governor Holden’s militia campaign against the Klan, Conservative newspapers continuously referred to the operation as “Holden’s war upon the people of North Carolina.”¹ Rather than using terminology that would have more accurately conveyed the true nature of the militia campaign, Holden’s Conservative critics like Josiah Turner, editor of the Conservative newspaper the *Raleigh Sentinel*, chose to downplay, conceal, and veil the KKK’s involvement in

¹ *Raleigh Sentinel*, August 5, 1870; *Raleigh Sentinel*, August 17, 1870.

the campaign almost completely. By masking the Klan's role, the Conservative press made a calculated political maneuver that shifted the blame for the militia campaign from the Klan to Governor Holden and the Republicans.

Throughout July and August, Conservative papers like the *Raleigh Sentinel* and the *Greensboro Patriot* invoked the imagery of war in an effort to foment bitterness among white North Carolinians still resentful of the outcome of the Civil War and Holden's policies. In a *Sentinel* article entitled "Holden's Army, What it is!," the author condemned Holden's militia campaign as an "arbitrary and illegal" military attack on North Carolinians.² The author argued that Holden gained his current position as governor through "crimes growing out of the late war..."³ According to Conservatives, Holden exploited the people of the state for his own personal gain, and his militia campaign was an attempt to ensure his position in the state by starting another war. Attacks comparing Holden's militia campaign to a war on North Carolinians continued unabated throughout the summer and fall of 1870. The Conservative press continually refined its message until, by early 1871, the term Kirk-Holden War (or sometimes Holden-Kirk War) became the most common name for the militia campaign.

With the term Kirk-Holden War, Conservatives successfully cast Governor Holden's actions as an attack on law abiding white North Carolinians and part of Holden's attempt to intimidate voters. Using this terminology, the Conservative press vilified Holden and inflamed the sentiments of many white supremacist North Carolinians who were already leery of a Republican Party that had given rights to freedmen. The inflammatory tactic of referring to the militia campaign as a "war" proved especially effective in the wake of the Civil War, which saw 40,000 North Carolina soldiers lose their lives. At this point in North Carolina history, only five years

² *Raleigh Sentinel*, July 18, 1870.

³ *Raleigh Sentinel*, July 18, 1870.

removed from a true war that killed so many North Carolinians and maimed tens of thousands more, the word war was not an abstract term. It had a very personal meaning for North Carolinians and all Americans. Conservatives purposely used the term war when referring to Holden's militia campaign to incite memories of the Civil War and white southerners' bitterness toward the North and the Republican Party. Using these smear tactics, Conservative papers successfully obscured the Klan violence that prompted the militia campaign and this helped create anti-Republican sentiment throughout the Piedmont. The political ammunition that the Conservatives garnered from the militia campaign allowed them to retake the state legislature in August 1870 and by December, Conservative legislators had already introduced articles of impeachment against the governor. Holden's subsequent removal from office so greatly damaged the Republican Party in the state that it never fully recovered. The name Kirk-Holden War is akin to two other deeply political terms: the "War of Northern Aggression" and the "War Between the States," terminology that purposely misrepresents and distorts historical events and has served and continues to serve political and ideological ends.

When Republican William Woods Holden won the governorship of North Carolina in the election of 1868, he was very much aware that a difficult task lay before him. It had been just over a year since Holden had spearheaded the creation of the Republican Party in North Carolina. In March 1867, North Carolina became the first Southern state to hold a Republican convention, and much to the dismay of many white North Carolinians, Holden ensured that both white and African American delegates participated in the proceedings.⁴ Now, Holden was the newly elected chief executive of a state that faced severe economic, political, and social

⁴ Richard H. Abbott, *The Republican Party and the South, 1855-1877: The First Southern Strategy*, (Chapel Hill: University of North Carolina Press, 1986), 112-113.

problems. How was he going to improve the living standards of poor whites who were still reeling from the destructive effects of a four-year war while simultaneously guaranteeing the rights of thousands of recently freed African Americans? The latter issue was a prospect that the majority of white people in North Carolina, and throughout the South, did not welcome. During the election, the Conservative Party espoused its position as protectors of white supremacy and denigrated the Republicans as the party of the “Negro.” During Reconstruction, the Conservative Party in North Carolina was the chief nemesis of Republicans. The Conservative Party was ostensibly the prewar Democratic Party, as many former Democrats ran on the Conservative ticket in direct opposition to the “progressive” ideas of the Republican Party. Additionally, many of those that identified themselves as Conservatives were white supremacists who believed that blacks did not deserve equal rights. To further complicate an already tense situation, the Ku Klux Klan made its first appearance in North Carolina during the election of 1868. Although the Klan’s influence in the election and throughout the remainder of 1868 was limited, it emerged as a major force in North Carolina by 1869. Klansmen committed hundreds of violent acts from 1868 to 1872, and Governor Holden soon focused on these atrocities, making them the central issue of his administration.⁵

Klan activity in North Carolina mainly occurred in the Piedmont region which encompassed most of the central portion of the state. Unlike the plantation districts of eastern North Carolina that had a relatively sizable African-American population, the Piedmont was a predominantly white region. In 1870, thirty-eight North Carolina counties were considered to be in the Piedmont, and of those thirty-eight, only ten had an African-American population greater than 40 percent. The average African-American population in Piedmont counties was approximately 25

⁵ William C. Harris, *William Woods Holden: Firebrand of North Carolina Politics*, (Baton Rouge: Louisiana State University Press, 1987), 237-242; Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction*, (New York: Harper and Row, 1971), 189-207, 336-348.

percent.⁶ Expectedly, virtually all African Americans in the Piedmont voted Republican. In addition, there was a sizable minority of Piedmont whites that cast their ballots for the new Republican Party. This alliance of black and white supporters made the Republican Party viable in the Piedmont, and it also infuriated Conservative whites.⁷ The KKK viewed white Republicans as traitors and African Americans as unfit for suffrage. The tension between Conservative whites and black and white Republicans helped make the North Carolina Piedmont a hotbed of Klan activity.

After nearly two years of continual violence, members of the Caswell County Klan committed a political assassination that eventually led to a showdown between Governor Holden and the Klan. On May 21, 1870, Klansmen murdered Republican state senator John W. Stephens in the courthouse in Yanceyville, the county seat of Caswell County. Stephens was an outspoken proponent of the Republican Party and was especially committed to the rights of freedmen. These two qualities made him an enemy of the Conservatives. Stephens's murder, which was an overt attack on the Republican government, led Governor Holden to declare an insurrection and he then sent the militia into the Piedmont to quell the violence, sparking the so-called Kirk-Holden War.⁸ George W. Kirk, a former Union officer from east Tennessee, commanded Holden's militia. When Kirk arrived in the Piedmont, he arrested over one hundred men suspected of having ties to the Klan, and under orders from Holden, Kirk held these men for several weeks, ignoring writs of *habeas corpus* issued by North Carolina judges.

Klan violence threatened the very existence of North Carolina's civil government. In the midst of the militia campaign, Holden wrote to the Chief Justice of the North Carolina Supreme

⁶ Paul D. Escott, "White Republicanism and Ku Klux Klan Terror: The North Carolina Piedmont During Reconstruction," in *Race, Class, and History: Essays in Honor of Robert F. Durbin*, eds. Jeffery J. Crow, Paul D. Escott, and Charles L. Flynn, Jr. (Baton Rouge: Louisiana State University Press, 1989), 3-7.

⁷ Escott, "White Republicanism and Ku Klux Klan Terror," 6-8.

⁸ During the early 1870s, it was also referred to as the "Holden-Kirk War."

Court, Richmond M. Pearson, and described the perilous situation the state faced. Holden explained, “the civil courts are no longer as protection to life, liberty and property; assassination and outrages go unpunished and the civil magistrates are intimidated and are afraid to perform their functions...This civil government was crumbling around me.”⁹ With an inability to address crimes committed by the KKK through avenues generally available to governors at the time, such as local law enforcement authorities and the state’s judicial system, Holden decided to implement the militia campaign.

The militia campaign proved to be a political disaster for Holden and the Republican Party in North Carolina. Members of his own party in Washington abandoned the governor, and President Grant failed to support Holden’s suspension of *habeas corpus* because Grant’s attorney general advised him that Holden’s legal position on the issue was unsustainable. By late August, with no support from Washington and no legal grounds to sustain his position, Holden released the prisoners. The Conservatives used the now-named “Kirk-Holden War” as a rallying cry and swept to victory in the election of 1870, winning a heavy majority in the General Assembly. By December, Conservatives began impeachment proceedings against Holden. In March 1871, Holden became the first governor in United States history to be removed from office. The impeachment dealt a major blow to the Republican Party in North Carolina. On a national level, the national party’s abandonment of Holden further weakened and discredited the Republican Party in the state and virtually assured the eventual downfall of the party in North Carolina.

⁹ W.W. Holden to R.M. Pearson, July 19, 1870, Governor’s Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

Historiography

Historical analysis of Reconstruction started in the early years of the twentieth century. Spearheaded by William Dunning of Columbia University, this first school of thought held that the South initially desired quick reintegration into the Union. With the implementation of Congressional Reconstruction in 1867, however, Radical Republicans forced black suffrage upon white Southerners and ushered in a period of unprecedented corruption in the South.¹⁰ According to adherents of the Dunning School, as this school of thought eventually became known, incompetent African Americans and greedy Northern carpetbaggers exploited the vulnerable South. After years of misery, Conservative white Southerners returned to power and “redeemed” the South. The Dunning School dominated the interpretation of Reconstruction for decades. One of the most influential works of the Dunning School was Claude Bowers’s 1929 book *The Tragic Era*. While Bowers was not a traditionally trained historian (rather, he was a journalist), he wrote in such a sensationalized manner that *The Tragic Era* became a national bestseller. In it, he argues that Reconstruction was one of the most corrupt and unproductive periods in American history.¹¹

In 1935, the African American intellectual W.E.B. Du Bois published *Black Reconstruction in America*, one of the earliest and most pointed rebuttals of the Dunning interpretation of Reconstruction. In his study, Du Bois rejects the racist implications of the Dunning School. He argues that Reconstruction was not a tragedy but was a positive experiment in which Republicans attempted to establish an interracial, egalitarian society in the United States. In his conclusion, Du Bois scathingly attacks the contemporary state of Reconstruction historiography. Pointing to a survey of American history textbooks, he explains that the three main ideas that

¹⁰ William Archibald Dunning, *Reconstruction: Political and Economic, 1865-1877* (New York: Harper and Brothers Publishers, 1907).

¹¹ Claude G. Bowers, *The Tragic Era: The Revolution After Lincoln*, (Boston.: Houghton-Mifflin, 1929).

students learned about Reconstruction were: “all Negroes were ignorant,” “all Negroes were lazy, dishonest and extravagant,” and “Negroes were responsible for bad government during Reconstruction.”¹² Du Bois argues that nearly all contemporary Reconstruction scholars perpetuated all of these false stereotypes that degraded African-American contributions during Reconstruction while simultaneously misinforming the American public. Although Du Bois’s work was far ahead of its time, or precisely because it was, historians ignored the work. In fact, it was never reviewed in a major historical journal. In many ways, however, it anticipated and greatly influenced the work of historians Eric Foner and Steven Hahn.

During the twenty five years following World War II, the United States experienced profound changes brought on in part by the civil rights movement. These profound social and political changes also altered the historical interpretation of Reconstruction, as the Dunning School fell out of prominence. Revisionist historians of the 1960s countered every major aspect of the traditional interpretation of Reconstruction, arguing that the true heroes of the period were Radical Republicans and freed slaves, while the racist Redeemers undermined democracy through violence, fraud, and intimidation.¹³

Drawing on the work of Du Bois and the revisionist historians of the 1960s, Eric Foner published *Reconstruction* in 1988, and it became arguably the most influential history of the period. In the work, Foner offers a comprehensive history of Reconstruction, arguing that African Americans were the key players during the period. Foner maintains that “[r]ather than passive victims of the actions of others or simply a ‘problem’ confronting white society, blacks were active agents in the making of Reconstruction.”¹⁴ Foner’s *Reconstruction* remains the

¹² W.E.B. Du Bois, *Black Reconstruction in American, 1860-1880*, (1935; reprint, New York: The Free Press, 1998), 711-712.

¹³ Foner, *Reconstruction*, xxii.

¹⁴ Foner, *Reconstruction*, xxiv.

definitive text on this complex period in American history, and it has inspired some of the finest works on Reconstruction and late nineteenth century Southern history, including David Blight's *Race and Reunion* and Steven Hahn's *A Nation Under Our Feet*.

The history of Reconstruction in North Carolina, and the history of the Kirk-Holden War specifically, followed a similar outline as the national trend. The work that for decades dominated the discussion of North Carolina during Reconstruction was J.G. de Roulhac Hamilton's 1914 book *Reconstruction in North Carolina*. Hamilton's work, representative of the Dunning School, argues that Reconstruction in North Carolina was a complete disaster for white North Carolinians and caused nothing but corruption and disorder. His discussion of Governor Holden's militia campaign is negative, to put it mildly. The chapter is entitled "The Reign of Terror."¹⁵ Rather than presenting the militia campaign as an attempt to check the rampant Klan atrocities being committed throughout the state, Hamilton paints the militia campaign simply as a ploy by Governor Holden and "his evil genius" Senator John Pool to ensure a Republican victory in the August elections through voter intimidation.¹⁶ Hamilton also paints a sympathetic portrait of the Klan. According to Hamilton, "the Ku Klux lifted the South from its slough of despond by the application of illegal force which overthrew Reconstruction and ultimately restored political power to the white race."¹⁷ It is telling that Hamilton classifies Holden's suspension of *habeas corpus*, which did not cause the death or injury of any citizen, as a "reign of terror," while glossing over the brutal tactics of the Klan as a necessary evil that restored white power.

Hamilton's interpretation of North Carolina during Reconstruction went virtually unchallenged for nearly a half-century until Otto H. Olsen published the article "The Ku Klux

¹⁵ J.G. de Roulhac Hamilton, *Reconstruction in North Carolina*, (1914; reprint, Gloucester, Mass.: Peter Smith, 1964), 482.

¹⁶ Hamilton, *Reconstruction in North Carolina*, 496.

¹⁷ Hamilton, *Reconstruction in North Carolina*, 453.

Klan: A Study in Reconstruction Politics and Propaganda” in the *North Carolina Historical Review* in 1962. In this article, Olsen asked if the Klan was a “necessary response to...widespread evil and disorder which allegedly accompanied Negro equality and Republican rule?”¹⁸ Olsen argues that the Klan was not a chivalric organization that saved the South from African-American rule, but was a terrorist organization that committed atrocities throughout the North Carolina Piedmont. Olsen also briefly explores Governor Holden’s militia campaign, providing a revisionist interpretation. He maintains that the militia campaign attempted to curb Klan violence and was not a nefarious Republican plot to retain control of the government. Two decades later, Olsen edited the book *Reconstruction and Redemption in the South*, in which he authored a chapter on Reconstruction in North Carolina. In this essay, Olsen echoes many of the sentiments of his earlier articles, but he also argues that Reconstruction failed in North Carolina mainly because of inner turmoil within the Republican Party and violent Conservative opposition. He only spends minimal time on Holden’s militia campaign, which suggests that he viewed it as only a periphery issue to the failure of Reconstruction in North Carolina.

Currently, there is general agreement among historians about the development of the Klan in the South. The Ku Klux Klan started in Pulaski, Tennessee on December 24, 1865 when a group of six young men, three of whom were former captains in the Confederate army, decided to create a new fraternal organization.¹⁹ Over time, however, the Klan developed into an organization that terrorized blacks and white Republicans. Over the first year of its existence, the organization spread throughout the region surrounding eastern Tennessee. In April 1867, several

¹⁸ Otto H. Olsen, “The Ku Klux Klan: A Study in Reconstruction Politics and Propaganda,” *North Carolina Historical Review* 39 (July 1962): 340.

¹⁹ The founders of the Klan were: Capt. John C. Lester, Capt. John B. Kennedy, Capt. James R. Crowe, Frank O. McCord, Richard R. Reed, and J. Calvin Jones; J. Michael Martinez, *Carpetbaggers, Cavalry, and the Ku Klux: Exposing the Invisible Empire During Reconstruction*, (Lanham, Md.: Rowman and Littlefield, Publishers, 2007), 7-8; William Peirce Randel, *The Ku Klux Klan: A Century of Infamy*, (Philadelphia: Chilton Books, 1965), 5-6; Wyn Craig Wade, *The Fiery Cross: The Ku Klux Klan in America*, (New York: Simon and Schuster, 1987), 34.

Klans met in Nashville and drafted the first constitution of the Ku Klux Klan, which espoused the doctrine of white supremacy and pledged that prospective members must support “the restitution of the Southern people to all their rights.”²⁰ The convention also elected former Confederate general Nathan Bedford Forrest the first, and only, Grand Wizard of the KKK. By 1868, the Klan had spread to nine Southern states, operating mainly in the piedmont regions and avoiding large cities and the coast. Despite having a constitution and an “official” leader, the first Klan never developed a centralized, or even regional, leadership. Klansmen during Reconstruction usually took their orders from their local superiors, and a few acted of their own initiative. Despite lacking central leadership, Klans throughout the South shared the same goal: reversing the changes caused by Reconstruction, namely the rights granted to freedmen and the rise of the Republican Party in the South.²¹

With the implementation of Congressional Reconstruction in 1867, many white men wanted to reverse the changes that they felt threatened white supremacy, and thousands of them found recourse within the Ku Klux Klan.²² The Reconstruction Act of 1867, which divided ten of the eleven Confederate states (Tennessee was excepted) into five military districts, was a source of particular ire for many Southern whites, and they argued that they were being treated as an

²⁰ Chester L. Quarles, *The Ku Klux Klan and Related American Racialist and Antisemitic Organization: A History and Analysis*, (Jefferson, N.C.: McFarland Publishers, 1999) , 195-217.

²¹ Quarles, *Ku Klux Klan*, 28-30; Stanley F. Horn, *The Invisible Empire: The Story of the Ku Klux Klan, 1866-1871*, (Boston: Houghton Mifflin Company, 1939), 9-14; David M. Chalmers, *Hooded Americanism: The History of the Ku Klux Klan*, (New York: Franklin Watts, 1965), 8-11; Foner, *Reconstruction*, 424-427.

²² In his testimony before Congress, Nathan Bedford Forrest claimed that 550,000 men throughout the South belonged to the order. This surly seems like an over exaggeration, but no historian has satisfactorily pinpointed an accurate number of Klansmen; Luke P. Poland, *Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States, so far as Regards the Execution of Laws, and the Safety of the Lives and Property of the Citizens of the United States and Testimony Taken*, vol. 1, (Washington: Government Printing Office, 1872), 8. In North Carolina, Governor Holden estimated that by 1870, approximately 40,000 Klansmen were in North Carolina; *Trial of William W. Holden, Governor of North Carolina, Before the Senate of North Carolina, on Impeachment by the House of Representatives for High Crimes and Misdemeanors*, vol. 1 (Raleigh: Sentinel Printing Office, 1871), 36.

occupied country.²³ During the election of 1868, the Klan attempted to prevent Republican and African American voting, with some of the worst violence occurring in Arkansas and South Carolina. In Arkansas, the Klan assassinated US Congressman James M. Hinds, and in South Carolina, it murdered three members of the South Carolina state legislature. Perhaps the most widespread violence during 1868, however, occurred in Louisiana. The Klan terrorized black communities and in a raid on St. Landry Parish, Klansmen destroyed a Republican newspaper and killed nearly 200 African Americans.²⁴ With the Klan spreading rapidly throughout the South, it was only a matter of time before it made its way into North Carolina.

The most in-depth analysis of the Kirk-Holden War is Allen Trelease's 1971 work *White Terror*.²⁵ The book traces Klan activity throughout the South during Reconstruction, and Trelease devotes his chapter "North Carolina: The Kirk-Holden War, 1870" Governor Holden's militia campaign. Like Olsen, Trelease also presents a revisionist interpretation of the Kirk-Holden War. He effectively points out that rampant, unchecked violence in North Carolina threatened the stability of state and local governments. He also argues that the militia campaign against the Klan was not an attempt to maintain Republican control through force. Rather, it was an attempt to counter the KKK in the North Carolina Piedmont. The overall focus of Trelease's book is the Klan during Reconstruction; however, he highlights the Kirk-Holden War and the events leading up to it, but he does not provide a deep analysis of the long-term consequences of the militia campaign on Reconstruction in North Carolina.

During the 1980s, two historians wrote biographies of William Woods Holden that focus a good deal of attention on the Kirk-Holden War and the governor's subsequent impeachment. In

²³ Foner, *Reconstruction*, 276.

²⁴ Chalmers, *Hooded Americanism*, 11; Foner, *Reconstruction*, 342; Martinez, *Carpetbaggers*, 21-23.

²⁵ Despite being such a major event in the history of Reconstruction in North Carolina, Governor Holden's militia campaign has not seen any scholarly historical journal or book written specifically about it. Several works broach the topic, but no work focuses on the Kirk-Holden War as a determinative event.

1985, Horace Raper published *William W. Holden: North Carolina's Political Enigma*, which was followed two years later by William Harris's *William Woods Holden: Firebrand of North Carolina Politics*. Both works were generally sympathetic toward Holden and his war on the Klan, and both provide general overviews of the Kirk-Holden War and its aftermath. Since they were biographies of Holden, however, they concentrated on the implications of the militia campaign on Holden and his political career rather than focusing on the repercussions on the state of North Carolina in general.

During the 1990s and 2000s, scholars published comparatively little research on Reconstruction in North Carolina in general and virtually no work on the Kirk-Holden War specifically. This project is both a synthesis and analysis of the events of the militia campaign and its immediate aftermath. Important works like Trelease's *White Terror* and Harris's biography of Holden have shown some of the immediate and personal consequences of the Kirk-Holden War. The goal of my project to show the overall effect that Governor Holden's militia campaign had on Reconstruction in North Carolina.

THE EVOLUTION OF KLAN TERRORISM IN NORTH CAROLINA, 1868-1870

As it continued to spread throughout the South, the Klan made its first appearance in North Carolina in 1868. Rather than migrating east from Tennessee, Klansmen from South Carolina more than likely came to North Carolina and established the order in the state.²⁶ The Klan's first appearance in North Carolina came during the election of 1868, when members committed sporadic acts of violence. Their actions were limited, and they had little effect on the outcome of the election, in which Republicans won a majority in the General Assembly and Holden won the governorship by more than 18,000 votes.²⁷ Three separate orders of the KKK, the Invisible Empire, the White Brotherhood, and the Constitutional Union Guard, developed in North Carolina.²⁸ The testimony of former North Carolina Klansmen before Congress in 1871 revealed that all three orders were part of the North Carolina Klan.²⁹ Many of the initial instances of Klan violence consisted of assaults on the property of African Americans rather than physical violence. In the fall of 1868, Moore County Klansmen went to the home of Mannel Baker, stripped the roof off his house, demolished his chimney, and threatened to kill him if he did not leave the area by the next day.³⁰ The local authorities declined to actively pursue the culprits. These early acts of violence were the genesis of the brutal and often deadly Klan tactics that surfaced in 1869 and 1870. When Klansmen discovered that they could attack African Americans' property with no repercussions, this only emboldened them. The Klan's main goal in North Carolina, as it was throughout the South, was to restore white supremacy, or, as a founding

²⁶ Horn, *Invisible Empire*, 192-193.

²⁷ Harris, *William Woods Holden*, 242.

²⁸ Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction*, (New York: Harper and Row, 1971), 68, 189.

²⁹ Luke P. Poland, *Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States, so far as Regards the Execution of Laws, and the Safety of the Lives and Property of the Citizens of the United States and Testimony Taken*, vol. 2, (Washington: Government Printing Office, 1872), 209, 230.

³⁰ John H. Barrett to W.W. Holden, May 31, 1870, Governor's Papers of W.W. Holden, North Carolina Division of Archives and History, Raleigh.

member of the Alamance County Klan put it, it was for the “mutual protection for all [its members] loved and held dear.”³¹ Klansmen sought to expunge their area of anyone who threatened white supremacy, and they did not hesitate to resort to violent acts to do so; however, with only a few exceptions such as the Baker case, relatively little Klan violence occurred in 1868.³² Although the Klan’s early activities in North Carolina were not deadly for the most part, this changed by 1869. As many white North Carolinians became impatient with the actions of the Republican administration, more white men became susceptible to Klan rhetoric. David Schenck, a prominent judge from Lincoln County, expressed sentiments shared by thousands of white North Carolinians: “Civilization and barbarism cannot exist together. The Anglo-Saxon and the African can never be equals in Government. One or the other must fall.”³³

In the winter of 1869, the Moore County Klan committed one of the most horrendous crimes attributed to Klansmen in North Carolina. At approximately eleven o’ clock on a cold night, at least thirteen disguised members of the Moore Klan burst into the home of Daniel Blue, a black man, and indiscriminately starting shooting.³⁴ When they were finished, Blue lay upon the floor, shot but not mortally wounded; his family, however, was not so lucky. The Klansmen shot and killed Blue’s pregnant wife and four of his five children. When they discovered that Blue’s fifth child was still alive and cowering on the floor, one of the Klansmen killed the child “by kicking its brains out with the heel of his boot.”³⁵ In an attempt to cover up their crime, the culprits then set fire to Blue’s home, with the bodies of his family still inside. The Klan never identified any specific reason for its attack on Dan Blue and his family, but this crime intimidated and

³¹ Jacob Alson Long, “Recollections of Jacob Alson Long,” Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill.

³² Trelease, *White Terror*, 189.

³³ David Schenck Diary, December 18, 1869, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill.

³⁴ Barrett to Holden, May 31, 1870, Governor’s Papers.

³⁵ Barrett to Holden, May 31, 1870, Governor’s Papers.

terrorized African Americans in the area. Klansmen wanted to ensure that blacks knew their “place,” and violent attacks such as this became a common way for them to convey their message. The KKK also used these brutal tactics to terrify both black and white Republicans in an attempt to detract from the pool of Republican voters. The fact that local governments were unable, and oftentimes unwilling, to prosecute Klan atrocities only exacerbated the problem and placed even more pressure on the state government in Raleigh to find a way to protect its citizens. Klan atrocities in Moore County continued into 1870, but nothing compared to the scale of the slaughter of the Blue family.³⁶

With Conservative whites enraged over Republican support from both blacks and whites in the Piedmont, Moore County was not the sole county in the region in which the Klan committed terrorist acts in 1869 and 1870. Chatham, Orange, Alamance, and Caswell counties suffered repeated instances of Klan violence. During 1869, there were at least fifteen murders attributed to the Klan within these counties, and between 1869 and the spring of 1870, the Klan hanged five black men in Orange County alone.³⁷ J.W. Long, a former member of the Klan, testified before Congress against his former Klan compatriots that there were no fewer than 300 men in the Alamance Klan by the spring of 1869. By March 1870, that number had grown to between 600 and 700.³⁸ Lincoln, Harnett, and Rockingham counties also had large Klan representations. With the Klan spreading throughout the Piedmont, in November 1869 Governor Holden notified the General Assembly of the danger that the Klan posed. Holden informed legislators that “[n]umerous complaints have been made to me of violence and mob law in certain counties, by parties who ride at night armed and disguised,...injuring, insulting, and punishing inoffensive

³⁶ William Woods Holden, “A Proclamation,” June 6, 1870, Governor’s Letterbooks 61, North Carolina Division of Archives and History, Raleigh; Barrett to Holden, May 31, 1870, Governor’s Papers.

³⁷ Otto Olsen, “The Ku Klux Klan: A Study in Reconstruction Politics and Propaganda,” *North Carolina Historical Review* 39 (July 1962): 341-342.

³⁸ Poland, *Report on the Late Insurrectionary States*, 2: 2, 39.

whites and colored persons.”³⁹ A stronger state militia, the governor argued, would allow the state government to more efficiently punish offenders. Holden reasoned that this was essential to the protection of black and white Republicans attacked by the Klan. Up to that point, no Klansman had been prosecuted for violent crime. The governor urged the assembly to move swiftly, as white Republicans and blacks in the Piedmont feared for their lives. Webster A. Shaffer, a United States commissioner stationed in Raleigh, took the testimony of dozens of people harassed by the Klan, and recorded their fear of retaliation when recounting their experiences: “when they come before me they speak of it with bated breath, as though they were afraid somebody were behind the door.”⁴⁰ During the nineteenth century, some of the most effective evidence during trials came from sworn testimony, but with so many citizens afraid of retaliation from Klansmen, it became difficult to find people who were willing to testify. Governor Holden hoped his suggestion to strengthen the militia law would help assuage people’s fears. The legislature did not tarry long in meeting Holden’s request for a change in the law.⁴¹

On December 16, state senator T.M. Shoffner of Alamance County introduced a bill that fulfilled Holden’s request for a stronger militia. Titled “An Act to Secure the Better Protection of Life and Property,” the bill initially authorized the governor to suspend the writ of *habeas corpus*, as well as declare a state of insurrection “whenever in his judgment the civil authorities in any county are unable to protect its citizens in the enjoyment of life and property...”⁴² Additionally, the law allowed Holden to petition the federal government for assistance if state forces could not restore order. The Shoffner Act, as the bill became known, did not pass in the

³⁹ “Governor’s Message to the General Assembly,” November 16, 1869, Governor’s Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

⁴⁰ Poland, *Report on the Late Insurrectionary States*, 2: 45.

⁴¹ Trelease, *White Terror*, 201; *State v. William Andrews, et. al*, April 1870, Ku Klux Klan Papers, Special Collections, Perkins Library, Duke University, Durham, N.C.

⁴² *Public Laws of the State of North Carolina, Passed by the General Assembly at Its Session 1869-1870*, (Raleigh, 1870), 64-65.

legislature until January because of vehement objections from Conservatives. When the bill finally passed, Conservatives succeeded in having a key piece of the legislation deleted. The provision that allowed the governor to suspend the writ of *habeas corpus* was removed from the bill. Conservatives argued that the suspension of *habeas corpus* was unconstitutional, and in the end, their argument won out.⁴³ The exclusion of the governor's ability to suspend *habeas corpus* proved significant during his militia campaign against the Klan because Holden decided to suspend it without the proper authority, and Conservatives used this against him during his impeachment proceedings. Although the deletion of the governor's ability to suspend *habeas corpus* meant that the Shoffner Act was not a major advancement in the governor's ability to punish Klan outrages, Holden hoped that the simple fact that the law passed the legislature would help rally the public to his side against the KKK.⁴⁴ This was not the case. The majority of white North Carolinians did not rally to support their governor. The Klan took offense, viewed the Shoffner Act as a direct attack upon them, and vowed revenge.

By early 1870, the situation in North Carolina had become so unstable that even members of the state legislature were not safe from Klan intimidation. During the first week of January 1870, the Alamance Klan devised a plot to assassinate Senator Shoffner.⁴⁵ The Klan viewed Shoffner as one of their most dangerous political enemies, and they wanted to get rid of him. That night, Dr. John W. Moore traveled to the town of Graham in Alamance County to treat a sick child. Upon his return to his Company Shops home, he stopped at a local store. At the store, he met a friend that informed him that the Alamance Klan planned to "suspend Shoffner's writ of *habeas*

⁴³ *Trial of W.W. Holden*, 989-991; Harris, *William Woods Holden*, 282-283.

⁴⁴ "A Proclamation," March 7, 1870, Governor's Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

⁴⁵ In a testimony against the Alamance County Klan, Dr. John W. Moore identifies the date as either January 6 or 8.

corpus tonight.”⁴⁶ Moore fervently objected to the plot, and his friend informed him where to find the assassins. Correctly believing that the assassination of a state senator by the Klan would bring nothing but trouble for his county, as was later proved by the Klan’s assassination of John W. Stephens, Moore rushed to the appointed location to stop the Klansmen. When he arrived, he found eight undisguised men, none of whom he knew. He convinced the men that Senator Shoffner was not home because he had left for Greensboro, and the Klansmen reluctantly relented and left the scene. Unbeknownst to Moore, he was actually telling the truth. Capt. Eli Euliss, a high ranking member of the Alamance Klan but also a good friend of Senator Shoffner’s, had also learned of the plot against Shoffner’s life and convinced the senator to accompany him to Greensboro.⁴⁷ Despite avoiding the attempt on his life, Shoffner continued to receive death threats. As a result, at the end of the next legislative session, Shoffner returned to his Alamance home, gathered up his belongings, and moved to Indiana.⁴⁸ Through violence and intimidation, the Klan had won yet another battle against the Republican Party in North Carolina. Shoffner’s departure robbed the party of a powerful voice and placed Holden and his party in an even more tenuous position. As tensions mounted within the state between the Klan and Republicans, Holden desperately sought to keep the peace.

Shoffner and Stephens were not the only members of the North Carolina Republican Party targeted for assassination by the Klan. Sometime in late 1869 or early 1870, five members of the Moore County Klan planned to assassinate Governor Holden himself. Holden had been an enemy of North Carolina Conservatives for several years. During the Civil War, Holden led a peace movement in North Carolina and opposed Zebulon Vance for governor in the election of

⁴⁶ *State v. Andrews*, Ku Klux Klan Papers, Duke University.

⁴⁷ *State v. Andrews*, Ku Klux Klan Papers, Duke University; Ku Klux Klan Papers, August 31, 1870, Special Collections, Perkins Library, Duke University, Durham, N.C.

⁴⁸ Holden, “A Proclamation,” June 6, 1870, Governor’s Letterbooks 61; Trelease, *White Terror*, 203; William Woods Holden, *Memoirs of W.W. Holden*, (Durham, N.C.: The Seeman Printery, 1911), 170.

1864. In 1867, he was one of the founding members of the Republican Party in North Carolina.⁴⁹ As he embraced much of the national party's platform, including rights for freedmen, he increasingly found himself at odds with Conservatives. In addition, his frequent condemnations of the KKK made him the highest profile enemy of the Klan in North Carolina. As a consequence, Klansmen started contemplating a permanent remedy for their problem. John Barrett, one of Holden's informants, provided Governor Holden with testimony about a planned assassination attempt. According to Barrett, at a clandestine meeting of the Moore County Klan, several Klansmen "agreed to assassinate Gov. Holden by going to his mansion about dark and pretending to have business of importance with him and call him out, and when he made his appearance to shoot him and then make their escape as best they could."⁵⁰ Their plans floundered soon thereafter, and the plot was not seriously discussed after a short time, other than a few members offering their horses to help perform the task. The very fact that these Klansmen were planning the assassination of North Carolina's executive demonstrated the confidence, and perhaps arrogance, of the North Carolina Klan. Klansmen had already committed dozens of murders throughout the state and had succeeded in forcing state senator Shoffner to flee for his life. Their ability to commit these acts with no consequences whatsoever surely contributed to their confidence in this short-lived plot.

Contrary to the hopes of Governor Holden, the situation in the North Carolina Piedmont actually grew worse after the passage of the Shoffner Act. Once again, Klansmen in Alamance County committed major terrorist acts. At one o'clock in the morning on the night of February 26, 1870, a group of approximately one hundred disguised Klansmen rode into the town of Graham and abducted Wyatt Outlaw from his home. Klansmen dragged Outlaw, a town

⁴⁹ Abbott, *The Republican Party and the South*, 112-113.

⁵⁰ Barrett to Holden, May 31, 1870, Governor's Papers.

commissioner and the leading African American in the Alamance County Republican Party, to the public square at the Graham Courthouse and hanged him. The next morning, Outlaw's body was found hanging in the square with a note pinned on it. The note was a warning to Alamance County Republicans: "Beware, you guilty, both white and black."⁵¹ Klansmen sent an explicit warning to both black and white Republicans in Alamance County. Outlaw was "guilty" only of pursuing the political rights of freedmen.⁵² The Klan made it clear that to them, this was a "crime" punishable by death. Klansmen therefore targeted Outlaw, a prominent black man, to send a political message. That night, the Klansmen also visited the home of Henry Holt. Holt, another black leader of the Republican Party in Alamance, was not home, but the men warned his wife that if he did not leave town, the same fate would befall him. Not surprisingly, Holt soon left the county. Less than two weeks later, the Klan murdered William Puryear, a mentally retarded black man, because he told people in Graham that he had followed two of Outlaw's murderers to their homes and knew their identities. His body was found in a nearby millpond, weighed down by a twenty-pound stone. In a letter to the governor, H.A. Bradham, a Republican from the town of Graham, informed the governor of the plight of his party members in Alamance: "Every Republican in the county who has stood up for his own rights and that of the freedmen, is in danger. The civil authorities are powerless to bring these offenders against law and humanity to justice."⁵³ In this letter, Bradham described the inability of local governments to deal with the major threat that the KKK presented to Republicans. Klansmen were too well-connected and had inspired too much fear in the population to expect that local authorities

⁵¹ H.A. Bradham, et. al, to W.W. Holden, February 28, 1870, Governor's Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

⁵² Carole Watterson Troxler, " 'To Look More Closely at the Man:' Wyatt Outlaw, a Nexus of National, Local, and Personal History," *North Carolina Historical Review* 77 (October 2000): 432.

⁵³ Bradham, et. al. to Holden, February 28, 1870, Governor's Letterbooks 61

would, or even could, prosecute them. Therefore, Bradham begged the governor to send troops to Alamance, and his pleas did not fall on deaf ears. As violence in the Piedmont mounted, tensions between Governor Holden and the Klan grew proportionately. Holden prepared to respond to Outlaw's murder, and less than two weeks after the murder, he took the first steps that would lead to a confrontation between Holden and the Ku Klux Klan.⁵⁴

Realizing that the Klan had terrorized hundreds of African Americans and white Republicans and suffered no consequences, Holden decided to take action against the Klan in Alamance. On March 7, 1870, Holden declared Alamance County in a state of insurrection. In his declaration, the governor highlighted the violent actions of the Klan and the effects of those actions on the people of the state.

I have issued proclamation after proclamation to the people of the State, warning offenders, and wicked or misguided violators of the law to cease their evil deeds, and, by leading better lives, propitiate those whose duty it is to enforce the law. I have invoked public opinion to aid me in repressing these outrages and in preserving peace and order, I have waited to see if the people of Alamance would assemble in public meeting and express their condemnation of such conduct by a portion of the citizens of the county, but I have waited in vain. No meeting of the kind has been held. No expression of disapproval even of such conduct by the great body of the citizens has yet reached this Department; but, on the contrary, it is believed that the lives of citizens who have reported these crimes to the Executive have been thereby endangered, and it is further believed that many of the citizens of the County are so terrified that they dare not complain, or attempt the arrest of criminals in their midst. The civil officers of the County are silent and powerless.⁵⁵

In this proclamation, Holden spelled out in detail the dire situation that African Americans and Republicans faced in the state. Local officials were either in collusion with the Klan or were so terrified of retaliation from Klansmen that no citizen wronged at the hands of the KKK could expect justice. Holden therefore believed that his only option was to declare Alamance County

⁵⁴ Bradham, et. al. to Holden, February 28, 1870, Governor's Letterbooks 61; Horace W. Raper, *William W. Holden: North Carolina's Political Enigma*, (Chapel Hill: University of North Carolina Press, 1985), 174-175; Trelease, *White Terror*, 205-206; Holden, "A Proclamation," June 6, 1870, Governor's Letterbooks 61.

⁵⁵ W.W. Holden, "A Proclamation," March 7, 1870, Governor's Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

in a state of insurrection and hope to make an example out of it if at all possible. Unfortunately for the governor, he did not have an abundance of resources at his disposal. Holden sent forty federal troops stationed in Raleigh to Alamance County. These troops deterred any further violence but did not arrest nor punish previous Klan transgressions.

Holden, who up to this point had been reluctant to use force against the Klan so as not to further alienate many white North Carolinians, wrote to President Grant and begged for assistance from the federal government. Still bitter over the exclusion of the Shoffner Act article that would have allowed him to suspend *habeas corpus*, Holden pleaded his case to Grant.

If Congress would authorize the suspension by the President of the writ of *habeas corpus* in certain localities, and if criminals could be arrested and tried before military tribunals, and shot, we should soon have peace and order throughout all this country. The remedy would be a sharp and a bloody one, but it is as indispensable as was the suppression of the rebellion.⁵⁶

In his argument to the president, Holden made an important point about the state of affairs in North Carolina. Holden reasoned that the government had to use force to counter the danger that the KKK posed because it was the only option that would work against these terrorists. Normal peacetime measures had already proven completely ineffective. Also, in alluding to the “rebellion,” Holden equated the Klan’s threat to North Carolina’s place in the Union to the threat posed by the Confederacy. Grant responded by sending a small contingent of Federal troops to North Carolina, but he did nothing more to help Holden with his problems prosecuting Klansmen. Holden also took his case to Joseph Abbott, a Republican US Senator from North Carolina, asking, “what is being done to protect the good citizens in Alamance County? We have Federal Troops, but we want power to act. Is it possible the government will abandon its loyal

⁵⁶ W.W. Holden to Ulysses S. Grant, March 10, 1870, Governor’s Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

people to be whipped and hanged?”⁵⁷ In this instance, Holden asked the federal government to step in and help protect blacks and white Republicans. He argued that the local governments were powerless against the Klan and that he needed the backing of the federal government, both politically and militarily, to take proper action against the KKK. He maintained that one of the primary functions of a government was to protect its citizens. As Klan violence and intimidation had compromised the effectiveness of the state and local governments in North Carolina, Holden believed that his only recourse was to turn to the federal government for assistance. The Klan’s terrorist actions had denied North Carolinians their inalienable rights of life, liberty, and the pursuit of happiness, as well as robbing many citizens of their civil right to vote. Since the state government obviously lacked the necessary power to effectively combat the Klan, Holden believed it was the federal government’s responsibility to intervene on behalf of who he called the “loyal citizens of Alamance,” who after all were also American citizens. The federal government, while sympathizing with the plight of oppressed North Carolinians, declined to act in March 1870. Federal officials still argued that the issue was the responsibility of the state rather than the burden of the federal government.

Governor Holden also sought other allies from the federal government in his battle against the Klan. The governor sent his adjutant general A.W. Fisher to General Edward R. Canby’s headquarters in Richmond, Virginia to plead for more support from the Army. In 1867, Canby took over for Daniel Sickles as the commander of the Second Military District, which comprised both North and South Carolina. Canby served in this capacity until North Carolina was readmitted to the Union and the Second Military District was dissolved in July 1868, when he was transferred out of the state. Canby, not persuaded that Alamance County was truly in a state

⁵⁷ W.W. Holden to Joseph C. Abbott, March 17, 1870, Governor’s Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

of insurrection, essentially ignored Holden's request and simply told Fisher that only President Grant possessed the authority to send more federal troops.⁵⁸ Thus, the Klan's murder of Wyatt Outlaw and its violence against other Republicans went unpunished. Regardless of whether federal intervention could have completely curbed all Klan activity, the Republican administration in Washington missed a crucial opportunity to at least send a message to North Carolina Klansmen that it would support the state party with force if necessary. Its inaction proved to be a critical blunder because Klansmen around the state monitored the situation in Alamance, realized that Holden was on his own, and this fact emboldened Klan members. As a relatively small conciliation, because of Governor Holden's actions, Klan activity in the Alamance area quieted down for a few months.⁵⁹ Unfortunately, this small victory was short-lived.⁶⁰

As violence slowly waned in Alamance County, the Klan in Caswell County, Alamance's northern neighbor, ratcheted up its activities. Between April 2 and May 15, 1870, the KKK whipped at least twenty-one Caswell County Republicans. The whippings were committed against both black and white men. On May 13, Klansmen murdered Robin Jacobs, a black man living near Leasburg. Eight days after the murder of Jacobs, the violence in Caswell climaxed with the murder of state senator John W. Stephens, the event that directly prompted Governor Holden's militia campaign against the Klan.⁶¹

⁵⁸ Mark L. Bradley, *Blue Coats and Tar Heels: Soldiers and Civilians in Reconstruction North Carolina*, (Lexington: University of Kentucky Press, 2009), 220-221.

⁵⁹ Edward P. Pearson to Frederica S. Pearson, March 25, 1870, Federal Soldiers' Letters, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill.

⁶⁰ Trelease, *White Terror*, 205-207, 210, 215; Harris, *William Woods Holden*, 283-284.

⁶¹ Holden, "A Proclamation," June 6, 1870, Governor's Letterbooks 61.

ASSASSINATION OF JOHN W. STEPHENS

The Klan's plots to assassinate state senator T.M. Shoffner and Governor Holden illustrated their intent to target high level political enemies in an effort to weaken the Republican Party, but its murder of state senator John W. Stephens in May 1870 truly demonstrated its commitment to political terrorism. Stephens was a controversial figure in North Carolina politics. He was born on October 14, 1834 in Guilford County. When Stephens was a young boy, his family moved to Rockingham County, where he lived most of his life until he moved to Caswell County in 1867. Stephens joined the Republican Party upon its inception in North Carolina, and he quickly became an outspoken proponent of freedmen's rights. In a special election held in 1868, Stephens beat Conservative candidate Thomas J. Brown for the state senate seat in Caswell County. His vocal support of equal rights for blacks made him an enemy of the Conservative Party. In June 1868, Stephens wrote to the newly elected Republican governor, describing his difficult situation.

I wish to call your particular attention to the condition I have placed myself in by coming out & standing up for the Republican party in this Co. & ask your support & protection in the matter. Before I taken this stand (whitch I did becaus I thought it was rite & have never Regretted and hope I never Shall.) I had many friends & credit for any thing I wanted but now I have neither[.] [T]he truth is that I have not means to buy what I actualy kneed for the support of my family. My creditors have pushed on me and taken every thing that the law would *allow* & I can look to know source but the Republican party[.] [I]f thaire is any thing that you can do for me in this hour of kneed pleas let me know what it is.⁶²

Here, Stephens recounted in painful detail the price that white Republicans in North Carolina truly paid. Although he had won the office of state senator and should theoretically be in a position of power, the vast majority of his support came from African Americans and poor whites, both groups who lacked prominence. As a result of his support for the Republican Party

⁶² Horace W. Raper, ed., *The Papers of Williams Woods Holden, Volume 1, 1841-1868*, (Raleigh: North Carolina Division of Archives and History, 2000), 314-315.

and freedmen's rights, Conservatives (who controlled most of the wealth in the area) retaliated by restricting Stephens's economic opportunities and access to credit. Conservatives placed these economic and social pressures on white Republicans like Stephens, in addition to the violent reprisals of the KKK. In the spring of 1869, Holden added Stephens to his corps of detectives. The salary from this work helped alleviate some of Stephens's economic woes.⁶³ Over the next year, Stephens provided valuable information to Holden about the Klan in Caswell and Rockingham counties.⁶⁴

Conservatives unrelentingly attacked Stephens's character, usually referring to him as "Chicken" Stephens because in 1866, he was indicted in Rockingham County for killing his neighbor's chickens. Stephens killed the chickens because they continually made their way into his garden and his neighbor, Thomas Ratliff, refused to remedy the situation. Stephens's opponents even suggested that he murdered his mother. On June 30, 1869, Stephens's elderly mother was found on her bedroom floor with her throat cut. Although Stephens was away from home at the time, and the coroner ruled that she cut her throat after falling on a shard from a broken pot, the circumstances of her death were mysterious. This allowed some unscrupulous Conservatives to intimate that Stephens committed matricide.⁶⁵ As the August election of 1870 approached, tension between Stephens and Conservatives continued to grow. By the winter of 1870, Stephens had become so nervous about his situation that in February 1870, he took out a \$10,000 life insurance policy, naming his wife and children as beneficiaries. On April 7, he had

⁶³ From the spring of 1869 into 1870, Holden employed dozens of detectives that reported directly to him. Their main purpose was to combat the Klan in North Carolina. This was an extremely controversial move on Holden's part, and Conservative editor Josiah Turner of the *Raleigh Sentinel* continually attacked the governor for what he called "wasteful spending."

⁶⁴ Stephen E. Massengill, "The Detectives of William W. Holden, 1869-1870," *North Carolina Historical Review* 62 (October 1985): 477-478.

⁶⁵ A.J. Stedman, *Murder and Mystery!: History of the Life and Death of J.W. Stephens of Caswell County, State Senator of North Carolina*, (Greensboro, N.C.: Patriot Printing Office, 1870), 6-16; Jacob Doll Diary, June 30, 1869, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill.

his friend, Judge Albion W. Tourgee, write his last will and testament.⁶⁶ When he appeared in public, he carried pistols and knives for personal protection. He even went so far as to fortify his home against attack by the KKK, supposedly sleeping in an iron-barred cage to prevent abduction.⁶⁷ Stephens's behavior highlighted both the precarious position of those who advocated rights for African Americans, as well as the inability of the state and local governments to protect those advocates. Stephens knew that his stance on freedmen's rights endangered his life, and he also knew that he could not turn to the Caswell County sheriff for help. The county's sheriff, Jessie C. Griffith, was a prominent Conservative and was later identified as a member of the Caswell County Klan. Despite his perilous situation, Stephens refused to yield to Conservative pressure. He remained a conspicuous public figure and continued to promote the Republican platform throughout Caswell County.

On May 21, 1870, an unseasonably cold spring day, John W. Stephens went to the Yanceyville Courthouse to conduct some personal business and attend the Caswell County Conservative Party's nominating convention.⁶⁸ When Stephens arrived at the courthouse, he found that approximately 300 people were packed into the building.⁶⁹ As he quietly took notes on the opposition, several candidates berated him and the Republican Party.⁷⁰ After a while, Stephens left the meeting in the company of Frank A. Wiley, a Democrat and former sheriff of Caswell County. Stephens told Wiley that, if he ran for sheriff again, he would support Wiley. Stephens hoped this act would bring some political reconciliation between the Conservatives and Republicans. Despite possibly being warned earlier that day by several of his black friends that

⁶⁶ Stedman, *Murder and Mystery*, 18-19.

⁶⁷ Trelease, *White Terror*, 212-213; Stuart McIver, "The Murder of a Scalawag," *American History Illustrated* 8, no.1 (April 1973),14-15.

⁶⁸ McIver, "The Murder of a Scalawag," 15-16.

⁶⁹ Stedman, *Murder and Mystery*, 19.

⁷⁰ Trelease, *White Terror*, 213-214.

his life might be in danger, Stephens agreed to meet privately with Wiley.⁷¹ Unbeknownst to Stephens, Wiley was in collusion with the Caswell Klan. Wiley took Stephens to a vacant room on the first floor of the courthouse where between ten and fifteen Klansmen awaited his arrival. When Stephens entered the room, he was immediately disarmed and forced to sit. When one member of the Klan shied away from killing Stephens, John Lea, the founder of the Caswell County Klan, entered the room with several of his coconspirators.⁷² As Stephens pleaded for his life, Klansman G.T. Mitchell drew a rope around his neck and began choking him. Tom Oliver, another Klansmen, then stabbed Stephens three times, twice in the neck and once in the heart. The men then locked the room and left, planning to return that night to move the body.⁷³ This savage act by the Caswell County Klan emphasized the power and arrogance of North Carolina Klansmen. They murdered a state official in broad daylight in a courthouse. The setting itself, a place where people usually go expecting justice, underscored the Klan's twisted sense of logic. According to Lea, Stephens "was tried by the Ku Klux Klan and sentenced to death. He had a fair trial before a jury of twelve men."⁷⁴ The Klansmen were not worried that anyone would report them to local officials, since people were either too frightened or condoned Stephens's murder. Of course, even if someone went to Sheriff Griffiths, it would not matter, since he was a Klansmen and would cover up the incident, as was standard operating procedure for the Klan. Political terrorism by the KKK in North Carolina, of which Stephens's assassination was the pinnacle, left local governments completely ineffectual as there was no way for them to bring Klansmen to justice.

⁷¹ "In the Matter of the Murder of John W. Stephens," May 23, 1870, Ku Klux Klan Papers, Special Collections, Perkins Library, Duke University, Durham;

⁷² Stephens's murder went unsolved for over sixty years. It was not until Lea's death in 1935 that his signed confession detailing Stephens's murder was released.

⁷³ John G. Lea, "The Confession of John G. Lea," July 2, 1919, Reconstruction Papers, North Carolina Division of Archives and History, Raleigh; Doll Diary, May 22, 1870, Southern Historical Collection.

⁷⁴ Lea, "Confession of John G. Lea," Reconstruction Papers.

At around six o'clock on the evening of the murder, when Stephens failed to return home, his family grew nervous and his two brothers went to the courthouse to look for him.⁷⁵ After examining the entire building, they asked to see the vacant room on the first floor. Robert Roan, Chairman of the Caswell County Commissioners, agreed to let them see the room but could not find the key. Stephens's brothers and several of his black friends then stood guard around the courthouse that night, until in the morning, one of them peered into the first floor window and saw a body lodged behind a woodpile in the vacant room. They burst into the courthouse and discovered Stephens's body with the rope still around his neck.⁷⁶ Stephens's murder set off a commotion in the town, and the coroner's inquest interviewed thirty-five people, including Frank A. Wiley and John G. Lea. As was typical for the Klan throughout the South, members lied under oath and provided alibis for each other. Sheriff Jessie Griffith exerted no effort in bringing the perpetrators to justice. With no pertinent information gleaned from the halfhearted investigations, the coroner's report issued a verdict that Stephens "came to his death by the hands of persons unknown to the jury."⁷⁷ Klansmen attempted to cast blame upon local blacks, and the Conservative newspaper the *Raleigh Sentinel* wrote "evidence is becoming more palpable that the negroes killed him. It is known that most of the crimes committed in this State, have been done by disguised negroes and white Radical Ku Klux or League men."⁷⁸ Statements like this typified the Conservative response to Klan violence in North Carolina. The Conservative press constantly denied any connection between its party and the Klan and even went so far as to call the KKK a plot by Radical Republicans to destabilize the Conservative Party. If that was not

⁷⁵ Stephens's wife was especially distraught because Stephens reportedly returned home earlier that afternoon and informed her that his life might be in danger. Despite her objections, Stephens returned to the courthouse later that day.

⁷⁶ Stedman, *Murder and Mystery!*, 20-33.

⁷⁷ Doll Diary, May 22, 1870, Southern Historical Collection.

⁷⁸ *Raleigh Sentinel*, June 2, 1870.

enough, in this instance they even blamed blacks for the murder of John W. Stephens, which was truly ironic since he was one of the leading white voices for freedmen's rights. Stephens's murder appalled Governor Holden, and it was the final outrage in a long line of Klan atrocities. Over the next several weeks, Holden developed plans for a militia campaign to confront the KKK and attempt to bring its members to justice.⁷⁹

⁷⁹ "Murder of John W. Stephens," Ku Klux Klan Papers, Duke University; Doll Diary, May 21,22, 1870, Southern Historical Collection.

GOVERNOR HOLDEN'S MILITIA CAMPAIGN

Holden's first official action in response to Stephens's murder came on May 25, 1870, when he issued a proclamation condemning Stephens's assassins and issuing a reward of five hundred dollars for information leading to the arrest and conviction of anyone involved in the plot.⁸⁰ That same day, Holden telegraphed both of North Carolina's US Senators, John Pool and Joseph Abbott, once again requesting federal intervention.⁸¹ On May 31, Congress finally passed the Enforcement Act of 1870, which was meant to help protect the constitutional rights of citizens.⁸² There were two major problems with this law, however. First, the act was still relatively weak because it did not include a clause that would allow perpetrators to be punished under federal law. Second, and even more importantly for Holden, it was passed after the assassination of senator Stephens. Since Congress passed it after Stephens's assassination, the law of *ex post facto* meant that none of the provisions of the new law could be applied in the case of Stephens's murder. The failure of the federal government to act sooner in combating the Klan in North Carolina, and the South as a whole, put Holden in a precarious position. Holden realized that he could no longer wait for local officials to punish Klansmen. Obviously, that was not going to happen. Holden made a decision that he fully realized might spell the end of his political career. For months, Holden had avoided calling in the militia and arresting suspected Klan members. He understood the political backlash that a move like this might entail. Instead, he expected the people of his state to denounce Klan outrages and the federal government to come to the aid of North Carolina and other Southern states. Unfortunately, neither of those happened, and by early June, Holden began making plans to call militia into Caswell and Alamance counties. After

⁸⁰ W.W. Holden, "A Proclamation," May 25, 1870, Governor's Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

⁸¹ W.W. Holden to John Pool & Joseph Abbot, May 25, 1870, Governor's Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

⁸² Foner, *Reconstruction*, 440, 450-455.

Stephens's murder, Holden received letters daily that suggested that he should adopt this more aggressive strategy. W.F. Henderson, a prominent Republican from Salisbury, wrote to Holden in June, beseeching him to take action. "*Show your power or you are powerless...you will be sustained by the loyal men of the state and the Federal Government.*"⁸³ Holden hoped to draw on the success of Governor Powell Clayton of Arkansas, who in late 1868 declared martial law in ten counties and arrested dozens of Klansmen. His efforts severely weakened the Klan in Arkansas by early 1869. Holden, as time would tell, did not fair so well in his battle with the Klan.⁸⁴

On June 8, Holden met with prominent Republicans in Raleigh to discuss what should be done about the situation in Caswell County. Even Senator Pool traveled from Washington to attend this meeting. Pool suggested that a military tribunal try the perpetrators, but Richard Badger, one of Holden's most trusted advisors, warned the governor that this move could potentially backfire. Badger advocated the appointment of a special judge who would try the men in regular courts after they had been arrested by the militia.⁸⁵ Eventually, Holden sided with Pool. Holden was so infuriated with the Klan that he contemplated executing some of the prisoners to help restore order in the state. Holden's decision to pursue a military trial came back to haunt him during his impeachment proceedings because Conservatives labeled (correctly) this decision an overextension of his executive powers. The next order of business at the meeting was to decide the composition of the militia to be sent to Caswell County. The officials agreed that the use of the regular white militia was unthinkable, since the majority of its members surely sympathized with the Klansmen. They also equally rejected a proposal to send black units to the

⁸³ W.F. Henderson to W.W. Holden, June 11, 1870, Governor's Papers, North Carolina Division of Archives and History, Raleigh.

⁸⁴ Trelease, *White Terror*, 214-216.

⁸⁵ "The Holden-Kirk War! Secret History of the Holden-Kirk War," Willis G. Briggs Papers, North Carolina Division of Archives and History, Raleigh.

area, as they felt black units would only exacerbate tensions between blacks and whites. Holden and the Republican officials agreed that someone from the North Carolina mountains, a stronghold of Republicanism, should command a force of western North Carolinians. That day, Holden wrote to W.W. Rollins of Madison County and asked him to raise and lead a force of westerners to combat the Klan in central North Carolina. Rollins politely refused the duty but suggested that Holden contact George W. Kirk, who had recently led a unit of the Tennessee militia against the Klan in Tennessee.⁸⁶ By mid-June, Kirk was in Raleigh to meet with Holden, and after their meeting, Holden gave Kirk permission to start raising troops from the “loyal men” of western North Carolina.⁸⁷

During the Civil War, Col. George W. Kirk led a regiment of Union troops in eastern Tennessee that made frequent excursions into western North Carolina. In 1864, his troops raided the area around Morganton and captured Camp Vance. Because of his connection to the North Carolina mountains, Holden hoped this would allow him to easily raise some of his former troops and other Republican sympathizers into a militia unit. Kirk’s appointment proved especially controversial among Conservatives, who referred to Kirk as a “notorious desperado.” The choice was also controversial among some Republicans as well. On June 27, several prominent Republicans from Asheville sent the governor a petition against raising troops in western North Carolina. The petitioners pointed out the popularity of the Republican Party in the region, but they believed that troops moving through the area would create anti-Republican sentiment. “[W]e look upon [the troops] assembling and moving through the country with apprehension and alarm. It will furnish our adversaries with a weapon which we are satisfied they can use with great effect against us...but worse than this it may relight the almost

⁸⁶ W.W. Holden to W.W. Rollins, June 8, 1870, Governor’s Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

⁸⁷ *Trial of W.W. Holden*, 10-11; Harris, *William Woods Holden*, 287-289.

extinguished fires of the late war...”⁸⁸ These Republicans realized the political risk involved in raising troops to target white North Carolinians. They also recognized the danger of reminding citizens of the horrors of the Civil War. The men knew that many white North Carolinians could view Holden’s militia as an occupying force like the Union Army, especially if the soldiers were led by a former Union commander. A force like this could lead to a political disaster for Republicans. Their fears of reigniting the “fires of the late war” proved to be well founded, as this was exactly what the Conservative press did when they coined the term Kirk-Holden War.

Throughout June, Holden continued to receive correspondence from Republicans questioning the selection of Kirk as commander of the militia. Letters from the mountain region poured into the governor’s office. Albert H. McDowell, a Republican from Asheville, thought Kirk would bring doom upon the Republican Party. “Such men as Col. Kirk do not do a political party good. He is universally detested by the people as a military man-they fear and hate him.”⁸⁹ William M. Moore, a Republican from Burnsville, echoed McDowell’s doubts about Kirk. Moore disapproved of Kirk’s appointment not only because he was not a native North Carolinian, but also because he was “very odious to a great many citizens of this country, and to some good *Republicans*.”⁹⁰ Kirk’s background as a commander in the Union Army made him a controversial figure in North Carolina. His operations in western North Carolina during the war led many white North Carolinians to question his appointment because many of them were still bitter over the war and harbored animosity toward Union soldiers.

⁸⁸ Albert H. McDowell, et. al., to W.W. Holden, June 27, 1870, Governor’s Papers, North Carolina Division of Archives and History, Raleigh.

⁸⁹ Albert H. McDowell to W.W. Holden, June 27, 1870, Governor’s Papers, North Carolina Division of Archives and History, Raleigh.

⁹⁰ William M. Moore to W.W. Holden, June 24, 1870, Governor’s Papers, North Carolina Division of Archives and History, Raleigh.

Despite the objections of many Republicans, Holden chose Kirk to lead the militia, and the two started planning the campaign immediately. To aid Kirk's recruitment efforts, Holden and Kirk printed a handbill that was widely distributed throughout the mountain region. This handbill caused quite a stir in the region and appealed directly to Kirk's former troops. "Your old commander has been commissioned to raise at once a regiment of state troops, to aid in enforcing the laws, and in putting down disloyal midnight assassins."⁹¹ This type of language was exactly what many Republicans in the mountain region wished to avoid. Explicitly referencing Kirk's role as a Union commander during the Civil War and his new duty of targeting disloyal white citizens had the potential to reopen old wounds from the war. With more powerful wording, the handbill also attempted to persuade other "loyal men" of the region who had not served in the Union Army. "The blood of your murdered countrymen, inhumanely butchered for opinion's sake, cries from the ground for vengeance."⁹² Through these entreaties, Kirk eventually raised a sizable force of approximately 670 men.⁹³ The majority of the men hailed from western North Carolina, but there were also several from eastern Tennessee. The handbill and especially the promise of a paycheck persuaded approximately these men to join Kirk's ranks.

In early July, Kirk and his men started toward the Carolina Piedmont by train. Kirk arrived in Alamance County with two hundred troops in mid-July and left his second-in-command, Lieutenant Colonel George B. Bergen, in charge. Holden ordered Kirk to personally take command in Caswell County, so Kirk set up his headquarters in Yanceyville on July 18 with the

⁹¹ *Trial of W.W. Holden*, 283.

⁹² *Trial of W.W. Holden*, 283.

⁹³ Harris, *William Woods Holden*, 289.

remainder of his troops, numbering approximately 350.⁹⁴ Kirk briefly visited Governor Holden in Raleigh, where Holden gave him a list of people to arrest. Holden compiled the list from information given him by Republicans from Alamance and Caswell counties. Immediately after establishing their headquarters, Kirk and Bergen began arresting men in both counties.

Over the next two weeks, Kirk's men arrested eighty-two suspects in Alamance County and nineteen suspects in Caswell County, including Frank Wiley, one of the conspirators in the murder of Senator Stephens.⁹⁵ Wiley, an enormous man standing six feet eight inches tall, was plowing his field when Kirk's men arrived, and he refused to accompany the soldiers back to town. It took several men to finally subdue and arrest him.⁹⁶ Also among the suspects were the sheriffs in both counties.⁹⁷ The social classes of those arrested varied widely, from small farmers up to ex-Congressman John Kerr.⁹⁸ James E. Boyd, the Conservative candidate for the Alamance County seat in the General Assembly, and other Klansmen who were unhappy with the increase in Klan violence, took the militia's entrance into the county as an opportunity to renounce the Klan. Boyd confessed to his involvement with the KKK and convinced fifteen others to do the same, and he even named several Klansmen who refused to confess. This caused quite a stir, and many Conservatives vilified Boyd as a traitor. Josiah Turner, the influential editor of the Conservative newspaper the *Raleigh Sentinel*, was reportedly quoted as saying that the Klan should hang Boyd for his actions.⁹⁹ Throughout the remainder of the militia campaign, Boyd provided Governor Holden with valuable information on the state of affairs in Alamance County.

⁹⁴ Trelease, *White Terror*, 216-217; *Trial of W.W. Holden*, 41-42, 583-584; Jacob Doll Diary, July 18, 1870, Southern Historical Collection; W.W. Holden to U.S. Grant, July 20, 1870, Governor's Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

⁹⁵ *Trial of W.W. Holden*, 9-11.

⁹⁶ *Raleigh Sentinel*, "Kirk's Work," July 20, 1870.

⁹⁷ Trelease, *White Terror*, 217-219.

⁹⁸ Trelease, *White Terror*, 217.

⁹⁹ James E. Boyd to W.W. Holden, August 1, 1870, Governor's Papers, North Carolina Division of Archives and History, Raleigh.

With the arrival of Kirk's militia, the defection of Klansmen like Boyd, and the imprisonment of so many Klansmen, all of the Klan activities in Alamance and Caswell counties ceased immediately.

From Militia Campaign to "War:" The Conservative Press Invents the "Kirk-Holden War"

The response of the Conservative press to the governor's militia campaign highlighted one of the underlying problems of Reconstruction in North Carolina. Conservatives either ignored Klan violence or tacitly approved of it while simultaneously slandering Republicans for supposed "injustices." With Kirk's arrival in the Piedmont in mid-July, Conservatives started their public crusade against the governor's militia campaign. Many Conservatives in the area cast Kirk's presence as a "reign of terror" in which Kirk's men harassed innocent citizens.¹⁰⁰ Stories circulated around town and in Conservative newspapers that the militia tortured prisoners under interrogation. When Governor Holden heard reports that William Patton, a prisoner in Yanceyville, had been hanged by the neck and a confession forced from him, he immediately wrote to Kirk. Holden told his commanding officer that any evidence gained in such a manner was "worthless. All prisoners, no matter how guilty they may be supposed to be, should be treated humanely. From my knowledge of your character I am sure it is only necessary to call your attention to this matter."¹⁰¹ This report of torture was an isolated incident and one of the few offenses that militiamen perpetrated during the campaign. The fact that this was one of only a few outrages but received so much coverage from the Conservative press and outraged whites in the area underscored one of the fundamental problems of Reconstruction in North Carolina. The Ku Klux Klan had murdered dozens of citizens and attacked hundreds more over the previous

¹⁰⁰ Jacob Doll Diary, July 19, 24, 31, 1870, Southern Historical Collection.

¹⁰¹ W.W. Holden to George W. Kirk, August 3, 1870, Governor's Letterbooks 61, North Carolina Division of Archives and History, Raleigh.

two years, but only two Conservative newspapers in the entire state spoke out against the KKK. Every other Conservative paper either ignored the Klan completely or claimed that it was actually a Republican conspiracy. When it came to supposed instances of militiamen torturing Klansmen and other Conservative supporters, however, the Conservative press published numerous articles on a daily basis, condemning the “atrocities.” The power of Conservative newspapers helped turn the militia campaign into a “reign of terror” implemented by Holden while completely ignoring the cause for the campaign, the KKK. This obscuring of the truth helped turn many white North Carolinians against Holden and his party while it steeled those who had already opposed the governor.

Almost immediately after their arrest, the prisoners petitioned Richmond M. Pearson, the chief justice of the North Carolina Supreme Court, to issue writs of *habeas corpus* on their behalf. Although a Republican and sympathetic toward Holden’s plans, Pearson could not legally uphold Holden’s actions, since the state constitution of 1868 explicitly forbade the suspension of *habeas corpus*. Thus, on July 18, Pearson responded to the prisoners’ appeals, sending a writ of *habeas corpus* to Kirk, requiring him to bring the prisoners before the court so they could be charged. In response, Governor Holden ordered Kirk to ignore the writs, and the next day, the governor wrote to Pearson, explaining his position. Holden explained to Pearson that the subversive actions of the Klan in Alamance and Caswell counties forced him to declare martial law and that he reserved the right to suspend *habeas corpus* in insurrectionary counties.¹⁰² The governor argued that he had to do something to protect the citizens of the state. Conservative newspapers rallied behind the prisoners and lambasted the governor’s suspension of *habeas corpus*. The editor of the *Wilmington Journal*, one of the largest papers in the state, commented

¹⁰² *Third Annual Message of Governor W.W. Holden, November 1870* (Raleigh: J.W. Holden State Printer, 1870), 60-62.

that Holden was “one of the most unscrupulous despots and vindictive tyrants that ever disgraced the annals of modern history.”¹⁰³ Despite Holden’s blatant disregard for Pearson’s order, the chief justice acquiesced to the governor’s decision a few days later, arguing that he had exhausted all of the judicial powers available to him.¹⁰⁴ Seemingly vindicated, Holden would soon run into an unexpected complication when the federal government finally intervened in the situation, but not on Holden’s behalf.

Meanwhile, while the controversy over *habeas corpus* unfolded, one of Holden’s militia commanders made a pivotal mistake that provided Conservatives with more political ammunition against the governor. On August 5, Kirk’s second-in-command, George Bergen, committed one of the most controversial acts of the militia campaign. Without informing Governor Holden or Colonel Kirk, Bergen unilaterally ordered the arrest of Josiah Turner. As editor of one of the most influential Conservative newspapers in the state, the *Raleigh Sentinel*, Turner produced and distributed anti-Republican rhetoric, and therefore played a major, albeit periphery, role in the spreading of pro-Klan sentiments. Although there is no direct proof that Turner was actually a member of the Klan, some Republicans referred to him as the “King of the Ku Klux” because of his inflammatory rhetoric.¹⁰⁵ Governor Holden believed that Turner facilitated the spread of the Klan, and he wanted Turner arrested if he stepped foot in Alamance or Caswell counties during the insurrection. Bergen, however, took it upon himself to send a detachment to Turner’s home in Orange County, where the men arrested the editor and brought him to the town of Company Shops in Alamance County. Eventually, Turner was transferred to

¹⁰³ *Wilmington Journal*, July 23, 1870.

¹⁰⁴ *Third Annual Message of Governor Holden*, 64-72.

¹⁰⁵ Josiah Turner to wife, July 8, 1870, Josiah Turner Papers, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill.

Yanceyville and incarcerated in the Caswell County Courthouse, where he spent three weeks imprisoned in the first floor room where Klansmen assassinated Senator Stephens.¹⁰⁶

For weeks, Governor Holden had hoped that the federal government would intervene on the behalf of the state's Republican administration and help it battle the rampant Klan violence. As the controversy over Josiah Turner unfolded, the federal government, specifically the United States District Court Judge George W. Brooks, finally intervened in North Carolina. On August 6, Brooks issued a writ of *habeas corpus* for the prisoners in Alamance and Caswell counties, ironically basing his decision on the federal *habeas corpus* act of 1867, which Congress envisioned as a measure to protect Republicans.¹⁰⁷ Governor Holden was dumbfounded. He had pleaded with the federal government to assist his administration, but instead of helping the North Carolina Republicans, the federal government came to the aid of the Conservatives. Refusing to believe that President Grant would uphold Brooks's decision, Holden sent the president a message on August 7, requesting him to rescind Brooks's issuance of the writ. Grant forwarded Holden's message to his attorney general, Amos Akerman, and asked for advice. Akerman responded, "I do not see how the United States district judge can refuse to issue the writ if the petition makes out a case for it."¹⁰⁸ Ackerman then went on to recommend to Grant that Holden grant the writs issued by Judge Brooks. This time, it was the federal government's action, rather than its inaction, that placed Holden in a tenuous position. The governor could not hope to defy the orders of the federal government, so he ordered Kirk to comply with the writs and deliver the prisoners to the court. The prisoners were split into two groups, with the first group appearing

¹⁰⁶ Harris, *William Woods Holden*, 293-294; Trelease, *White Terror*, 218-219.

¹⁰⁷ Harris, *William Woods Holden*, 295.

¹⁰⁸ Amos Akerman to W.W. Holden, August 9, 1870, Governor's Letterbooks 61, North Carolina Division of Archives of History, Raleigh; *Trial of W.W. Holden*, 214.

before Chief Justice Pearson in Raleigh on August 18. Colonel Kirk himself took the second group, which included Josiah Turner, to Judge Brooks's federal court in Salisbury on August 19.

Holden overextended his authority when he suspended *habeas corpus*, but he believed it was the only way to bring Klansmen to justice since local and state courts had proven completely ineffective in convicting members of the Klan. The governor considered the suspension his only option and was confident that federal officials would support him and not allow Klansmen to get away with such a mockery of justice. The hearings in federal court in Salisbury began on August 22. The prosecution team for the state, which consisted of Attorney General Lewis Olds (Holden's brother-in-law), J.M. McCorkle, and W.H. Bailey, made the critical error of believing that the trial in Salisbury was only a preliminary proceeding. Thus, they were unprepared and presented no evidence or witnesses, and Judge Brooks had no other choice but to release the prisoners.¹⁰⁹ The trial in Raleigh progressed somewhat better for the state. The prosecution presented sufficient evidence for Chief Justice Pearson to indict forty-nine of the prisoners. Pearson ordered the trials to be held in the local courts of Alamance and Caswell counties, however, and not one of those tried were convicted of any crime.¹¹⁰ The fact that none of the Klansmen's trials in county court yielded a single conviction confirmed Governor Holden's assertion that the civil government was powerless against the KKK. Whether it was through intimidation, collusion, or outright perjury, Klansmen ensured that their brethren would not be punished for their crimes. If the trials of suspected Klansmen in Caswell and Alamance counties were any indication, it appeared that Governor Holden had valid concerns about the inability of the local judicial system in prosecuting members of the Klan.

¹⁰⁹ Raper, *William W. Holden*, 195; Harris, *Williams Woods Holden*, 295-296; Trelease, *White Terror*, 221-222.

¹¹⁰ Harris, *William Woods Holden*, 296; Trelease, *White Terror*, 222.

After the courts released the prisoners in late August, the militia campaign was effectively over. Holden recalled and disbanded the militia on September 21, and on November 10, he rescinded the state of insurrection in Alamance and Caswell counties.¹¹¹ What had begun as an attempt to punish the Klan for their brutal tactics against Republicans turned into a political disaster for Holden and the North Carolina Republicans. Holden actually succeeded in his immediate goal of stopping Klan activity in Alamance and Caswell counties, as all instances of Klan violence stopped almost immediately when the militia arrived. In this sense, Holden won the battle while losing the war. The Conservatives seized the militia campaign as an opportunity to attack Holden and his party and turn the people of North Carolina against them. The *Greensboro Patriot*, one of the state's leading Conservative newspapers, claimed that Holden's "war" was only an attempt to take revenge on his political enemies. "For cool, persistent, studied, planned and deliberate turpitude and perfidy we have never read its equal."¹¹² The *Wilmington Journal*, a Conservative newspaper with one of the largest reading audiences in the state, also attacked the governor on a regular basis during July and August.

The Conservative newspaper that was most outspoken against Holden and the Republicans belonged to Holden's rival Josiah Turner. Turner's *Raleigh Sentinel* labeled Holden a "demagogue, trickster, and political desperado."¹¹³ Daily, the paper informed readers that every action taken by Holden was unlawful, and that the governor had called in Kirk's militia for no other reason than to "inflict injustice, supercede [*sic*] the civil law, or provoke collusion."¹¹⁴ Of course, the *Sentinel* neglected to mention the countless injustices committed against blacks and white Republicans by the KKK. They also failed to mention how Klan atrocities virtually

¹¹¹ *Third Annual Message of Governor Holden*, 286.

¹¹² *Greensboro Patriot*, July 21, 1870.

¹¹³ *Raleigh Sentinel*, August 1, 1870.

¹¹⁴ *Raleigh Sentinel*, "Habeas Corpus," July 16, 1870

prostrated local governments. Another recurring theme throughout the *Sentinel's* issues included the claim that Holden conspired with Republican Senators John Pool and Joseph Abbott to establish a "military despotism" that would ensure a Republican victory during the upcoming elections in August.¹¹⁵ One of the most effective and widely used Conservative attacks on Holden centered on his use of state funds to pay for the militia campaign. Before Governor Holden's militia campaign, Conservatives had questioned the governor's use of the state treasury, often classifying Republican programs as wasteful spending. During the militia campaign, Conservative attacks became even more pointed, and once again the *Sentinel* led the way. Turner's paper complained that Holden's actions in Caswell and Alamance counties amounted to nothing more than Holden using public funds to finance private mercenaries. The *Sentinel* also claimed that the militia campaign would cost the state between \$250,000 and \$500,000.¹¹⁶ The *Sentinel's* decision to highlight the actual and supposed costs of the militia campaign, especially at a time when many North Carolinians were still destitute as a result of the Civil War, was a well-calculated move on its part which helped swing support to the Conservative Party.

While the *Sentinel* and its Conservative allies throughout the state used the Kirk-Holden War to rile up anti-Republican sentiments among North Carolina's white voters, the state's leading Republican newspaper, the *North Carolina Standard*, attempted to counter Conservative attacks. The *Standard*, which was edited by Governor Holden's son Joseph, printed constant reminders of Klan outrages in an attempt to explain the governor's actions in Caswell and Alamance

¹¹⁵ *Raleigh Sentinel*, "Holden's Army, What it is!" July 18, 1870; *Raleigh Sentinel*, "The Holden-Pool Conspiracy," July 19, 1870

¹¹⁶ *Raleigh Sentinel*, "Make Them Responsible," July 19, 1870.

counties.¹¹⁷ It pointed to the havoc that the Klan had wreaked upon blacks and Republicans throughout the state and argued that the only way to get justice for those citizens was through the militia campaign. “The civil law has proved powerless. This no one pretends to deny. What refuge for them then? Nought save the strong arm of military power. None of us wish to resort to the last extremity, nor to be laid under the burden of taxes thus brought upon us. But above all consideration of dollars and cents is the life of the humblest citizen, and the poor and just of the community...All the trouble resulting from the use of the military be upon the heads of those who have provoked it and made it necessary.”¹¹⁸ Here, Joseph Holden argued that ultimately, the militia campaign was not the fault of the governor or the Republican Party. Rather, the blame rested solely upon those individuals terrorizing innocent citizens. The Klan, he argued, prevented law abiding black and white Republicans from exercising their liberties and in many cases, the Klan robbed them of life itself. As had already been demonstrated repeatedly, county governments were completely ineffectual in protecting Republicans, and local officials often had a direct hand in terrorizing Republicans. The unchecked violence in the Piedmont forced the governor to call in the militia to ensure justice for those injured at the hands of the KKK. At times, the *Standard* also launched personal attacks against Josiah Turner in an effort to discredit him. According to the *Standard*, “[i]f there be a profligate, crazy, drunken rascal in the State, that man’s name is *Jo. Turner, JR.*”¹¹⁹ Holden wanted the public to at least question the information in the *Sentinel*, as well as Josiah Turner himself and his motivations. Unfortunately for the state’s Republican Party, the *Standard*’s counterattacks against the Conservative press proved ineffective. Conservative newspapers, with their large readership which allowed them to spread

¹¹⁷ *North Carolina Standard*, “The Ku Klux Organization,” June 8, 1870; *North Carolina Standard*, “Important Developments,” August 3, 1870.

¹¹⁸ *North Carolina Standard*, “The Militia,” July 22, 1870.

¹¹⁹ *North Carolina Standard*, July 8, 1870.

white supremacist rhetoric, ultimately proved much more effective in swaying white North Carolina voters.

As Conservative newspapers continued to denounce Holden, the election of 1870 drew near. Republicans hoped for and expected a victory similar to the one they experienced in 1868. Unfortunately for them, the election fell on August 4, in the middle of the militia campaign. When the election returns came in, the results shocked the Republicans. The Conservative press' attempt to turn the election into a referendum on the Kirk-Holden War was a turning point during Reconstruction in North Carolina. Before the militia campaign, there had been some discontent with the Republicans, but there was no widespread backlash against them. Holden's administration, while far from perfect, still had enough support from whites that a victory in the August election seemed like a distinct possibility. The barrage of newspaper articles from the Conservative press shifted voting. Conservatives won a heavy majority in the General Assembly, with their candidates receiving more than twice the vote that Republican candidates garnered. Conservative candidates also won five of the seven Congressional seats up for bids, as well as the attorney general's office.¹²⁰ The Conservative Party victory occurred with no significant increase in the number of registered Conservatives statewide, so Governor Holden's use of the state militia in Alamance and Caswell counties and the press' coverage of it played a major role in shifting political opinion.

Other problems, most notably the "Railroad Ring" scandal, plagued the Republican Party, but nothing compared to the controversy of the Kirk-Holden War. The "Railroad Ring" scandal centered on George L. Swepson, a railroad speculator who cheated the state of North Carolina out of hundreds of thousands of dollars. This scandal did not just affect the Republican Party, however. Many prominent Conservatives, including Augustus S. Merrimon and Thomas L.

¹²⁰ Raper, *William W. Holden*, 186-187; Trelease, *White Terror*, 223; Harris, *William Woods Holden*, 297-298.

Clingman, were deeply embroiled in the scandal.¹²¹ Interestingly, Josiah Turner's *Raleigh Sentinel*, which printed several articles about the supposed cost of the governor's militia campaign, never once condemned Swepson's fleecing of an already cash-strapped state. Of course, Swepson had lent Turner \$5,000 to help him acquire the *Sentinel*.¹²² Less than three weeks after the election, J.W. Etheridge, a Republican from the town of Manteo on the North Carolina Outer Banks, wrote to Governor Holden and expressed his sorrow about the Conservative victory: "The election is over and Rebbeldom has showed his cloven hoof." He continued, "I hope [the Conservatives] may carry out their program [and] call a convention, alter the constitution, disenfranchise the colored man, impeach the Supreme Court and the governor, and turn up the Devil generally in such an event Congress and the President will interfere and that will save us and nothing else in my opinion will."¹²³ Of course, Etheridge's wishes had in a way been fulfilled only a few years earlier when Radical Republicans rejected Presidential Reconstruction and expanded the power of the federal government to protect the rights of African Americans. Etheridge's letter highlighted the disillusionment of many North Carolina Republicans. To him, the Klan and its Conservative supporters were traitors to the United States in the same vein as those who joined the Confederacy. Although the war was over and the Union was victorious, former Confederates still wielded enormous influence in the state. Etheridge and other Republicans believed the federal government needed to enforce the provisions of the Fourteenth and Fifteenth Amendments. The federal government's intervention, of course, was something that Governor Holden had unsuccessfully advocated for months. The Conservatives took much of Etheridge's advice; however, for its part, the federal government would soon

¹²¹ Raper, *William W. Holden*, 132-135.

¹²² Mark W. Summers, *Railroads, Reconstruction, and the Gospel of Prosperity: Aid Under the Radical Republicans, 1865-1877*, (Princeton, N.J.: Princeton University Press, 1984), 100-101.

¹²³ J.W. Etheridge to W.W. Holden, August 22, 1870, Governor's Papers, North Carolina Division of Archives and History, Raleigh.

abandon Reconstruction and its support of the rights of freedmen. By the spring of 1871, Conservatives had dealt irreparable damage to the Republican Party in North Carolina. The federal government eventually intervened in May 1871 with the passage of the Enforcement Act, which granted Southern governments federal assistance in combating the KKK.¹²⁴ In 1872, Congress also launched investigations into the Klan. The Enforcement Acts and the Congressional investigations eventually helped to curb Klan activity, but the actions came too late to save the Republican Party in North Carolina.

¹²⁴ Bradley, *Blue Coats and Tar Heels*, 223.

IMPEACHMENT

Immediately following the militia campaign, Conservatives launched a retaliation campaign against Holden and his associates. On September 1, Josiah Turner applied to the North Carolina Supreme Court for arrest warrants for the governor, Colonel Kirk, and several other soldiers under Kirk's command.¹²⁵ All the justices to whom Turner appealed refused to grant his request. Several citizens filed suits against Kirk alleging false arrest, and by the time his troops were mustered out in September, he was so besieged by the suits against him that he requested a United States marshal to arrest him and bring him to Raleigh, so that he could avoid being arrested by Conservative sympathizers. On the trip to Raleigh, Kirk's train passed through Hillsborough and he was almost captured by the sheriff of Orange County and a posse of thirty men. The colonel remained in Raleigh until the court dismissed the charges against him, and on December 1, he clandestinely traveled to Washington, D.C., where he was protected by federal authorities and given employment as a Capitol policeman.¹²⁶ Although Kirk successfully evaded capture and made it out of the state, Josiah Turner still attempted to have him punished. In March 1871, less than two weeks before Governor Holden was removed from office, Turner traveled to Washington D.C. in search of Kirk. On March 11, he wrote home to his wife about the situation. "I have been here as I think at some personal risk among Holden's spies and detectives to have Kirk and Bergen arrested[.] [B]oth are here and were living in this capital and on this street. I had everything ready but a radical judge has intimated that he will not deliver them."¹²⁷ Nothing became of Turner's efforts in Washington, but his resolve to have his persecutors punished

¹²⁵ Raper, *William W. Woods*, 197.

¹²⁶ Trelease, *White Terror*, 223; Raper, *William W. Holden*, 197-198.

¹²⁷ Josiah Turner to wife, March 11, 1871, Josiah Turner Papers, Southern Historical Collection, Louis Round Wilson Library, University of North Carolina, Chapel Hill.

showed the lengths that prominent Conservatives were willing to go in an attempt to disgrace and prosecute the Republicans and their allies.

After the midterm election returns were made public, loud cries arose from many Conservatives calling for Governor Holden's impeachment, and when the new General Assembly met for the first time in November, Conservatives wasted little time initiating impeachment proceedings against the governor. On December 9, Orange County representative Frederick N. Strudwick introduced an impeachment resolution to the house of representatives, which referred it to the Judiciary Committee. The committee quickly adopted the resolution.¹²⁸ The resolution consisted of eight articles of impeachment against Holden, all of them centered on claims related to Holden's imprisonment of over one hundred men for a month without charging them with a crime.¹²⁹ The fact that each article focused on the militia campaign illustrates the centrality of the event to the history of Reconstruction in North Carolina. Conservatives realized that Governor Holden's militia campaign presented a tremendous opportunity to deal a severe blow to the Republican Party. With the resentment that many whites in the state felt about the militia campaign, Conservatives were confident that their attempt to impeach the governor would not cause an uproar among the population. No other issue, not even the Railroad Ring scandal (which the Democrats were also complicit in, and thus they wanted to downplay its significance), provided the Conservatives with such a golden opportunity. Conservatives also understood that they could play off of white supremacist feelings among many white North Carolinians and pass the incident off as Holden's attempt to weaken the Conservatives and protect African Americans, who were steadfast supporters of the Republican Party. Focusing on the militia campaign gave

¹²⁸ *Trial of W.W. Holden*, 1-2.

¹²⁹ Conservatives also gave thought to adding an article centering around the "Railroad Ring" scandal, but they realized that their most powerful political ammunition lay in the Kirk-Holden War.

the Conservatives the best chance of removing Holden from office and causing a major setback for the Republican Party in the state.

The Conservatives' articles of impeachment completely ignored the state of affairs in North Carolina during 1869 and 1870, arguing that Governor Holden over exaggerated the level of violence in the Piedmont. The first article of impeachment accused Governor Holden of wrongly declaring a state of insurrection in Alamance County in an attempt to "stir up civil war, and subvert personal and public liberty, and the Constitution and laws of said State..."¹³⁰ Once again, Conservatives used politically charged language designed to elicit a negative response toward Governor Holden. The use of the term "civil war" was surely not accidental. It implied that the governor attempted a continuance of the Civil War by persecuting his political enemies, almost all of whom had supported the Confederacy. Conservatives argued that Holden's militia campaign had nothing to do with suppressing Klan violence, which Conservatives characterized as only being a minor nuisance anyway. Rather, in Conservatives' minds, Holden's actions during July and August 1870 were simply a personal vendetta against his enemies and an attempt to keep the Republican Party in power. Article two of the impeachment resolution likewise alleged that Holden illegally declared Caswell County in a state of insurrection. The final six articles of impeachment focused on various points, mainly the unlawful arrest and detention of 102 men, including Josiah Turner, and the misuse of state funds during the summer militia campaign.¹³¹ On December 19, the full House voted on the resolution, adopting it by a vote of 60 to 46.¹³² The General Assembly then contacted Chief Justice Pearson and requested that he appear before the senate on December 23, in order to organize a court of impeachment. When the impeachment court convened, Holden's lawyers asked for a thirty day continuance, arguing that

¹³⁰ *Trial of W.W. Holden*, 9-10.

¹³¹ *Trial of W.W. Holden*, 10-17.

¹³² Harris, *William Woods Holden*, 301.

four days was not long enough for the governor to prepare a proper defense against his charges. Pearson granted Holden's request, setting January 23 as the date for Holden to present his answer to the charges against him and January 30 as the start of the official trial.¹³³

Upon learning of his impending impeachment, the governor immediately started getting his affairs in order. He relinquished his role as acting governor to Lieutenant Governor Tod R. Caldwell on December 20. To serve on his defense team, Holden hired prominent attorneys from around the state, including J.M. McCorkle, Nathaniel Boyden, Richard C. Badger, William N.H. Smith (who ironically was a member of the Conservative Party) and Irish-born Edward Conigland.¹³⁴ Holden paid each of his legal representatives \$1,500, but some of his Republican friends from around the state, still supporting their leader, sent Holden some money to help cover his legal expenses.¹³⁵ Holden also looked to Heaven for assistance. Before the start of his trial, he was baptized into Raleigh's First Baptist Church. Holden, who had previously been a member of Methodist and Episcopalian churches in Raleigh, pledged before the congregation to make up for the "great deal of wrong" he had committed in his life.¹³⁶ As Holden prepared to defend himself against these serious charges, the Conservatives prepared their case against the head of North Carolina's Republican Party. Conservative brought in some of the most respected lawyers in the state to prosecute the governor, including two former governors, William A. Graham and Thomas Bragg, and August Merrimon, one of western North Carolina's foremost Conservative leaders.¹³⁷ During the month-long continuance, both sides prepared their cases, and when January 23, 1871 came, Holden and his legal team began the fight for his political career.

¹³³ *Trial of W.W. Holden*, 22-24.

¹³⁴ Harris, *William Woods Holden*, 302-303; Raper, *William W. Holden*, 210.

¹³⁵ Edward Conigland actually refused his retainer and represented Holden *pro bono*.

¹³⁶ Harris, *William Woods Holden*, 303.

¹³⁷ Harris, *William Woods Holden*, 303.

On the morning of January 23, Holden presented a lengthy answer to the charges against him. In his answer to the charges of the impeachment articles I and II, Holden defended his declaration that stated that Alamance and Caswell counties were in a state of insurrection. Holden compiled and presented over twelve pages of evidence on the subversive activities of the Ku Klux Klan in the Carolina Piedmont in an attempt to justify his actions in Alamance and Caswell. The governor also commented on the opposition he faced from Conservatives in trying to fulfill the duties of his office. According to Holden, their resistance began soon after he won the governorship in 1868 when deposed governor Jonathan Worth wrote a letter protesting Holden's election. In Worth's letter to Holden, he declared the election a sham: "I do not recognize the validity of the late election...I regard all you as, in effect, appointees of the military power of the United States and not as 'deriving your powers from the consent of those you claim to govern.'"¹³⁸ In his answer to the articles of impeachment, Holden argued that despite what his enemies asserted, that his actions during his administration, and specifically during the militia campaign, were meant for the benefit and safety of the citizens of North Carolina. Holden's answers to the other six articles did not nearly approach the length of his answer to the first two, although he once again defended the legality of his actions. Holden maintained that he only ordered Josiah Turner arrested if he entered Alamance or Caswell counties and that Lieutenant Colonel Bergen acted without instruction from the governor. He also argued that he did not misappropriate state funds when he used them for the militia campaign.¹³⁹ The Conservatives were not swayed by Holden's answer to his charges, and the trial proceeded, with it formally beginning on January 30.

¹³⁸ *Trial of W.W. Holden*, 29-30.

¹³⁹ *Trial of W.W. Holden*, 44-54.

The trial lasted nearly two months, from January 30 to March 22, and despite the bitter feelings between Conservatives and Republicans, courtroom civility deteriorated only once. When Josiah Turner took the stand on February 16 to testify against Holden, one of Holden's attorneys, William Smith, asked Turner what his "personal feelings" were toward Holden. Although initially shying away from answering, when asked again, he responded: "They are just as they ought to be between a good man and a bad man."¹⁴⁰ Outraged by this affront, Holden objected to Turner's attack on his character, but he was told to remain silent during the testimony. When Turner repeated this insult on Holden's character, the embattled governor stormed out of the senate chambers, never returning during the trial.¹⁴¹

Although the trial remained civil for the most part, it was not a model of fairness and objectivity. The prosecution presented sixty-one witnesses over a three week period, many of them focusing their testimony on the supposed abuses committed by Kirk and his men during the militia campaign. One of the most contentious issues of the trial was over the arrest of Josiah Turner. Article III of the impeachment resolution charged that Holden unlawfully ordered the arrest of Turner. The best evidence that the prosecution presented to prove this claim was the testimony of John W. Gorman, who said that he overheard Governor Holden order the arrest of Turner.¹⁴² Obviously, this was hearsay and would not be allowed in most proceedings, but it was allowed during Holden's trial. The prosecution never produced any substantive evidence on the charge of Article III, yet the legislature still found Holden guilty on this charge.

The defense relied heavily upon its 113 witnesses to provide testimony about the existence of the Klan in North Carolina and the violence that Klansmen committed in the Piedmont. Holden's legal team reasoned that this massive amount of evidence proved that an insurrectionary state

¹⁴⁰ *Trial of W.W. Holden*, 906-907.

¹⁴¹ Harris, *William Woods Holden*, 305.

¹⁴² Raper, *William W. Holden*, 211-214.

existed in Alamance and Caswell counties.¹⁴³ In responding to the final six articles of impeachment, which claimed that the governor illegally raised a militia and unlawfully detained prisoners, the defense argued that Holden legally used the power granted him by the Shoffner Act to help suppress the violent in his state. By March 14, each side had presented their case, and over the next several days, they delivered their closing arguments. William Smith delivered the closing arguments for Holden, reiterating the defense's position that the governor's actions were within the scope of state law, and that he acted only to protect the citizens of his state. Thomas Bragg closed the trial for the prosecution, arguing that Holden had overstepped his boundaries and wasted the state's money on an unnecessary militia campaign that trampled on the rights of over 100 North Carolinians.¹⁴⁴ After the closing arguments, the court agreed to meet the next day to vote on impeachment.

On March 22, 1870, the court reconvened and voted on the impeachment of Governor Holden. Believing that it was a foregone conclusion that he would be removed from office, Holden was in Washington during the vote. He hoped that through a personal visit he could impress upon President Grant the perilous position of Congressional Reconstruction in North Carolina. When the senate voted, they convicted Holden on six of the eight counts against him. Holden escaped convictions on articles I and II. His legal team convinced enough senators that conditions in Alamance and Caswell counties were sufficiently severe to declare a state of insurrection. Although a majority voted for impeachment on article I (30 to 19) and article II (32 to 17), the senate could not muster the required two-thirds majority for impeachment.¹⁴⁵ The last six articles of impeachment, however, proved a different story. The senate convicted Holden on

¹⁴³ Harris, *William Woods Holden*, 306.

¹⁴⁴ Raper, *William W. Holden*, 216-217.

¹⁴⁵ *Trial of W.W. Holden*, 2539-2547.

all of the last six counts.¹⁴⁶ Immediately after the verdict of the trial was read in the senate, the senators passed a resolution removing Holden from office and barring him from holding public office in the state in the future.¹⁴⁷ Thus ended the political career of the most influential Republican in North Carolina, and with his impeachment, Conservatives dealt a major blow to the Republican Party in the Tar Heel State.

¹⁴⁶ The votes on these articles were as follows: Article III (37 to 12); Article IV (33 to 16); Article V (40 to 9); Article VI (41 to 8); Article VII (36 to 13); Article VIII (36 to 13), *Trial of W.W. Holden*, 2539-2558.

¹⁴⁷ Raper, *William W. Holden*, 218-219; Harris, *William Woods Holden*, 307-308.

CONCLUSION: THE ROAD TO REDEMPTION

After Conservatives impeached Holden, the Republican Party in North Carolina was severely weakened. Republicans held a majority in the General Assembly for only two years, between 1868 and 1870. Thereafter, the damage inflicted on the party's image during Governor Holden's militia campaign, as well as the fear created among Republican voters by the Ku Klux Klan, ensured that for the rest of Reconstruction, the Conservatives would hold a majority in the legislature. The Republicans actually won the governorship in the election of 1872 because of the overwhelming support the party received from its political stronghold in the mountain region of the state. Although the Republican Tod R. Caldwell won the election of 1872, he was effectively powerless during his term because of the heavy Conservative majority in the General Assembly, especially since North Carolina governors lacked the ability to veto legislation at that time.¹⁴⁸ In fact, the Conservative General Assembly had already started its assault on Republican reforms during Holden's impeachment trial. In early 1871, it repealed the Shoffner Act. Although the legislature then passed a law outlawing secret societies, Klan activity carried on into 1872. After the Kirk-Holden War, Klan violence ceased in the central portions of the state, but outrages continued in southwestern North Carolina well into 1872, especially in Rutherford and Gaston counties. Governor Caldwell, however, still leery over the impeachment of his predecessor, refused to take any direct action and instead relied simply on entreaties to the people of North Carolina to condemn Klan atrocities.¹⁴⁹ Just as this tactic failed to work for Holden in 1869 and 1870, it failed to work for Caldwell. Caldwell died in 1874 while still in office, and his lieutenant governor Curtis H. Brogden served out the remainder of his term. After Brogden left office in 1877, it was not until 1896 that North Carolinians elected another

¹⁴⁸ Trelease, *White Terror*, 225.

¹⁴⁹ Trelease, *White Terror*, 225.

Republican as governor. Daniel L. Russell was a “Fusionist” candidate who served only one term. The Fusionists were created when the Republicans and Populists in North Carolina merged, and they successfully took advantage of the popularity of Populism to win the governorship. After Russell served one term, North Carolina did not elect another Republican governor until 1972 when James E. Holshouser won the office. By that time, however, the Republican Party was no longer the party of Lincoln. It was now the party of Nixon and Reagan. Holden’s militia campaign against the Klan discredited the nascent Republican Party in the state more than any other event and gave Conservatives a major political weapon for a generation, and the Conservative Party deftly wielded this weapon to build a strong Conservative base in postwar North Carolina.

Additionally, although Caldwell was elected governor in 1872, a major shift in voting patterns could already be seen. In 1868, Holden won the election for governor with a majority of 18,641 votes, which was over 55 percent of the total vote. In 1872, Caldwell won by only 1,898 votes, barely more than 50 percent of the total vote. In only four years, the Republicans saw a decrease of almost 90 percent in their plurality. By 1876, the Conservatives had consolidated their victories in the General Assembly by also winning the governor’s office by more than 13,000 votes.¹⁵⁰ Every Piedmont county that experienced heavy Klan activity from 1869 to 1872 (except Caswell and Nash counties) saw a decrease in votes for the Republican Party between the elections of 1868 and 1872. Some of the increases were small. For example, during the governor’s race in 1868, 51.2 percent of Alamance County voters cast their ballots for Conservative candidate Thomas S. Ashe. In 1872, that total increased slightly to 55.6 percent for

¹⁵⁰ Donald R. Matthews, ed., *North Carolina Votes: General Election Returns, by County, for President of the United States, 1868-1960; Governor of North Carolina 1868-1960; United States Senator from North Carolina, 1914-1960*, (Chapel Hill: University of North Carolina Press, 1962), 111.

Augustus S. Merrimon (one of the prosecutors at Governor Holden's impeachment trial).¹⁵¹ A comparable shift took place in Guilford County, where 46 percent of voters in 1868 voted Conservative, while in 1872 that total increased to 50.2 percent.¹⁵² Some counties experienced more impressive gains for the Conservative Party, as was the case in Lincoln County. In 1868, only 48 percent of Lincoln voters chose Thomas S. Ashe, whereas in 1872, after years of Klan intimidation, Conservative votes increased to 56.1 percent.¹⁵³ Other Piedmont counties saw an even more massive vote shift in favor of the Conservative Party. Rutherford County, which experienced the greatest concentration of Klan activity in 1872, saw Conservative votes go from 26 percent in 1868 to 41.8 percent in 1872. By 1876, Conservatives had gained a majority in a county that was once fervently Republican, with 51.9 percent of the votes in favor of Conservative candidate Zebulon B. Vance.¹⁵⁴ Both Klan intimidation and whites' disillusionment with the Republican administration were major factors in this vote shift. One of the key sources for this discontent with the Republican Party stemmed from the Democrat's creation, the "Kirk-Holden War." After weeks of continued attacks in Conservative newspapers, many whites in Piedmont North Carolina believed that Republicans were corrupt and sought to maintain their power at any cost, including protecting the black population to the detriment of whites. This did not sit well with the majority of white North Carolinians in the area, and their displeasure could be seen at the polls for years to come.

The Kirk-Holden War was the impetus for Governor Holden's ouster. Historian Otto H. Olsen points out that, even during a period when Republicans controlled both the executive and legislative branches of state government, they lacked the influence, power, and ruthless

¹⁵¹ Matthews, *North Carolina Votes*, 112.

¹⁵² Matthews, *North Carolina Votes*, 152.

¹⁵³ Matthews, *North Carolina Votes*, 166.

¹⁵⁴ Matthews, *North Carolina Votes*, 192.

cohesiveness of the Conservatives. Whereas the Republicans attempted to balance the interests of all citizens of the state, whether black or white, the Conservatives did not hesitate to consolidate their power when the opportunity arose to impeach Holden.¹⁵⁵ This action by the Conservatives came at the detriment of the Republican Party and North Carolina freedmen while simultaneously putting North Carolina on the road to Redemption and complete Conservative control of the state. Historian Eric Foner argues that the prospects of Reconstruction in North Carolina “had once appeared so bright,” but with the downfall of Governor Holden, North Carolina was firmly on the road to Redemption.¹⁵⁶ This failure in North Carolina was a major setback to Reconstruction in general because other states in the Deep South had resisted Reconstruction from the beginning. Many Republicans in the national party hoped that North Carolina, which many saw as more moderate because of the large number of Unionists during the Civil War, would work with the federal government to become successfully reintegrated into the Union. With the impeachment of Holden, which left his party in shambles, North Carolina became just another Southern state that bitterly opposed Reconstruction.

¹⁵⁵ Otto H. Olsen, ed., *Reconstruction and Redemption in the South*, (Baton Rouge: Louisiana State University Press, 1980), 183-197.

¹⁵⁶ Foner, *Reconstruction*, 441.

BIBLIOGRAPHY

Primary Sources

Briggs, Willis G. Papers. North Carolina Division of Archives and History, Raleigh.

Cowles, Calvin J. Papers. North Carolina Division of Archives and History, Raleigh.

Doll, Jacob. Diary. Southern Historical Collection. Louis Round Wilson Library.
University of North Carolina, Chapel Hill.

Federal Soldiers' Letters. Southern Historical Collection. Louis Round Wilson Library.
University of North Carolina, Chapel Hill.

Fitzgerald Family. Papers. Southern Historical Collection. Louis Round Wilson Library.
University of North Carolina, Chapel Hill.

Greensboro Patriot. 1870-1871.

Hill, George Nelson. Diary. Special Collections. William R. Perkins Library. Duke University,
Durham, N.C.

Holden, William Woods. Governor's Letterbooks. North Carolina Division of Archives and
History, Raleigh.

_____. Governor's Papers. North Carolina Division of Archives and History, Raleigh.

_____. Personal Papers. North Carolina Division of Archives and History, Raleigh.

_____. Papers. Special Collections. William R. Perkins Library. Duke University,
Durham, N.C.

_____. Papers. Southern Historical Collection. Louis Round Wilson Library.
University of North Carolina, Chapel Hill.

_____. Holden, William Woods. *Memoirs of W.W. Holden*. Durham, N.C.: The Seeman
Printery, 1911.

_____. *The Papers of Williams Woods Holden, Volume 1, 1841-1868*. Edited by Horace W.
Raper. Raleigh: North Carolina Division of Archives and History, 2000.

Hoke, William Alexander. Papers. Southern Historical Collection. Louis Round Wilson Library.
University of North Carolina, Chapel Hill.

Ku Klux Klan Papers. Special Collections. William R. Perkins Library. Duke University,
Durham, N.C.

Long, Jacob Alson. *Recollections*. Southern Historical Collection. Louis Round Wilson Library. University of North Carolina, Chapel Hill.

Poland, Luke P. *Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States, so far as Regards the Execution of Laws, and the Safety of the Lives and Property of the Citizens of the United States and Testimony Taken*. 13 vols. Washington: Government Printing Office, 1872.

Public Laws of the State of North Carolina, Passed by the General Assembly at Its Session 1869-1870. Raleigh, 1870.

Raleigh Sentinel. 1869-1871.

Raleigh Standard. 1869-1871.

Reconstruction Papers. North Carolina Division of Archives and History, Raleigh.

Royal, William. Papers. Southern Historical Collection. Louis Round Wilson Library. University of North Carolina, Chapel Hill.

Schenck, David. *Diary*. Southern Historical Collection. Louis Round Wilson Library. University of North Carolina, Chapel Hill.

Shotwell Family. Papers. Southern Historical Collection. Louis Round Wilson Library. University of North Carolina, Chapel Hill.

Snuggs, Anne Linebarger. Papers. Southern Historical Collection. Louis Round Wilson Library. University of North Carolina, Chapel Hill.

Stedman, A.J. *Murder and Mystery!: History of the Life and Death of J.W. Stephens of Caswell County, State Senator of North Carolina*. Greensboro, N.C.: Patriot Printing Office, 1870.

Third Annual Message of Governor W.W. Holden, November 1870. Raleigh: J.W. Holden State Printer, 1870.

Trial of William W. Holden, Governor of North Carolina, Before the Senate of North Carolina, on Impeachment by the House of Representatives for High Crimes and Misdemeanors. 3 vols. Raleigh: Sentinel Printing Office, 1871.

Wilmington Journal. 1870-1871.

Secondary Sources

- Abbott, Richard H. *The Republican Party and the South, 1855-1877*. Chapel Hill: University of North Carolina Press, 1986.
- Bradley, Mark L. *Blue Coats and Tar Heels: Soldiers and Civilians in Reconstruction North Carolina*. Lexington: University of Kentucky Press, 2009.
- Bowers, Claude G. *The Tragic Era: The Revolution After Lincoln*. Boston: Houghton-Mifflin, 1929.
- Chalmers, David M. *Hooded Americanism: The History of the Ku Klux Klan*. New York: Franklin Watts, 1965.
- Crow, Jeffrey J., Paul D. Escott and Charles D. Flynn, Jr. *Race, Class, and Politics in Southern History: Essays in Honor of Robert F. Durden*. Baton Rouge: Louisiana State University Press, 1989.
- Du Bois, W.E.B. *Black Reconstruction in America, 1860-1880*. 1935. Reprint, New York: The Free Press, 1998.
- Dunning, William Archibald. *Reconstruction: Political and Economic, 1865-1877*. New York: Harper and Brothers Publishers, 1907.
- Foner, Eric. *Reconstruction: America's Unfinished Revolution, 1863-1877*. New York: Harper & Row, 1988.
- Hahn, Steven. *A Nation Under our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration*. Cambridge, Mass. Harvard University Press, 2003.
- Hamilton, J.G. de Roulhac. *Reconstruction in North Carolina*. New York: Columbia University Press, 1914.
- Harris, William C. *William Woods Holden: Firebrand of North Carolina Politics*. Baton Rouge: Louisiana State University Press, 1987.
- Horn, Stanley F. *The Invisible Empire: The Story of the Ku Klux Klan, 1866-1871*. Boston: Houghton Mifflin Company, 1939.
- Inscoe, John C. and Robert C. Kenzer, eds. *Enemies of the Country: New Perspectives on Unionists in the Civil War South*. Athens: University of Georgia Press, 2001.
- Martinez, J. Michael. *Carpetbaggers, Cavalry, and the Ku Klux Klan: Exposing the Invisible Empire During Reconstruction*. Lanham, Mass.: Roman and Littlefield Publishers, 2007.

- Massengill, Stephen E. "The Detectives of William W. Holden, 1869-1870," *North Carolina Historical Review* 62 (October 1985): 448-487.
- McIver, Stuart. "The Murder of a Scalawag," *American History Illustrated* 8, no.1 (April 1973): 12-18.
- Newton, Michael. *The Ku Klux Klan: History, Organization, Influence and Activities of America's Most Notorious Secret Society*. Jefferson, N.C.: McFarland & Company, 2007.
- Olsen, Otto. "The Ku Klux Klan: A Study in Reconstruction Politics and Propaganda," *North Carolina Historical Review* 39 (July 1962): 340-362.
- _____. *Reconstruction and Redemption in the South*. Baton Rouge: Louisiana State University Press, 1982.
- Quarles, Chester L. *The Ku Klux Klan and Related American Racialist and Antisemitic Organizations: A History and Analysis*. Jefferson, NC: McFarland & Company, Inc, 1999.
- Randel, William Peirce. *The Ku Klux Klan: A Century of Infamy*. Philadelphia: Chilton Books, 1965.
- Raper, Horace W. *William W. Holden: North Carolina's Political Enigma*. Chapel Hill: University of North Carolina Press, 1985.
- Summers, Mark W. *Railroad, Reconstruction, and the Gospel of Prosperity: Aid Under the Republicans, 1865-1877*. Princeton, N.J.: Princeton University Press, 1984.
- Trelease, Allen W. *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction*. New York: Harper and Row, 1971.
- Troxler, Carole Watterson. "'To Look More Closely at the Man:' Wyatt Outlaw, a Nexus of National, Local, and Personal History," *North Carolina Historical Review* 77 (October 2000): 403-433.
- Wade, Wyn Craig. *The Fiery Cross: The Ku Klux Klan in America*. New York: Simon and Schuster, 1987.