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National Museum of African American History and Culture

Extension of the Ku Klux Act

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make it appear that there was any; and here was the wanton exercise of this power, to overthrow the guarantees of the Constitution for the personal liberty of the individual, without excuse and without cause!

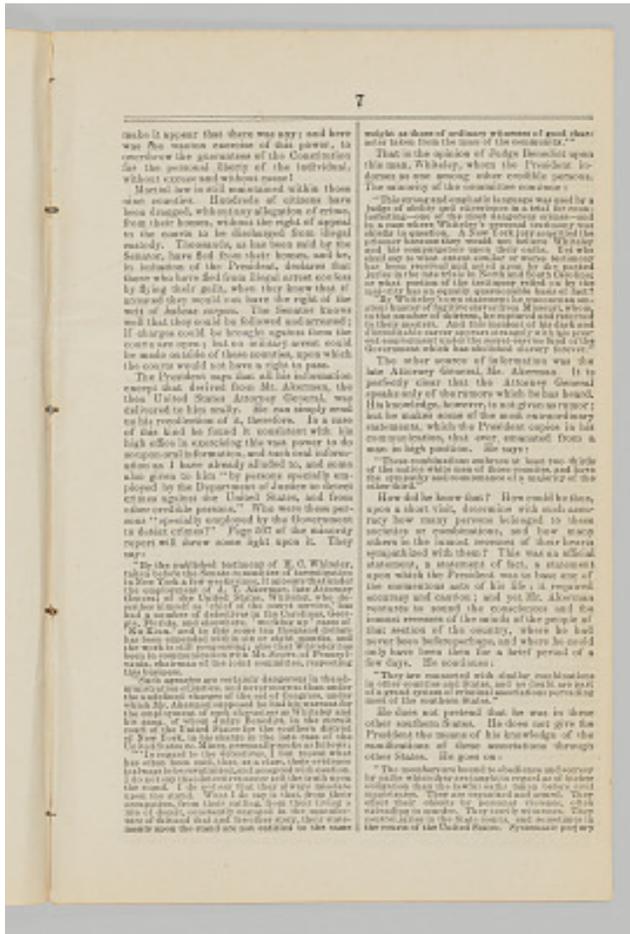
Martial law is still maintained within those nine counties. Hundreds of citizens have been dragged, without any allegation of crime, from their homes, without the right of appeal to the courts to be discharged from illegal custody. Thousands, as has been said by the Senator, have fled from their homes, and he, in imitation of the President, declares that those who have fled from illegal arrest confess by flying their guilt, when they knew that if arrested they would not have the right of the writ of habeas corpus. The Senator knows well that they could be followed and arrested; if charges could be brought against them the courts are open; but no military arrest could be made outside of these counties, upon which the courts would not have a right to pass.

The President says that all his information except that derived from Mr. Akerman, the then United States Attorney General, was delivered to him orally. He can simply send us his recollection of it, therefore. In a case of this kind he found it consistent with his high office in exercising this vast power to do so upon oral information, and such oral information as I have already alluded to, and some also given to him "by persons specially employed by the Department of Justice to detect crimes against the United States, and from other credible persons." Who were these persons "specially employed by the Government to detect crimes?" Page 507 of the minority report will throw some light upon it. They say:

"By the published testimony of H. C. Whiteley, taken before the Senate committee of investigation in New York a few weeks since, it appears that under the employment of A. T. Akerman, late Attorney General of the United States, Whiteley, who describes himself as 'chief of the secret service,' has had a number of detectives in the Carolinas, Georgia, Florida, and elsewhere, 'working up' cases of 'Ku Klux,' and in this some ten thousand dollars has been expended within six or eight months, and the work is still progressing; also that Whiteley has been in communication with Mr. SCOTT, of Pennsylvania, chairman of the joint committee, respecting this business.

"Such agencies are certainly dangerous in the administration of justice, and never more so than under the undefined charges of the act of Congress, under which Mr. Akerman supposed he had his warrant for the employment of such characters as Whiteley and his gang, of whom Judge Benedict, in the circuit court of the United States for the southern district of New York, in his charge in the late case of the United States vs. Miner, personally spoke as follows:

"In regard to the detectives, I but repeat what has often been said, that, as a class, their evidence is always to be scrutinized, and accepted with caution. I do not say that detectives never tell the truth upon the stand. I do not say that they always misstate upon the stand. What I do say is that, from their occupation, from their calling, from their living a life of deceit, constantly engaged in the manufacture of this and that and the other story, their statements upon the stand are not entitled to the same weight as those of ordinary witnesses of good character taken from the mass of the community."



That is the opinion of Judge Benedict upon this man, Whitley, whom the President indorses as one among other credible persons. The minority of the committee continue:

"This strong and emphatic language was used by a judge of ability and experience in a trial for counterfeiting—one of the most dangerous crimes—and in a case where Whitley's personal testimony was chiefly in question. A New York jury acquitted the prisoner because they would not believe Whitley and his compurgators upon their oaths. Yet who shall say to what extent similar or worse testimony has been received and acted upon by the packed juries in the late trials in North and South Carolina; or what portion of the testimony relied on by the majority has an equally questionable basis of fact?"

"By Whitley's own statement he was once an amateur hunter of fugitive slaves from Missouri, whom, to the number of thirteen, he captured and returned to their masters. And this incident of his dark and discreditable career appears strangely with his present employment under the secret-service fund of the Government which has abolished slavery forever."

The other source of information was the late Attorney General, Mr. Akerman. It is perfectly clear that the Attorney General speaks only of the rumors which he has heard. His knowledge, however, is not given as rumor; but he makes some of the most extraordinary statements, which the President copies in his communication, that ever emanated from a man in high position. He says:

"These combinations embrace at least two thirds of the native white men of these counties, and have the sympathy and countenance of a majority of the other third."

How did he know that? How could he thus, upon a short visit, determine with such accuracy how many persons belonged to these societies or combinations, and how many others in the inmost recesses of their hearts sympathized with them? This was an official statement, a statement of fact, a statement upon which the President was to base one of the momentous acts of his life; it required accuracy and caution; and yet Mr. Akerman ventures to sound the consciences and the inmost recesses of the minds of the people of that section of the country, where he had never been before perhaps, and where he could only have been then for a brief period of a few days. He continues:

"They are connected with similar combinations in other counties and States, and no doubt are part of a grand system of criminal associations pervading most of the southern States."

He does not pretend that he was in these other southern States. He does not give the President the means of his knowledge of the ramifications of these associations through other States. He goes on:

"The members are bound to obedience and secrecy by oaths which they are taught to regard as of higher obligation than the lawful oaths taken before civil magistrates. They are organized and armed. They effect their objects by personal violence, often extending to murder. They terrify witnesses. They control juries in the State courts, and sometimes in the courts of the United States. Systematic perjury

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