

Dan Moody vs. the Invisible Empire

Scott Jones Jr.

Faculty Introduction

Dr. Aaron Hyams

The “Red Summer” of 1919, coined by the NAACP, brought a wave of White Supremacist violence targeted against African Americans. It saw the emergence of a new Ku Klux Klan as a White Supremacist organization that targeted not only African Americans, but Catholics, Jews, immigrants, or otherwise “anti-American” elements within society. Texas was unique from the rest of the South in curbing this violence by prosecuting perpetrators. Mr. Scott Jones tells a gripping account of District Attorney Daniel Moody, who secured the first of these prosecutions. Mr. Jones has contributed to a growing literature about Texas’s place in the historiography of the long Black Freedom Struggle.

Abstract

Culturally and demographically, the period after World War I was a time of great change in the United States. The influx of immigrants after the war incited paranoia, resentment, and fear in many Americans, and the Ku Klux Klan exploited these emotions. This second iteration of the Klan was primarily a money-making organization. By exploiting Americans and charging to be a member, the Klan was able to recruit hundreds of thousands of members, making its leaders incredibly wealthy. But, while the Klan leaders grew wealthy from their money-making scheme, the ideas it spread throughout the country and caused pain and suffering for minorities in America. This paper addresses the rapid rise of the Klan in Texas and showcases the Klan’s fall after meeting District Attorney Dan Moody.

The late 1910s presented a time of change and uncertainty for both the United States and Europe. World War I was over, leaving Europe economically and physically devastated. Even the victorious Allied Powers were left “traumatized, debilitated, and impoverished.” The United States’ economic power thrust it into a new role of international leadership. And President Woodrow Wilson’s Fourteen Points claimed America’s right to lead lay in its virtues of equality democracy. Yet, the aftermath of World War I saw the reestablishment of the Ku Klux Klan and a further hardening of Jim Crow laws in the US South. Trends that contradicted these internationally projected virtues.¹

The resurgent Klan in the United States reacted to social changes brought by war, including a new wave of immigrants fleeing Europe. Migrants came from all over Europe to the United States, hoping to start new lives. They were escaping the post-war economic struggles of the entire continent. They brought with them their food, culture, customs, and beliefs. Immigrants were often Catholics or Jews who brought

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politics and attitudes considered alien in America with them. Catholics and Jews also brought differ-

ent morals and social customs that conflicted with those of the Protestant mainstream. Their arrival provided new energy for Progressive era reforms in labor organizing, women’s suffrage, and Prohibition. America was a land undergoing rapid and substantial change in every respect.²

Many White lower-middle-class men became anxious and disheartened by the changes they saw in their country. These men wished for the values and culture of their traditionalist families to be maintained against the dizzying array of social changes brought on by war. They greatly feared the political specters of Bolshevism and Papalism. Indeed, there were real fears of a revolution that intended to overthrow American

1 Adam Fairclough, *Better Day Coming: Blacks and Equality, 1890-2000* (New York: Penguin Books, 2002), 87; Ken Anderson, *Dan Moody: Crusader for Justice* (Georgetown, TX: Georgetown Press, 2008), 15.

2 Patricia Bernstein, *Ten Dollars to Hate* (College Station: Texas A&M University Press, 2017), 26.; *Ibid.*, 28-29.; *Ibid.*, 31-32.

Democracy. They even feared rumors that Catholic churches were stockpiling arms, in preparation for the Pope to overthrow the US government. These American reactionaries feared that the devil was taking over, and their God-fearing country was in peril.³

Most prominent among these reactionary groups was the Ku Klux Klan. A group meant to give power, solidarity, and direction to those who did not know what to do or how to manage the changes. Originally anti-black, and predominantly Southern, in the 1920s the Klan branched out as a multi-regional organization that targeted Catholics, Jews, and immigrants in addition to African Americans. This organization threatened, cajoled, tortured, and killed minorities across the country. All intended to keep America full of citizens with “100 per cent Americanism,” as was a common phrase of the day. Even Theodore Roosevelt helped to make this phrase popular when he was speaking out about the possible dangers of immigration. The voice of these hate-mongering Klansmen were loud and violent.⁴

From 1921-1923, an unchecked and unpunished wave of Klan violence spread throughout the U.S. South. However, by the end of 1923, Texas actually secured among the first legal victories against the Klan’s terror and violence. District Attorney of the 26th and 53rd Judicial Districts, Daniel J. Moody successfully prosecuted four members of the Klan. In doing so, Moody damaged the image of the Klan’s immunity from the law and curbed their grip on the state. Having already begun to alienate itself from the public through its extreme use of violence, the KKK also suffered from a leadership struggle in the later 1920s that divided its members and resources. These problems, coupled with the convictions of Klansmen brought by Dan Moody, helped to establish the KKK as an extremist group and contributed to its decline in Texas and elsewhere.⁵

The Klan, as it had been during Civil War Reconstruction, was dead. But one man, lying in a hospital bed in Atlanta, decided to change that. His name was William Joseph Simmons and in 1915 he had the state of

3 Bernstein, *Ten Dollars to Hate*, 28-31.

4 Bernstein, *Ten Dollars to Hate*, 29.

5 Bernstein, *Ten Dollars to Hate*, 55.; *Ibid.*, 64.; *Ibid.*, 169.; *Anderson Dan Moody: Crusader for Justice*, 48.

Georgia authorize the charter for his new organization. Officially his version of the KKK was called “The Invisible Empire, Knights of the Ku Klux Klan, Inc.” He charged membership fees or a “klektoken” of 10 dollars. As Patricia Bernstein put it, in the title of her book no less, paying the klektoken was like paying “Ten Dollars to Hate.” As people joined, the Klan’s coffers grew. Leveraging the “klektoken,” the new Klan grew into a widespread and powerful hate group.⁶

The KKK of the 1920s was not only a racist anti-black organization. Needing help in recruitment, Simmons paired up with a man/woman marketing team, Founders of the Southern Publicity Association. The team advised him to increase the scope of the KKK by including not just blacks, but also Jews, Catholics, immigrants generally, and anyone who was not considered to be a good person as their targets. The Klans’ moral code was mostly aligned with mainline Protestant values that originated from the Bible. However, in its dealings with those it opposed, the Klan’s moral code was always flexible to suit the situation. The new hate list was a clever recruitment move because it broadened the groups which the KKK opposed. Meaning that someone who didn’t hate black people enough to join an organization to oppose them, now had other incentives to join. If he hated Jews or Catholics, then the incentive to join was greater as he would have more allies. These allies were like-minded people willing to break the law and use intimidation and violence to suppress all those whom they opposed.⁷

The new Ku Klux Klan was reintroduced in Texas in 1920. Within six months, its members numbered in the tens of thousands, and it had one hundred Chapters, stretching over the width and breadth of the state. Dense population areas including Dallas, Tarrant, Harris, Travis, and Bexar counties as well as Jefferson County in east Texas were hotbeds of Klan activity. By 1922, they had taken over county government and legislative districts in these areas. Leaving the governor’s mansion as the last major bastion of non-Klan government in Texas.⁸

In the early 1920s, Daniel Moody was a young Texas lawyer and a ris-

6 Anderson, *Dan Moody: Crusader for Justice*, 15.; Bernstein, *Ten Dollars to Hate*, Title Cover.

7 Bernstein, *Ten Dollars to Hate*, 39.; *Ibid.*, x.

8 Anderson, *Dan Moody: Crusader for Justice*, 16-17.

ing star in state prosecution. He would go on to become the youngest Attorney General and then the youngest Governor in Texas history, distinctions he still holds. By 1923, the year that started his meteoric rise, Dan Moody was a District Attorney. He represented Travis and Williamson Counties in Central Texas. He was a man who had the confidence of his constituents and whom the local paper proclaimed to be efficient.⁹

Raised in a large family home, Moody grew up listening to the stories of his lawyer uncles. His uncles often discussed their cases at dinner and in the evenings. They became District Attorneys or Judges who always had something to talk about that fascinated Moody. No doubt, these family discussions fostered an interest in law for the young man. They also gave him insight into how lawyers thought, spoke, and argued. It is easy to deduce with

this background, along with his mother stressing the importance of

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education, that young Dan Moody would grow up to become an intelligent man and a quick thinker.¹⁰

On January 1, 1921, Moody was sworn into his first political office. The office of the County Attorney, in Williamson County, Texas. By 1922, Dan Moody was handpicked by Governor Neff to replace a departing District Attorney. The former D.A. had decided to resign after futilely trying to bring a Klan murder case, involving the murder of an innocent man in Austin, to court. The victim was a man who the Klan mistakenly believed to be a spy. Unfortunately, the truth was that he was simply in the wrong place at the wrong time. Ultimately, the former D.A. could not gather much evidence. He discovered during the investigation that the people who knew something or who were involved were higher-up law enforcement members. They were not going to testify or collect any usable evidence for the case, because it was vividly clear that they were members of the Klan. Shocked, appalled, and admitting defeat he resigned. However, Moody was not a man to cave under pressure; he was

9 Anderson, *Dan Moody: Crusader for Justice*, 12.

10 Bernstein, *Ten Dollars to Hate*, 44.

ready to face the challenge of taking on the Klan.¹¹

Therefore, when Governor Pat Morris Neff nominated Moody to replace the resigned D.A., he readily accepted. Despising the Klan, he declared that he would make it easier for them to challenge him politically (as the Klan had vowed to do). Following his declaration, Moody announced his intention to run for a full term as D.A. The initial term for which Moody was nominated as a replacement, expired in 1922. Despite their verbal challenge to his candidacy, the Klan was unable to find a candidate to run against Moody in the following election in 1923. With no competition, Moody was elected, this time to his first full term as D.A. of Travis and Williamson Counties.¹²

Though the Klan had gotten away with the 1921 murder in Austin, Moody would not be so weak as his predecessor in dealing with their future crimes. His chance to prove his mettle against the Klan came the very next year. On the night of Easter Sunday, April 1, 1923, a white man named Robert Burleson was abducted by the KKK due to his association with a widow, Fannie Campbell, and rumors of an unwed affair with her. The Klan had already warned Burleson about his relationship with Campbell. Burleson allegedly boasted in response that he would not be bullied and that he would kill the first 21 men the KKK would send after him. Real or fictitious, there was no way the Klan could let such a boast go, so they went after him.¹³

Patricia Bernstein, in *Ten Dollars to Hate*, argued it was unlikely they were a couple, as they had known each other for 12 years. When they first met in 1911, Campbell was a married mother and Burleson was only 16 (Campbell was 26 at that time). The Burleson's and Campbell's were also family friends. At the time of the attack, Burleson was a traveling salesman, and had been staying at her home while he was in the area. It should be noted that he did not immediately stay with Campbell when he first arrived in the area, despite knowing her. Rather than pursuing an inappropriate relationship with Campbell, Burleson ended up staying in her home only by happenstance. He had been staying with the Kings at their family home. However, when a preacher came to town, the space

11 Anderson, *Dan Moody: Crusader for Justice*, 11.; *Ibid.*, 27.; *Ibid.*, 24.

12 Anderson, *Dan Moody: Crusader for Justice*, 28-29.

13 Anderson, *Dan Moody: Crusader for Justice*, 30-31.

Burleson had been using in the King home, was given to the preacher instead.¹⁴

Robert and Fannie, along with her sister-in-law Carrie and her husband Lee Jones, went out for an evening drive that Easter. Automobiles were still new in those days and driving was a fun and relaxing way to wind down. Possibly tipped off by Lee, who was rumored to be a member of the Klan, Klansmen found the car the couples were in and abducted Burleson at gunpoint. After abducting Burleson, the men drove to a semi-secluded area not far from the main highway entering the city of Taylor. From this spot, Burleson could see lights from the city, indicating how close to safety he was. They then dragged him out of the car and threatened to castrate him. They chained him to a tree and took off his pants and underwear. Though they did not castrate him, the men took turns brutally beating Burleson and sought to gain a confession from him.¹⁵

After gaining a forced confession from Burleson, by prolonged beating, they loaded him into a truck and drove him downtown. In Taylor, they dumped creosote over him, a sticky, irritating substance used on utility poles to preserve the wood. They had intended to padlock him so that he would be secured till morning. However, when it was discovered that no one in the group had brought a lock, they hastily secured him as best they could to a tree and then disappeared into the night.¹⁶

Despite his severe beating and poor condition, Burleson, who was a war veteran, still had enough strength to free himself. Heading to the first light he saw, he made it to the boardinghouse of Mrs. R. Harbor. Mrs. Harbor sent for help and the first man to arrive was Constable Louis Lowe. Lowe would later tell newspapers that Burleson was “the worst beat-up man” he had ever encountered. Burleson’s wounds required hospitalization for almost two weeks. Burleson, “a man with an excellent reputation,” just could not understand why anyone would attack him as viciously as they did.¹⁷

14 Bernstein, *Ten Dollars to Hate*, 2-3.

15 Bernstein, *Ten Dollars to Hate*, 5-8.

16 Bernstein, *Ten Dollars to Hate*, 8-9.

17 Bernstein, *Ten Dollars to Hate*, 9-11.

Occurring simultaneously and stealing resources from the Burleson trial was another case involving the Klan, the Sealy case. Moody prosecuted the Sealy case, and the case was assigned to anti-Klan Judge James R. Hamilton, with whom Moody had a long-running professional relationship. Both had jurisdiction over the Burleson case, but were already busy with the Sealy trial. The case involved murder and a family feud between a pro-Klan family and an anti-Klan family. *The Austin Statesman*, headline for April 5, 1923, read, “SEALY BATTLE IS TRACED TO FAMILY FEUD.” The article also mentions that Judge Hamilton mandated the trial must be finished within a week, even if night trials had to be used. As this was the day after the initial court of inquiry hearing had begun in the Burleson trial, it is safe to assume this was the cause for the rush. Moody was able to wrap up the Sealy trial just in time to start the Grand Jury for the Burleson trial. As a man familiar with Moody, Judge Hamilton had this to say about him.

“In my opinion he has no superior and but few equals as a lawyer in Texas...To him ‘Duty’ is the most sublime word in the English language. He is as fearless as a lion and as honest as God’s sunshine.”

-Judge James R. Hamilton¹⁸

Because Moody and Judge Hamilton were busy with the Sealy case, the Burleson case was initially assigned Judge C.R. Faubian and County Attorney Albert Evans, a comparably ineffectual team. Following the attack on Burleson, warrants were issued and arrests were made of five of the accused attackers. Murray Jackson, Dewey Ball, Sam Threadgill, Olen Gossett and sitting Taylor City Marshall R.A. Hewlitt, were all arrested. However, by Monday April 9, 1923, the prosecution had already hit a brick wall. Though they had ample evidence to arrest the five men, no one was talking.¹⁹

When it became common knowledge that the Klan had spent a great deal of money to hire the best defense lawyers, prominent local citizens raised their own defense fund for Burleson. “Constable Lowe testified that he could not remember a private fund ever having been raised be-

18 “Sealy Battle is Traced to Family Feud,” *The Austin Statesman*, April 5, 1923, *The Portal to Texas History*; Bernstein, *Ten Dollars to Hate*, 43.; *Ibid.*, 164.; Anderson, Dan Moody: *Crusader for Justice*, 32-34

19 Anderson, *Dan Moody: Crusader for Justice*, 32.

fore to aid the *prosecution* of a case...” The raising of this private fund highlighted the hostility of the area towards the Klan. Likely, it also shows that indeed, Burleson had an excellent reputation in the area. The defense had hired W.W. Hair who was “one of the greatest criminal lawyers in Texas,” and other prestigious attorneys, including state Senator A.E Wood.²⁰

A month later, on the 7th of May, the Burleson Grand Jury began. This is when Dan Moody and Judge Hamilton finally assumed control of the case that belonged to them by jurisdiction. Based on the original testimony of Burleson, and description of his assailants, Moody strongly suspected three other men in the attack. Moody decided to try and convince those three men, plus Murray Jackson, for which he had the strongest case, to testify without pleading the 5th Amendment. He convinced Judge Hamilton to offer them “use immunity” in exchange for their testimony. Through this deal, he hoped to secure convictions and harsher sentences for the remaining four defendants and possibly uncover additional parties to the crime. Through “use immunity,” the witnesses were given guarantees that their testimony could not be used against them in court. However, they could still be tried using any and all other evidence. Even though they had been granted use immunity, all four men refused to give any testimony. This prompted Judge Hamilton to charge them with contempt of court and he had all four of them thrown in jail.²¹

On May 12, 1923, Moody tried pressing further, offering Jackson full immunity from prosecution if he would give his testimony. Again, Jackson refused to testify and was returned to jail. In the end, without further testimony, Moody only received three indictments from the Grand Jury. Those indicted were Jackson, Ball, and Gossett. The Grand jury determined there was not enough evidence to bring charges against Hewlitt and Threadgill. Ball and Gossett immediately made bail, but Jackson and the three offered “use immunity” were still in jail for their contempt of court. In the days before air conditioning, one can imagine that sitting in a Texas jail during summer heat was no fun. Later, this would no doubt prove to be helpful to Moody. Tired of sitting and

20 Bernstein, *Ten Dollars to Hate*, 203.; Anderson, Dan Moody: Crusader for Justice, 36 and 39.

21 Anderson, *Dan Moody: Crusader for Justice*, 35-36.

suffering in jail, the three men at their own request, asked to be brought before the judge. According to *the Abilene Daily Reporter*, all three testified in the negative to the questions asked and all stated they were out of the county at the time of the crime. Jackson, however, was reported to still be refusing to give testimony. Although he refused, he was shortly released from jail on appeal. Because the Grand Jury had expired, he was no longer in contempt of court. Moody believed the men had been lying and only gave false testimony to get out of jail.²²

It would be another three months before the start of Jackson's trial. Joining the Grand Jury late had put Moody in a tough spot, but this gap allowed him to play catch up with the case and to plan well for the trial. However, being a district attorney, and a dedicated one at that, Moody

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was still busy with his other duties. In fact, Moody was also working on the Starkey case. *The*

Abilene Daily Reporter noted that Starkey had killed a wrestler named "Pet Brown," who was famous in Texas. Patricia Bernstein elaborates a little more. She wrote that Starkey was a sheriff who went to arrest some men for gambling. Starkey claimed he shot the wrestler in self-defense, out of fear of the big man. Bernstein goes on to write that Starkey was a known Klansman and ultimately after three separate trials he was acquitted. The first two juries were hung juries. Moody was suspicious that the lone holdout on his trial jury was a Klan man. Therefore, when the Jackson case came to trial in September, he would prove he had learned his lesson. He intended to thoroughly vet each and every man, to make sure they were not members of the Klan.²³

The first day of trial came and went. The whole day was taken up by motions from the defense to change the venue and to throw out the indictment because of unauthorized persons in the Grand Jury hearings, both were denied. The second day began jury selection. Using his

22 Anderson, *Dan Moody: Crusader for Justice*, 37-39.; "Men Held in Contempt at Georgetown Freed and Answer Questions," *The Abilene Daily Reporter*, June 10, 1923, *The Portal to Texas History*.

23 "Starkey's Fate Still in Hands of Twelve Men," *The Abilene Daily Reporter*, July 1, 1923, *The Portal to Texas History*.; Bernstein, *Ten Dollars to Hate*, 194.; Anderson, *Dan Moody: Crusader for Justice*, 40.

lessons learned, by the end of the day Moody was satisfied that he had done everything humanly possible to prevent a Klansman from sitting on the jury. Finally, the showdown could begin. Taking only a week, both sides brought evidence and witnesses and carried out cross-examinations. By the end of the week, it appeared that Moody had sufficiently discredited the witnesses of the defense. On the final day, *The Austin Statesman* wrote that the jury went into session at around 10 o'clock in the evening. In less than 20 minutes, the jury returned with a verdict. *The Austin Statesman* headline for the article said this, "JACKSON CONVICTED OF FLOGGING CHARGE; FIVE YEAR SENTENCE." The sub-headline reads, "Jury at Georgetown Assesses the Maximum Penalty on Member of 'Tar Party.'" He had done it, Dan Moody, at just 30 years old had become the first man to charge the Invisible Empire and secure a conviction. The maximum penalty of five years shows the attitude of the populace towards the crime. Now with one guilty verdict down he still had two more indicted men to go. Though, unexpectedly he would get three more convictions. In addition to the other two men indicted along with Jackson, a fourth party, Reverend A.A Davis would also be charged and convicted in Burleson's assault. Davis was responsible for delivering the Klan threat to Burleson. This is when Burleson allegedly made his counter-threat to kill the first 21 Klansmen.²⁴

In the trial of Olen Gossett, the defense knew that Moody had a strong case against him but hoped for a suspended sentence. Moody, who was emboldened by the Jackson conviction, wanted prison time. In the end, a plea bargain agreement was reached before the case went to trial. According to Anderson, on the day the jury selection was to begin, Moody secured a guilty plea in exchange for a lesser prison sentence.²⁵

Only a week after Gossett's sentencing, Reverend A.A. Davis was next to be tried. Davis was not one of the original three to be indicted. However, after Jackson's conviction, many Klansmen became more willing to talk. With new testimony, Moody was able to prove that Davis had lied

24 Bernstein, *Ten Dollars to Hate*, 203-204.; *Ibid.*, 4.; Anderson, Dan Moody: Crusader for Justice, 41.; *Ibid.*, 43.; *Ibid.*, 46-48.; "Jackson Convicted of Flogging Charge; Five Year Sentence," *The Austin Statesman*, September 26, 1923, *The Portal to Texas History*.

25 Anderson, *Dan Moody: Crusader for Justice*, 46.

to the original grand jury about his involvement in delivering the Klan warning to Burleson. Therefore, Moody was able to land a perjury indictment against Davis. Unfortunately for Davis, members of the Klan started singing like choirmen. In the Davis case, amongst the many Klan witnesses to take the stand was the Cyclops. In the KKK, a Cyclops was a high-ranking member. The testimony of even this powerful elite member of the KKK indicated just how significant a blow Moody had landed against the Klan with the Jackson verdict. An important note, to testify against one of their own and about the Klan was a violation of their membership oaths. The testimony given, painted a complete picture of the events that led to Davis delivering the Klan threat. With an obvious guilty verdict coming for perjury, the defense focused on proving that Davis was not one of Burleson's attackers on that Easter Sunday.²⁶

Finally, there was only Ball to be tried. With mounting convictions, Ball knew a guilty verdict was likely. Before his trial, he faked an illness to gain sympathy and to delay the trial, or possibly escape a prison sentence. With Moody being adamant about prison time and having three convictions in hand, Ball was out of time and excuses. In the hopes of leniency, he avoided a trial and pled guilty.²⁷

With the Jackson verdict, Moody got almost everything he wanted. A conviction that stuck and that carried with it a maximum penalty. Though it was the only conviction to result in a maximum penalty, it still mattered. Because it was the first conviction, it scared everyone else into telling the truth, even if only for leniency. Further, with everyone now telling the truth, it caused Klansmen to betray each other and the oath they took at their initiation ceremonies. This fear of government and justice, which was greater than the fear of betraying each other, helped to expose the Klan for what it was. An extremist organization living outside the bounds of law and civility.²⁸

Though Gossett never made it to trial, his plea bargain was also important. He had wanted to get off with no jail time. It appeared he had not learned anything from the Jackson case. Seeking a suspended sen-

26 Anderson, *Dan Moody: Crusader for Justice*, 45-47.

27 Anderson, *Dan Moody: Crusader for Justice*, 48.

28 Anderson, *Dan Moody: Crusader for Justice*, 47

tence shows the naivete he and the defense team must have still had. As Moody was insistent on jail time for everyone, there was never really a chance Gossett would not see prison. Nevertheless, Gossett got off relatively easy, after his plea bargain resulted in only a one-year sentence.²⁹

With the Klan in Williamson and Travis County coming unglued, Moody was able to gather enough evidence to convict another man. Reverend A.A. Davis, contrary to the expectation of his profession, lied and tried to deny the accusations against him. But as the Klan fell apart, its members gave testimony liberally against Davis, who was forced to admit guilt. His 2-year sentence reflected his role in setting off the violent chain of events, yet his innocence in the actual flogging.³⁰

The last man to be tried, Ball was fortunate enough to see how the cookie crumbled before it was his turn. When his fake illness attempt failed, he pled guilty, all the while hoping for leniency. While he did not deserve the leniency he received, nevertheless he was at least convicted. Ball's conviction, along with the other three Klansmen, meant that Moody succeeded in not only prosecuting the Klan but prosecuting it four times. Sentenced for a combined 9 years, these men would serve as examples to America and especially the South, that the Klan was not above the law.³¹

The Bursleson trials also demonstrated the important role of public sentiment. As each act of violence took place the Klan could often gain momentum and confidence and perpetrate more attacks. In some cases, however, the locals would get fed up. They could be offended by the gross and excruciating methods used by the Klan, as was the case in the brutal beating of Bursleson. If public support turned against the Klan, the quickly lost their immunity to prosecution.³²

Showing that sentiment in Texas and elsewhere was turning against the Klan, both *The Austin Statesman* and *the Abilene Daily Reporter* wrote articles about a couple of separate events that took

29 Anderson, *Dan Moody: Crusader for Justice*, 46.

30 Anderson, *Dan Moody: Crusader for Justice*, 48.

31 Anderson, *Dan Moody: Crusader for Justice*, 48.

32 Fryer, Roland G., and Steven D. Levitt. "HATRED AND PROFITS: UNDER THE HOOD OF THE KU KLUX KLAN." *The Quarterly Journal of Economics* 127, no. 4 (2012): 1883–1925. <http://www.jstor.org/stable/41812151>.

place in different northern states. In these events, which occurred only a week apart, local mobs invaded and attacked Klan events. In Pittsburgh, Pennsylvania, on August 26th, 1923, the paper wrote about a Klan parade that was attacked by an angry mob of citizens. In another event on September 1st, in Delaware, a mob attacked and broke up a Klan initiation meeting.³³

The Klan also had problems at the very top. While Simmons was a very good public speaker, he lacked clarity of purpose, leadership, and foresight. In fact, Simmons de facto lost control of the Klan during a huge Klan event that he had planned. During the ceremonies of the Klonvocation, a scheming Texas Klansman named Hiram Evans convinced Simmons to take the new title and position of Emperor, while having himself elected as Imperial Wizard. Then the Klan approved a new Constitution, which made the Imperial Wizard position head of the Klan, rather than the emperor. The underhanded change of leadership started a conflict that set off a court battle for the control of the Klan's formal organizations. According to *the Austin Statesman*, the court-appointed a three-man committee, made up of Evans, Simmons, and a neutral 3rd party, to run the Klan until the courts could decide the case.³⁴

Simmons himself had admitted to the poor state of the Klan. In August of 1923, *the Abilene Daily Reporter* quoted Simmons as saying, "the development and progress of the Ku Klux Klan is stopped, disintegration is setting in throughout the entire invisible empire..." In the article, he also admitted that the Klan was without solid leadership or direction. Even further, he admitted that many of the most elite members of the Klan had either become indifferent or have left the Klan altogether.³⁵

The Klan was also an organization rife with fraud. According to Bernstein, "...fraudulent padding of the expense account was just a way of life." There were multiple accusations of embezzlement within the

33 "Mob Battles Klan," *The Austin Statesman*, August 26, 1923, *The Portal to Texas History*; "Delaware Klan Meeting Broken Up By A Mob," *The Abilene Daily Reporter*, September 2, 1923, *The Portal to Texas History*.

34 Bernstein, *Ten Dollars to Hate*, 168-169; "Court Appoints Simmons, Evans and An Outsider," *The Austin Statesman*, April 8, 1923, *The Portal to Texas History*.

35 "Founder of Ku Klux Klan Says It Is Dying Out," *The Abilene Daily Reporter*, August 19, 1923, *The Portal to Texas History*.

organization, including against Simmons. Other notable grifters included The Southern Publicity Association, which was the marketing team that Simmons had hired. The Klan Chief Investigator T.J. McKinnon and a Klan cashier named N.N. Furney were others explicitly accused or charged of theft. With the loss of public support alone, there was no way the Klan could survive. Couple that with internal strife and the Klan was reeling, after suffering its first legal defeats, the writing was on the wall. It would be the first stage of failure for the second iteration of the KKK.³⁶

It is apparent that the convictions brought by Moody alone were not the cause of the decline of the Invisible Empire. Nor were the convictions the first victory against the Klan or the last nail in the coffin. Rather, the convictions increased the speed of the Klans' decline. They did so by helping to put the Klan under the scrutiny of a national microscope. They brought wholesale public attention to the Klan and thereby increased the negative publicity and consequences of the Klans' other troubles.

Moody himself had played his part in the negative publicity that the Klan received. During the Jackson trial, Moody offered to pay the newspapers to print more about the case. Before his offer, the papers were only printing about 100 words a day. He knew the negative publicity would hurt the Klan, which was his plan even before the beginning of the Jackson trial. After his efforts to boost publicity, it was reported that "there were as many newspaper correspondents as there were jurors." Moody truly was a "Crusader for Justice," as Ken Anderson put it, when he titled his book.³⁷

One year later, while Moody was running for Texas Attorney General, *The New York Times* had this to say, "One thing is certain...The Lone Star State has given to the masked organization its hardest blow. ...the death blow of the Klan in the Southwest." This second version of the Klan would flounder on for some time. But it would never again have the same power or influence it had culled in pre-Moody times.³⁸

36 Bernstein, *Ten Dollars to Hate*, 166.; "Officials of Klan Make Bond on Charges Against Them Filed At Atlanta, GA," *The Abilene Daily Reporter*, April 5, 1923, *The Portal to Texas History*.

37 Bernstein, *Ten Dollars to hate*, 208.; *Ibid.*, 216.; Anderson, *Dan Moody: Crusader for Justice*, Title Cover.

38 Anderson, *Dan Moody: Crusader for Justice*, 64.

Student Biography

Scott Jones graduated SHSU in May 2022. He graduated with a Bachelor of Arts in History. In his final semester at Sam, he worked on this paper for his Senior Seminar class. Focusing on post-reconstruction Texas, the students were allowed to write about almost any topic they found interesting. After a few short preliminary topic searches online, Scott quickly realized he wanted to learn more about the origins of the KKK in Texas. He wrote this paper addressing the Klans' rapid rise and decline in Texas. Now that he has graduated, Scott is excited to find a job working in a museum. Showcasing and caring for historical artifacts is Scott's passion.