

Captain Lea revealed how he had organized the Ku Klux Klan in Caswell County. (State Dept. of Archives and History, Raleigh, N.C.)

"Chicken" Stephens had few friends in Reconstruction days North Carolina, and a close-mouthed band of murderers

the MURDER of

By STUART McIVER

The old man died at the home of his son in South Boston, Virginia, on September 29, 1935. He was 92, a respected old tobacco man in a land where tobacco was king. Born when John Tyler was President, he had lived on into a time when Americans drove cars, flew in airplanes, listened to radios, and voted for F.D.R.

He had heard the hoofbeats of the Confederate cavalry in which he had served and of the hooded night riders of the Ku Klux Klan in which many said he also served. And perhaps just before he died, his thought flashed back to the terrible crime on a bloody Saturday afternoon in Reconstruction days in a county courthouse in the North Carolina Piedmont.

A story in a Washington paper on his death caught the alert eye of the first Archivist of the National Archives, R. W. D. Conner. Dr. Connor wrote the North Carolina Historical Commission that the mystery of a brutal murder sixty-five years earlier in Yanceyville,

North Carolina, could now be dispelled. The "true story" had been written by Captain John W. Lea in 1919, to remain sealed in the Historical Commission's vaults until the death of the old Confederate cavalryman. Of the three who had witnessed it, only Dr. Connor survived Lea.

The "perfect crime" has always been a subject of interest to criminologists and detective story fans. "Perfect" can mean either unsolved or unpunished. A crime's chances of maintaining "perfect" status are greatest if the crime is the work of only one man; each additional person increases the probability of exposure.

From the start all signs had pointed to the Yanceyville murder as an "execution" committed by more than one person. Yet in this case there was never a leak, never a break in the chain.

*had no trouble keeping
the circumstances of his
untimely demise
a secret for
half a century.*

a SCALAWAG



Senator John W. Stephens, victim of assassination by the Ku Klux Klan. (Courtesy Gordon Plumblee)

Now, Captain Lea was dead and his "true story" would clear up the mystery of the "perfect crime." One suspects, however, that in one sense it was less than perfect. That Captain Lea was a participant was such common knowledge that the Historical Commission had asked him to write the account as the last surviving member of the group suspected of the murder.

The last major battle of the Civil War, Bentonville, was fought less than 100 miles from Yanceyville in March 1865. In April General William T. Sherman marched into the state capital at Raleigh, General Joseph E. Johnston surrendered his army to Sherman, and the Civil War was over. For the South an agonizing period of readjustment had begun.

Negroes who had been slaves were now free men and in many cases were in positions of authority over men who had held them in bondage. Positions of power

were held by carpetbaggers from the North or by Southern scalawags, many of whom had been have-nots in the ante-bellum world and now saw their chance to rise above their former leaders. For the white Southerner the adjustment was particularly difficult in areas where Negroes were in the majority. Such an area was Caswell County.

A source of particular friction was a carpetbagger named Albion Winegar Tourgee. A native of Ohio, he had played an important role in shaping the new constitution of North Carolina and was now serving as a Superior Court Judge in the Caswell area. Former Governor Jonathan Worth had described "this Tourgee" as "the meanest Yankee who had ever settled among us."

But no aggravation plagued the white power structure of Caswell County like State Senator John Walter Stephens, a man called "Chicken." The senator bore

Stuart McIver is a script writer for documentary films with several international awards to his credit. Among his sources for this article were Captain John G. Lea's confession, now in the archives of the N. C. Historical Commission, and Otto Olsen's Carpetbagger's Crusade: The Life of Albion Winegar Tourgee.

the nickname not because he was regarded as cowardly—which he most assuredly was not—but because he was believed to be a chicken thief.

Wilson Cary, a Caswell Negro noted for his wit, said, "Mr. Stephens stole a chicken and was sent to the state senate, and if he'd steal a gobbler he'd be sent to Congress." Cary had an even stranger nickname, the "Archives of Gravity."

Stephens and Cary proved an effective team, capturing control of the county government for the Republican party in the late 1860's. Never a supporter of the Confederate cause, Stephens after the war displayed considerable hostility toward the ex-slaveholding gentry, whom he blamed for the war and for many of society's ills. He became involved in the work of the Freedmen's Bureau, the Union League, and the Radical Republican party.

His political success was one reason for the violent antagonism he aroused among conservative Democrats. And if the stories that circulated about him were true, his public and private behavior gave them even more reason for the mounting opposition he inspired.

Born in nearby Guilford County in 1834, he was the son of a poor but respected tailor named Absalom and a gentle, careworn mother named Letitia. When John was six, his father died. His fellow Masons built a home in Leaksville for the widow and orphans. Later, while his mother and sister were away, Stephens reportedly sold the house and used the money to finance a move to Yanceyville, a town where he had once sold Bibles for the American Bible and Tract Society.

At the Yanceyville Methodist Church, his fellow Methodists were unhappy at Stephens' friendliness with Caswell County Reconstructionists. Dr. Allen Gunn protested to Stephens about his associations. The doctor reported to the church that Chicken had told him his sole object was to make money and had even offered to get him elected sheriff for \$4,000. The Methodists voted to strike Stephens' name from the church's membership rolls.

Excommunication failed to stop Chicken Stephens. In 1868 he ran for the State Senate on the Republican ticket but lost to Bedford Brown. He contested the

election, pointing out that his opponent had served in the Confederate state legislature and was therefore ineligible to hold public office. Brown was excluded, a special election was called, and this time Chicken won.

At about the same time he became a justice of the peace by appointment of Judge Tourgee, who for \$20 also issued him a license to practice law.

Meanwhile, his widowed, epileptic mother, whom he had deserted in Leaksville after the rumored embezzling of her property, followed him to Yanceyville. On June 20, 1868 she was found with her throat cut. The senator said his mother had fallen against the jagged edge of a broken chamber pot. A coroner's jury agreed with him but many of his enemies were convinced the job had been accomplished with a knife.

As a justice of the peace, he received a share of the fines and costs he assessed. For undercover work for Governor William W. Holden he received an additional \$7 a day plus expenses. In addition, his enemies charged, he used his considerable political influence for further income, employing such devices as extortion and arson.

In early 1870, Governor Holden himself was quoted as calling the senator a "clog to the party," and sug-



Costumes of the Ku Klux Klan. ("Harper's Weekly")



Caswell County Court House. Stevens was murdered in the last room on the left, the first floor. His home was only 500 yards to the east from the window of that room. (Courtesy Gordon Plumblee, Caswell County Historical Association, Inc.)

gesting that a more respectable man should replace him in office.

As the election of 1870 neared, Klan violence erupted in Caswell and Alamance Counties. Judge Tourgee fortified his home and rode to court heavily armed. Stephens, only too well aware of the danger, slept in an iron-barred cage in his bedroom, surrounded by an arsenal of weapons. Increasingly jumpy now, he carried knives and pistols in public.

On Washington's Birthday in 1870 he bought \$10,000 worth of life insurance and on April 7 he had Judge Tourgee draw up a will for him, dividing his property equally among his wife and two daugh-

ters. Though a healthy man of 36, he seemed to sense his end was near.

And it was.

On May 21, 1870, an unseasonably chilly Saturday, the Caswell County Courthouse bustled with activity. The courtroom on the second floor was occupied by some 300 county conservatives in convention session. On the first floor, in the grand jury room, property owners were declaring their taxes to the county treasurer, while the corridors were crowded with county employees and visitors.

Stephens declared his taxes and then proceeded to the convention, where he took notes on a speech by his old political rival, Bedford Brown. Glares from angry conservatives were leveled at him since it was common knowledge he was an informer for the governor.

Stephens then turned to talk to Frank A. Wiley, a former sheriff and one of the tallest men in the county, standing 6 feet 8 inches. Chicken wanted Wiley to declare for sheriff on the Republican ticket "to harmonize political matters." Wiley and Stephens continued to talk about the ticket as they walked out of the room and down the stairs.

The senator had told his wife that he would be home for supper at 5 o'clock. With the food growing cold on the table, she began to worry. Her husband had asked her earlier in the day if she knew where his life insurance policy was kept. He had remarked that it might be of value to her and the children.

Mrs. Stephens sent for his two brothers, who promptly began to make inquiries. Since he had last been seen in the courthouse corridors with Wiley, they searched the building, entering every room except one next to the room where taxes had been declared. That door was locked and no one could find the key. The room had recently been used as headquarters for an agent of the Freedmen's Bureau but more lately had served as a store-room for firewood. By now it was dark and it was impossible to look into the room from the outside.

According to one version, one of the brothers then did a strange thing. He climbed a tree near the storage room and spent the night in the tree. When the early light of that Sunday morning poured through the window, the brother looked down into a room in which lay a body.

They forced the door and found Senator Stephens lying between two piles of kindling wood. Around his neck was the tightly drawn noose of a rope. His throat had been cut and there was a stab wound just above his heart. Beside him lay a horn-handled knife, its three-inch blade crusted with dried blood.

He had not been robbed. He still wore his gold watch and, as usual, his pockets were stuffed with money. All that was missing were the three pistols he had been seen carrying.

The coroner's inquest on May 26 examined some thirty-five witnesses and concluded simply that he had come to his death "by the hands of some unknown person or persons."

While there was joy in conservative circles in Caswell County, there was furor elsewhere. An account of the murder was telegraphed to Congress. Governor Holden moved 1,000 state troops into the area and declared it under martial law.

One of the state's first acts was to arrest Captain Lea, Wiley, J. T. Mitchell, and Felix Roan. Capturing the giant Wiley proved difficult. Eight men were needed to complete the job—and then only after they had slowed him down by hitting him on the head with a fence rail. The four men were taken to Raleigh and presented before the State Supreme Court. Under intensive questioning, they admitted nothing. There were rumors and suspicions but no evidence was developed.

The state believed the murder had been the work of the Caswell County Ku Klux Klan and that its leader was the 27-year-old Lea, a descendant of a wealthy, slave-owning family. A natural leader, Lea was an impressive man with a thick mustache and piercing grey eyes. He had been seen at the courthouse the day of the murder, but there was no further evidence to link him with the crime.

When the court released the Yanceyville four, they were greeted with a noisy ovation in the state capital. Bonfires were kindled, old cannon were fired and a street parade was held. The four discharged prisoners were carried on the crowd's shoulders like heroes.

"They couldn't even prove there is a Ku Klux Klan in Caswell County," said a cheering admirer of Captain Lea, "let alone whether or not the Klan did it."

Despite the absence of legal proof, many Reconstruction officials in Caswell were convinced that the Invisible Empire did indeed exist there. Within twenty-four hours of the return of the men, the Yanceyville heads of the Union League had left town, moving across the border into Virginia.

During the twelve-month period leading up to the elections of 1870, the Klan in North Carolina was apparently responsible for at least sixteen murders, 120 floggings, a variety of bodily injuries and numerous burnings of homes and barns.



John W. Stephens' Colt revolver. According to Mrs. Alice Denny Lea, this was one of the three taken from Stephens when he was murdered. Her brother, James Denny, brought it to her for concealment on the night of the murder. It remained hidden in an old trunk until 1930. (Photograph courtesy Gordon Plumblee)



Ku Klux Klansmen terrorizing Negroes. From drawing by Benjamin West Clinedinst. ("Scribner's Magazine," May 1898)

But time passed and many things changed. Governor Holden became the only North Carolina governor to be impeached. Orders came from the Grand Wizard to disband the Klan. Carpetbaggers and scalawags found it healthier to depart from Caswell. The clamor died down, but not the interest in the crime. People asked Lea about the Klan and the murder. "You all can wait till I die," was his stock answer.

They had a long wait.

Meanwhile, Tourgee left the state, too, and in 1879 published a best-selling book called *A Fool's Errand*, based on his experiences in the North Carolina Piedmont. The year it was published, 135,000 copies were sold.

In the novel, one of the characters is based on Chicken Stephens. He is called John Walters, remarkably close to the senator's full name, John Walter Stephens. The murder in the story occurs in May in a courthouse where a conservative meeting is in progress. A man in the town tells Comfort Servosse, the novel's strangely named protagonist, this version of the murder:

I was with John Walters when he went to the meeting and went up and sat with him for a short time. I had tried to dissuade him from going there at all. . . . The Ku Klux Klan had been riding about, and his life had been threatened a good many times. Only a few days before, a crowd of them had come, and after riding about the town had left at his house a coffin, with a notice stuck on it with a knife. He knew he was in great danger, and told me repeatedly that he thought they would get him before it was over. . . . He said that it was necessary for him to go to this meeting for two reasons—first, to let them know what course the opposition intended to pursue in the coming campaign. . . . He wanted to see some parties there who had made some proposition to him about a compromise-ticket for county officers.

Walters in the story is murdered in the courthouse with rope and knife just as was the real-life Stephens. In Tourgee's novel it is clearly a Klan murder and the ringleader bears some resemblance to former Sheriff Wiley.

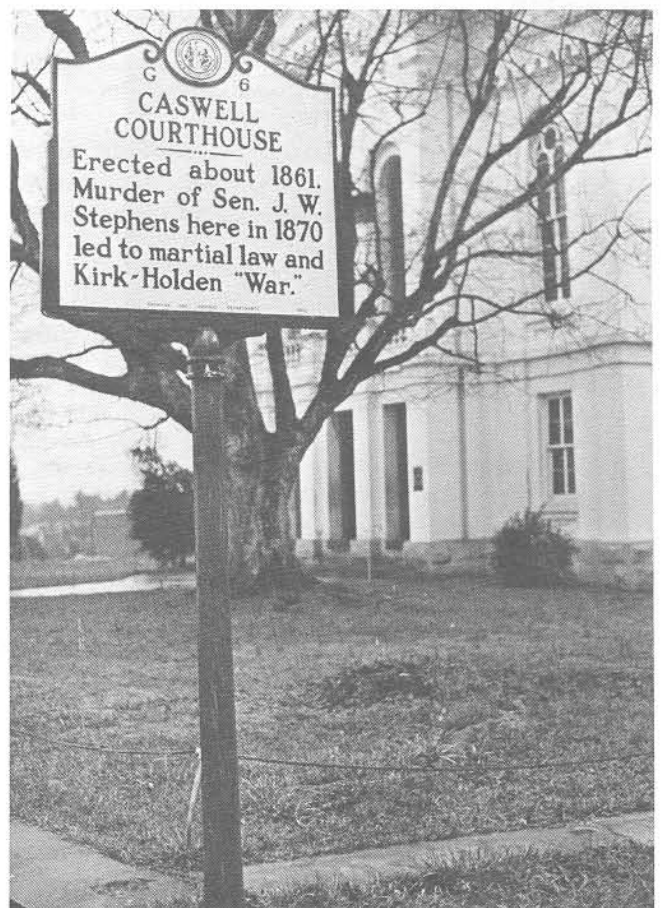
Ten years after Tourgee's book appeared Wiley died. The report spread that on his deathbed he had confessed to a part in the murder. His old friend, R. Z. Linney, who was there, denied this.

"He made no reference to the Stephens tragedy," said Linney, adding that during the spring before

Wiley had spoken of that Saturday in Yanceyville and insisted that his last view of Stephens was in the courthouse corridor and that he was at least four miles away at the supposed time of Stephens' death. Another account, however, quotes Linney as saying that on several occasions Wiley had wanted to tell him all about the murder but that his friend would not let him talk about it.

Meanwhile, the others who were suspected died off, leaving only Captain Lea, the respected tobacco man, growing old gracefully and repeating again and again, "You all can wait till I die."

In 1919 Colonel Fred Olds, collector of North Carolina's Hall of History, persuaded Captain Lea, now 76, to tell his story for posterity. On July 2, Captain Lea gave the story to Olds and two other officials of the Historical Commission. That same day Lea had his picture taken, a photo which reveals a kindly-looking old man with white hair and a magnificent white mustache. Picture and story remained sealed until Dr. Connor's call opened a window back into Reconstruction days. The account opens:



Another view of Caswell County Court House, with marker commemorating Stephens' murder. (Courtesy Gordon Plumbee)

Immediately after the surrender of General Lee, in April, 1865, a bummer named Albion W. Tourgee, of New York, from Sherman's Army, came to Caswell County and organized a Union League, and they were drilling every night and beating the drums, and he made many speeches telling the negroes that he was sent by the government and that he would see that they got forty acres of land. He succeeded in getting J. W. Stevens [a final insult, a misspelled name] and Jim Jones appointed justices of the peace in Caswell County and they annoyed the farmers very much by holding court every day, persuading the darkies to warrant the farmer, &c. Stevens was run out of Rockingham County for stealing a chicken.

The first trial that Jim Jones had, a negro stole Captain Mitchell's hog. He was caught cleaning the hog by Mitchell's son and by a darky whose name was Paul McGee. He was carried before Jones and Jones turned him loose and said he had been appointed by Governor Holden to protect the negro and that he intended to do it.

Soon thereafter I formed the Ku Klux Klan and was elected county organizer. I organized a den in every township in the county and the Ku Klux whipped Jones and drove him out of the county.

J. W. Stephens burned the hotel in Yanceyville and a row of brick stores. He also burned Gen. William Lee's entire crop of tobacco, and Mr. Sam Hinton's crop. Ed Slade, a darky, told me that he burned the barn of tobacco by an order of Stevens and another darky told about his burning the hotel, also by an order. Stevens was tried by the Ku Klux Klan and sentenced to death. He had a fair trial before a jury of twelve men.

Lea goes on to explain that Wiley used the discussion about his running for sheriff as a Republican as a device to lure Stephens into the execution chamber.

Captain Mitchell proceeded to disarm him (he had three pistols on his body). He soon came out and left Jim Denny with a pistol at his head and went to Wiley and told him that he couldn't kill him himself. Wiley came to me and said, "You must do something: I am exposed unless you do." Immediately, I rushed into the room, with eight or ten men, found him sitting flat on the floor. He arose and approached me and we went and sat down where the wood had been taken away, in an opening in the wood on the wood-pile, and he asked me not to let them kill him.

Captain Mitchell rushed at him with a rope, drew it around his neck, put his feet against his chest and by that time about a half dozen men rushed up: Tom Oliver, Pink Morgan, Dr. Richmond and Joe Fowler. Stevens was then stabbed in the breast and also in the neck by Tom Oliver, and the knife was thrown at his feet and the rope left around his neck. We all came out, closed the door and locked it on the outside and took the key and threw it into County Line Creek.

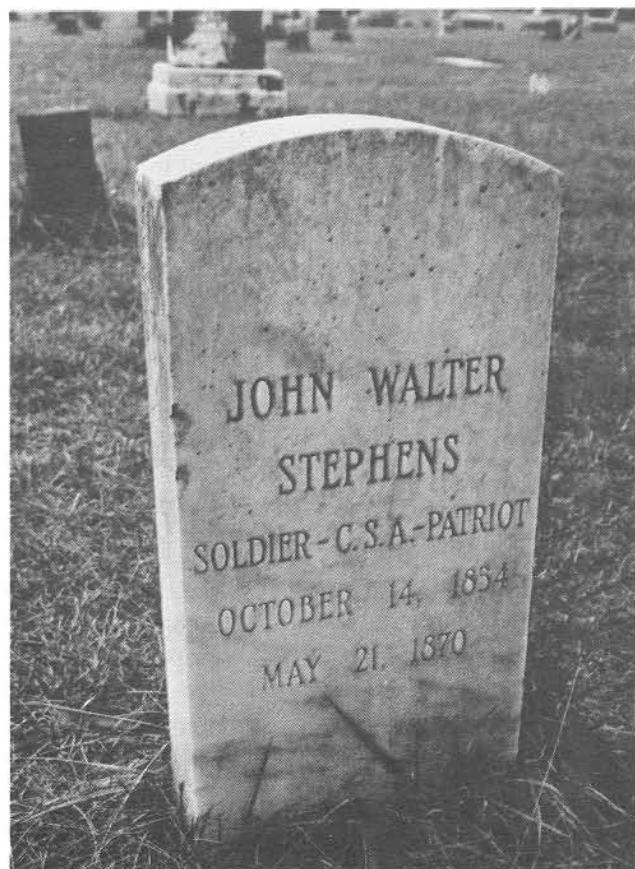
Lea's confession is a long, rambling account, as would be expected from a 76-year-old man recalling an event nearly fifty years in the past. Absolutely no remorse is revealed and likewise no particular attempt at self-justification. It is a remarkably matter-of-fact

account of an event which just happened to be a murder.

Some observers of the Caswell County scene have contended that all the executioners lived out their days with "quiet rectitude and responsibility" much as did Lea. Another student of Caswell history, however, wrote that they were tormented men. One of the men, according to this chronicler, "fled to a distant state, draped himself in the Confederate flag and ended his own life with a gun in his own hand." Whichever version is true, one fact is clear. Not one of the principals in Caswell's "perfect crime" broke.

And now that all the actors in the tragedy are gone, what remains? In Yanceyville, the old courthouse, now nearly 200 years old, still stands, and the room in which Stephens was murdered is now the office of the county manager. One of the pistols taken from him is in the private gun collection of a Yanceyville banker; Leahurst, the ancestral home of the Leas, is still in use.

A final ironic touch concerns Stephens himself. For years his body lay in an unmarked grave in Yanceyville. Then a few years ago a marker appeared. Chiseled in the stone is an inscription which would have raised the eyebrows of the scalawag who had literally given his life fighting against the Confederate cause. Stephens is described simply as a "Confederate soldier."



Stephens' grave marker in the Yanceyville Methodist Church Cemetery. Note the inscription. (Courtesy Gordon Plumblee)