

# **Restoring Law and Order: The Kentucky State Guard in the Black Patch War of 1907-1909**

**A Monograph**  
**by**  
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## **Abstract**

RESTORING LAW AND ORDER: THE KENTUCKY STATE GUARD IN THE BLACK PATCH WAR OF 1907-1909 by MAJ Andrew J. Bates, Kentucky Army National Guard, 46 pages.

The Kentucky State Guard's campaign against the Silent Brigade in 1907-1909 offers lessons for the operational art of civil security and supporting civil law enforcement. The Silent Brigade was a guerrilla army that terrorized western Kentucky in a conflict that came to be known as the Black Patch War. Scholars disagree about whether the Kentucky State Guard was effective in its campaign, or whether other circumstances led to the decline of the Silent Brigade. This monograph argues that the Kentucky State Guard contributed significantly to a permanent reduction in crimes committed by the Silent Brigade. The reduction in Silent Brigade attacks can be explained through the concept of "centers of gravity" introduced by Carl von Clausewitz and incorporated as an element of operational design in American military doctrine. The strategic concept of interaction and isolation, introduced by American defense theorist John Boyd, further explains why these actions of the State Guard were effective. The Kentucky State Guard's campaign in the Black Patch War demonstrates the effectiveness, against an economically motivated guerrilla enemy force, of targeting the enemy's economic center of gravity while simultaneously disrupting its command and control.

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## Introduction

War is war, whether on the battlefield or in the tobacco field – or so it was in Kentucky and Tennessee in 1906, '07, and '08.

- James O. Nall, *The Tobacco Night Riders of Kentucky and Tennessee*.

The Silent Brigade was a guerrilla army that terrorized western Kentucky in a conflict that came to be known as the Black Patch War. The Silent Brigade raided cities to burn tobacco warehouses and attacked farmers who refused to join an association to sell their tobacco collectively. The governor of Kentucky ordered units of the State Guard to active duty in a campaign to restore law and order from December 1907 to September 1909. Scholars disagree about whether the Kentucky State Guard was effective in this mission, or whether other circumstances led to the decline of the Silent Brigade.

This monograph will argue that the Kentucky State Guard<sup>1</sup> contributed significantly to a permanent reduction in crimes committed by the Silent Brigade. The State Guard's campaign succeeded by enabling civil lawsuits that caused economic damage to the Silent Brigade, and simultaneously disrupting the command and control of the Silent Brigade leader, Dr. David Amoss. Historical data demonstrates a relationship between the campaign of the State Guard and a permanent reduction in attacks by the Silent Brigade between February and June 1908. The reduction in Silent Brigade attacks can be explained through the concept of “centers of gravity” introduced by Carl von Clausewitz and incorporated as an element of operational design in American military doctrine. The strategic concept of interaction and isolation, introduced by American defense theorist John Boyd, further explains why these actions of the State Guard were effective. The Kentucky State Guard’s successful campaign in the Black Patch War has

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<sup>1</sup> “Kentucky State Guard” was the name in 1907-1909 for the organization known today as the Kentucky National Guard. Richard G. Stone, Jr., *A Brittle Sword: The Kentucky Militia, 1776-1912* (Lexington, The University Press of Kentucky, 1977), 113, 115.

implications for the operational art of civil security and supporting civil law enforcement in the future.

Establishing that the campaign was effective allows planners to learn lessons from its success. To establish causality in human affairs, four criteria must be met according to Carl V. Patton and David S. Sawicki in *Basic Methods of Policy Analysis and Planning*.<sup>2</sup> The first criterion is that the cause must precede the effect. The second criterion is to demonstrate covariation or association between the variables. These first two criteria are addressed in Section Two of this monograph, which graphs the number of Silent Brigade attacks to show their sharp decrease immediately after key actions taken by the Kentucky State Guard, and the relationship of the number of attacks to the number of soldiers participating in the campaign. The third criterion is to provide a theoretical or substantive justification for the relationship. This criterion is addressed in Sections Three, Four, and Five, which explain the effect of the State Guard's actions using the theories of Clausewitz and Boyd. The final criterion is to account for the possibility that another cause is primarily responsible for the effect. This criterion is addressed in Section Six, which refutes the theories of other authors regarding the decline in attacks by the Silent Brigade. Section Seven provides lessons to be learned from the Kentucky State Guard's campaign, primarily the effectiveness, against an enemy similar to the Silent Brigade, of targeting the enemy's economic center of gravity while simultaneously disrupting its command and control.

The scope of this monograph is limited to the Kentucky State Guard's campaign against the Silent Brigade in the Black Patch region of Kentucky. "Silent Brigade" was the organization's name for itself, but the name was kept secret for the first two years of the conflict until an

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<sup>2</sup> Carl V. Patton and David S. Sawicki, *Basic Methods of Policy Analysis and Planning*, 2nd ed. (Englewood Cliffs, NJ: Prentice-Hall, 1993), 385.

informant disclosed it.<sup>3</sup> Before the real name of the Silent Brigade was revealed, “night riders” became the general term used to refer to the guerrillas.<sup>4</sup> A separate conflict involving Burley tobacco farmers in the neighboring Bluegrass region of Central Kentucky took place at the same time as the Black Patch War. The Silent Brigade did not participate in the Burley tobacco conflict, but the Burley tobacco guerrillas were also known as “night riders.”<sup>5</sup> To avoid confusion, this monograph uses the term “Silent Brigade” whenever possible to refer to the night riders of the Black Patch War. The Black Patch region also includes counties in northwestern Tennessee. Since this monograph is focused on the actions of the Kentucky State Guard, which confined its operations to the Kentucky side of the border, events and data from the Tennessee portion of the Black Patch are excluded from consideration.

## **Section One: Background**

### **Description of the Black Patch Region**

The Black Patch is an agricultural region of Western Kentucky and Tennessee. The Kentucky counties in the Black Patch are Ballard, Caldwell, Carlisle, Christian, Fulton, Galloway, Graves, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, Simpson, Todd, and Trigg. The region’s name refers to the darkness of its signature crop. The Black Patch was the only region in the world where the dark leaf variety of tobacco was grown.<sup>6</sup> Some

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<sup>3</sup> Anonymous letter signed “SPY,” forwarded by Major George Albrecht to Governor Augustus Willson, April 20, 1908, Augustus Willson Papers, Filson Historical Society, Louisville, KY.

<sup>4</sup> Bill Cunningham, *On Bended Knees: The True Story of the Night Rider Tobacco War in Kentucky and Tennessee* (Kuttawa, KY: McClanahan Publishing House, 1983), 57.

<sup>5</sup> Tracy Campbell, *The Politics of Despair: Power and Resistance in the Tobacco Wars* (Lexington: The University Press of Kentucky, 1993), 98, 123; Eugene P. Lyle, Jr., “They Rode By Night: The Story of Kentucky’s Tobacco War,” *Hampton’s Magazine* 22 (February 1909), 183.

<sup>6</sup> Kentucky Board of Fire Underwriters, Tobacco Report, November 16, 1907, Augustus Willson Papers, Filson Historical Society, Louisville, KY, 1; Cunningham, 21, 37; Lyle, “They Rode By Night,” 179.

tobacco products depend on the dark leaf variety for their distinctive flavor. A group that controls the tobacco in this region of western Kentucky and Tennessee controls the worldwide supply of dark leaf tobacco. Dark leaf tobacco was the dominant cash crop and export product of the Black Patch, so the economy of the region depended on the fortunes of the dark leaf tobacco market.<sup>7</sup>



**Figure 1: Map of the Black Patch Region (by author)**

## Tobacco Economics

Starting in the late nineteenth century, founder James Buchanan Duke built the American Tobacco Company (ATC) until it dominated the industry. Duke formed a Trust that controlled the market for tobacco in North America and overseas.<sup>8</sup> By the turn of the century, the trust was able to set tobacco prices worldwide. Almost all dark leaf tobacco was purchased by the foreign trust

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<sup>7</sup> Campbell, 12.

<sup>8</sup> Cunningham, 14-17.

partners of the ATC.<sup>9</sup> The price of tobacco offered to farmers in Kentucky fell from twelve cents per pound in 1887 to six cents per pound in 1900.<sup>10</sup> This price was roughly equal to the cost of production for farmers.<sup>11</sup> The American Tobacco Company argued that the prices fell as a result of the law of supply and demand due to overproduction. Tobacco growers blamed the lack of competition. The price offered by the Trust buyers remained exactly six cents per pound in 1901, and again in 1902.<sup>12</sup>

The economics of the early twentieth century Black Patch predisposed the region to civil conflict, according to the logic of a 2004 article by Paul Collier and Anke Hoeffler of the University of Oxford. In “Greed and Grievance in Civil War,” Collier and Hoeffler analyzed all seventy-nine large civil wars that occurred worldwide between 1960 and 1979. They applied regression analysis to twenty different characteristics of war-torn countries to determine which characteristics served as the best predictors of an impending civil conflict. Collier and Hoeffler concluded that “...primary commodity exports substantially increase conflict risk.”<sup>13</sup> The authors interpreted their findings “...as being due to the opportunities such commodities provide for extortion, making rebellion feasible and perhaps even attractive.”<sup>14</sup> Collier and Hoeffler argue that economic opportunity is a better explanation for rebellion than the grievances of the rebels. The Black Patch War was smaller and much earlier than the conflicts studied by Collier and Hoeffler, but exemplifies the conclusions of their study, due to the dependence of the Black Patch

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<sup>9</sup> Christopher Waldrep, *Night Riders: Defending Community in the Black Patch: 1890-1915* (Durham, NC: Duke University Press, 1993), 24-25; James O. Nall, *The Tobacco Night Riders of Kentucky and Tennessee 1905-1909* (Kuttawa: McClanahan Publishing House, 1939), 6-7.

<sup>10</sup> Campbell, 19.

<sup>11</sup> *Paducah Sun Democrat*, “Organization Now Completed,” September 26, 1904; Nall, 5.

<sup>12</sup> Eugene P. Lyle, Jr., “Night Riding in the Black Patch,” *Hampton’s Magazine* 22 (March 1909), 342; Campbell, 12.

<sup>13</sup> Paul Collier and Anke Hoeffler, “Greed and Grievance in Civil War,” *Oxford Economic Papers* 56 (2004), 588.

<sup>14</sup> Ibid.

economy on exporting the primary commodity of dark leaf tobacco. This is important because the economic motive of the Silent Brigade was crucial to its downfall, as this monograph will explore in greater detail in Section Four. With a single major export crop sold to a single cartel of buyers, the Black Patch was poised for conflict in 1904.

## The Planter's Protective Association

In an effort to counter the monopoly of tobacco purchasing, a group of wealthy tobacco farmers created the Planter's Protective Association (PPA) for the purpose of pooling all dark leaf tobacco to sell collectively. Their idea was to fight the Duke Trust's monopoly of demand with a rival monopoly of supply. The PPA could demand a higher price, since it would control all, or a vast majority, of the supply of dark leaf tobacco.<sup>15</sup> The PPA established itself at a rally of five thousand farmers in Guthrie, Kentucky, on September 26, 1904.<sup>16</sup> After the Guthrie rally, the PPA sent organizers to canvas the Black Patch region, convincing tobacco farmers to sign contracts requiring them to sell their tobacco crop through the PPA. The PPA purchased its own warehouses to store tobacco, and planned to hold the tobacco for as long as necessary to compel the Duke Trust to agree to a sufficient price. The PPA leaders convinced local banks to extend credit to farmers, in order to ease the burden of delayed payment.<sup>17</sup>

Some farmers refused to join the PPA, for a variety of reasons. Some were suspicious that it was a scam. Others trusted the good intentions of the effort, but were skeptical that the plan would work, or were afraid that they could not afford the delay in payment. Others claimed to

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<sup>15</sup> Baker, M.E., "Farmers Fight Tobacco Trust," *Paducah Sun-Democrat*, April 9, 1905.

<sup>16</sup> *Clarksville Leaf-Chronicle*, "A Tremendous Crowd: At the Guthrie Meeting Today and Much Enthusiasm is Being Manifested – Crowd is Estimated at Five Thousand," September 24, 1904; Nall, 19.

<sup>17</sup> Cunningham, 44-45.

cherish their independence.<sup>18</sup> Once the growing season ended, a new motive was created. Tobacco buyers offered much higher prices to independent growers in an effort to undermine the PPA. Whereas the price of dark leaf tobacco had been 6.2 cents per pound in 2003, the buyers offered prices as high as nine cents per pound to non-PPA members in 1904. By 1906 the PPA was selling its crop for seven and one-eighth cents per pound, while the tobacco trust was paying independent farmers up to twelve cents per pound.<sup>19</sup> This created resentment among the PPA farmers, who labeled the independent farmers “hillbillies.”<sup>20</sup>

The PPA bylaws instructed members to encourage their neighbors to join the PPA. The PPA organized groups of “possum [*sic*] hunters” (so called because they worked after dark) to visit hillbillies in the evenings in order to persuade them to join. The PPA defended this practice, arguing that the possum hunters had to conduct visits at night since they were working during the day, and insisting that the possum hunters were not doing anything illegal. The efforts of the possum hunters were not effective in convincing many hillbillies to join the PPA.<sup>21</sup> If the possum hunters meant to intimidate the hillbillies, their implied threats proved insufficient.

## **The Silent Brigade**

In 1905, a group of PPA members formed a secret army in order to advance the cause of dark leaf tobacco farmers by illegal means. They named their group “The Silent Brigade.” The leader and organizer of this effort was Dr. David Amoss, a physician. Amoss was not a tobacco farmer, but his medical practice depended on patients who were. Amoss had attended military

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<sup>18</sup> Suzanne Marshall, *Violence in the Black Patch of Kentucky and Tennessee* (Columbia: University of Missouri Press, 1994), 113-114; James O. Nall, *The Tobacco Night Riders of Kentucky and Tennessee* (Kuttawa, KY: McClanahan Publishing, 1939), 24.

<sup>19</sup> Nall, 50.

<sup>20</sup> Lyle, “Night Riding in the Black Patch,” 344; Waldrep, 65-66.

<sup>21</sup> Cunningham, 54-55; Campbell, 79.

school as a teenager and excelled there. As an adult, he became a Freemason.<sup>22</sup> These experiences taught him the value of both martial discipline and cryptic rituals. Discipline and ritual were distinguishing characteristics of the Silent Brigade.

The Silent Brigade was organized into multiple lodges for each county. A colonel commanded each county, and a captain commanded each lodge, with one or more lieutenants. On raids, they were organized into squads of eight. Each member was assigned a number, and was called by his number instead of his name on raids, to keep identities secret.<sup>23</sup> The Silent Brigade grew to as many as ten thousand members at the height of its popularity.<sup>24</sup> Lodges did not carry out operations in their own areas. Instead, each lodge would travel to commit crimes in the area of another lodge. This made it more difficult for witnesses to identify their attackers. It also reduced the chances that a Silent Brigade member might be required to attack a friend or relative.

Thanks to Amoss, the Silent Brigade was formal, disciplined and organized. As he planned the secret army in 1905, Amoss visited a group of the Ku Klux Klan in Tennessee to study their methods.<sup>25</sup> The Silent Brigade used military drill on operations. As with all armies, military drill improved morale and discipline, and for the Silent Brigade, made them appear more legitimate to the populace.<sup>26</sup> They took elaborate oaths for membership and practiced rituals in their meetings.<sup>27</sup> Amoss effectively blended the military ceremony of his childhood in military school with the mysterious rituals he had learned in the Freemasons, and then added the criminal

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<sup>22</sup> Major Ferrell's Military Academy in Hopkinsville, Kentucky. Nall, 50, 57; Cunningham, 33.

<sup>23</sup> Nall, 53, 55.

<sup>24</sup> Cunningham, 65.

<sup>25</sup> Cunningham, 56. This must have been an isolated local holdover from the reconstruction-era Ku Klux Klan, since the Black Patch War occurred before the revival of the Ku Klux Kan in 1915.

<sup>26</sup> "...all wore white badges about their shoulders. They were heavily armed with guns and pistols, and were in squads of six with an officer over each squad and went about their purpose with military precision." *Clarksville Leaf-Chronicle*, "Hopkinsville Visited Friday Night by 200 or 300 Night Riders," December 7, 1907.

<sup>27</sup> The oath of the Silent Brigade is presented in the appendix.

methods he had learned from the Ku Klux Klan.<sup>28</sup> The final product gave the Silent Brigade a sense of purpose and importance, while frightening members into remaining loyal. Amoss was not only the leader of the Silent Brigade, he was its creator, strategic planner, and source of inspiration.<sup>29</sup>

## Early Attacks

In late 1905, the Silent Brigade commenced its campaign of terrorism against the hillbillies and the tobacco trust. The name “Silent Brigade” remained a secret for almost three years, during which time the guerrillas came to be known as “the night riders.”<sup>30</sup> Initially, their targets were the same farmers who had refused to submit to the intimidation of the possum hunters.<sup>31</sup> There were only a few attacks at first, while the organization was being established. The types of crimes committed by the Silent Brigade depended on the agricultural season. In the spring, they would scrape planting beds. In the autumn, they would burn the barns farmers used for firing tobacco. In the winter, they would destroy trust company warehouses with dynamite. Throughout the year, they would use violence ranging from beatings and whippings to shootings. In a few cases, the night riders faced violent opposition from their intended victims, but not from the authorities.<sup>32</sup> In many cases, the authorities were not only sympathetic to the Silent Brigade, but active members, including sheriffs, commonwealth attorneys, and county attorneys

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<sup>28</sup> Cunningham, 56.

<sup>29</sup> There is no indication that Amoss received any direct financial reward for leading the Silent Brigade, though he would benefit indirectly if his customer base of tobacco farmers received higher prices for their crops.

<sup>30</sup> Nall, 52.

<sup>31</sup> *Paducah Sun-Democrat*, “Night Riders,” November 19, 1905.

<sup>32</sup> *Paducah Sun-Democrat*, “Trust Tobacco Warehouse Burned,” December 11, 1905, “Trust Factory is Blown Up,” December 12, 1905, “Tobacco Growers Guarding Plants: Bloodshed May Follow Attempts to Destroy Beds,” May 25, 1906.

(prosecutors).<sup>33</sup> For the first year, the Silent Brigade conducted attacks on a relatively modest scale. The *Paducah Sun-Democrat* first reported rumors of night rider attacks in November 1905, and historian Tracy Campbell documented seventeen recorded attacks of various types between December 1905 and November 1906.<sup>34</sup>

On December 1, 1906, the magnitude of Silent Brigade operations rose to a new level. As the *Paducah Sun-Democrat* reported, “[f]ive hundred masked men entered Princeton at 1 o’clock this morning, disarmed the police, locked up the fire department, drove guards out of the warehouse and proceeded to blow up and burn two big tobacco warehouses....” The raiders cut off the city lights and shut down the telegraph and telephone offices to prevent calls for help. Once their targets were destroyed, Amoss rallied the raiders with a trumpet call, and they rode away singing in unison.<sup>35</sup> After this bold and well-organized operation, the authorities took more notice. The State Fire Marshall came to Princeton to investigate. As the reporter of the *Sun-Democrat* wrote, “Gov. Beckham may be asked to send militia, but this is not probable.”<sup>36</sup> One of the alleged night riders was arrested.<sup>37</sup> Over the next year, the pace of attacks increased. The Silent Brigade conducted more than fifty recorded attacks in the year following the Princeton raid, over three times more than the year prior.<sup>38</sup> Several more alleged night riders were arrested, but no night riders were convicted.<sup>39</sup> As the Silent Brigade grew bolder, rumors spread that their

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<sup>33</sup> Lyle, “Night Riding in the Black Patch,” 346; Cunningham, 64-65.

<sup>34</sup> *Paducah Sun-Democrat*, “Night Riders,” November 19, 1905. Campbell, 171-172; Nall 52.

<sup>35</sup> Cunningham, 76-77; Nall 67-69.

<sup>36</sup> *Paducah Sun-Democrat*, Tobacco Warehouses Burned at Princeton,” and “Dynamite Used by Mob,” December 1, 1906,

<sup>37</sup> *Paducah Sun-Democrat*, “One Arrest Made for Being in Mob,” December 3, 1906.

<sup>38</sup> Campbell, 172-173.

<sup>39</sup> A minority of local officials, most notably Lyon County Attorney Walter Krone, brought criminal charges against members of the Silent Brigade, but were thwarted by uncooperative juries and other officials. Waldrep, 154, 162. Krone was beaten in May 1908 by a local police officer who was accused of night riding, until rescued by a State Guard soldier assigned to guard him. *Paducah Sun-Democrat*, “Cowardly Assault Made on County Attorney Krone by Man Indicted for Night Riding in Lyon County,” May 29, 1908.

next major target would be Hopkinsville, a town much larger than Princeton that also held tobacco trust warehouses.<sup>40</sup>

## Raid on Hopkinsville

Shortly after midnight on December 7, 1907, one year and six days after the raid on Princeton, the Silent Brigade attacked Hopkinsville. The *New York Times* reported that there were five hundred raiders. Other sources estimated that there were two to three hundred. A squad ambushed the small police force in its station and held it prisoner. Other squads simultaneously seized the fire department, and the telephone and telegraph offices. The raiders shot two residents, and took a tobacco trust agent from his home and severely beat him. The guerrillas destroyed the office of the *Hopkinsville Kentuckian* newspaper, which had been critical of them. They pursued the city mayor, who also owned the *Kentuckian*. The mayor escaped by sliding down a coal chute into a church basement. The Silent Brigade destroyed two tobacco warehouses with dynamite. Having accomplished its objectives, the force rallied and rode away.<sup>41</sup>

As the attack was underway, Major Erskine Birch Bassett of the Kentucky State guard climbed out his back window to rally a group of his guardsmen and other volunteers. By the time they were assembled, the raiders had withdrawn. Bassett and his ad hoc squad of soldiers saddled their horses and pursued the Silent Brigade force. After attempting to take some of the raiders prisoner, the soldiers engaged in a gun battle with the Silent Brigade. At least two raiders were killed and an unknown number were wounded. David Amoss suffered a gunshot wound to the

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<sup>40</sup> *Paducah Sun-Democrat*, “Ready for Riders,” December 4, 1906; Lyle, “Night Riding in the Black Patch,” 348-349.

<sup>41</sup> Nall, 75-79; Cunningham, 101-104, 107; Lyle, “Night Riding in the Black Patch,” 350.

head, but this may have been accidentally inflicted by one of his own men. The soldiers did not suffer any casualties.<sup>42</sup>

The attack on Hopkinsville began a new phase of the war. From December 7, 1907, onward, State Guard troops became involved, and the conflict gained national attention. The attack on Hopkinsville was a front-page headline in the *New York Times*.<sup>43</sup> The national media would continue to follow the story for the next two years. Fearing that the night riders would return to avenge their fallen comrades, the state ordered the local unit of the State Guard, Company D of the Third Infantry Regiment, to active service in order to protect the town. Prior to the attack on Hopkinsville, prominent citizens in western Kentucky had already been petitioning the governor-elect, Augustus Willson,<sup>44</sup> to take action to suppress the night riders.<sup>45</sup> Willson, a Louisville Republican, had previously represented the American Tobacco Company as an attorney, and was unsympathetic to the cause of the Silent Brigade.<sup>46</sup> On December 11, the day after taking office, Willson sent Company I of the Third Regiment from Louisville to Hopkinsville with a gatling gun to reinforce Company D. On December 15, he ordered Company H of the Third Regiment to active service in the Black Patch. Over the next two years, units from all three Kentucky regiments would serve on active duty to suppress the night riders. The Kentucky State Guard's campaign against the Silent Brigade had begun.

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<sup>42</sup> Richard G. Stone, Jr. *A Brittle Sword: The Kentucky Militia, 1776-1912* (Lexington: University Press of Kentucky, 1977), 96-97; Cunningham, 105-106; Lyle, "Night Riding in the Black Patch," 351.

<sup>43</sup> *The New York Times*, "400 Night Riders Shoot and Burn," December 8, 1907.

<sup>44</sup> The correct spelling is "Willson" with two Ls (anticipating a question that arose frequently in proofreading)

<sup>45</sup> Bailey to Willson, December 9, 1907, and Stites to Willson, December 10, 1907, Augustus Willson papers, Filson Historical Society, Louisville, KY.

<sup>46</sup> Cunningham, 109-110; Waldrep, 117.

## Literature Review

In the century since the conflict, the general consensus regarding the Kentucky State Guard's campaign against the Silent Brigade has shifted. Other than contemporary reports by journalists, no description of the Black Patch War was published for over twenty years after the events. Attorney John G. Miller published the first book on the subject, *The Black Patch War*, in 1936. Miller was a participant in the events he described, having represented the first plaintiff to successfully sue the night riders. Miller gave himself credit for defeating the Silent Brigade.<sup>47</sup> Other sources confirm that he played an important role by pioneering the technique of filing suit from out-of-state so that federal courts would gain jurisdiction. Miller's firsthand account provided few details beyond his personal experience.

From the 1930s through the 1980s, commentators on the Black Patch War agreed that the campaign of the State Guard was effective. The first comprehensive account of the Black Patch War was *The Tobacco Night Riders of Kentucky and Tennessee 1905-1909*, by Dr. James O. Nall, published in 1939. Nall was a Western Kentucky physician. This work studied the Black Patch War and a separate but related conflict in the central Bluegrass Region of Kentucky. Nall was clearly sympathetic to the Silent Brigade, concluding the book by writing "They staged a revolt as honorable as any other revolt for just cause."<sup>48</sup> He wrote that the State Guard played an important part in the "subjugation" of the Silent Brigade, but agreed with John G. Miller that the chief factor was the impact of the federal civil suits.<sup>49</sup>

In 1977, Professor Richard G. Stone of Western Kentucky University published *A Brittle Sword: The Kentucky Militia, 1776-1912*. Stone described the State Guard's campaign in the Black Patch as part of a larger story of the early history of the State Guard. *A Brittle Sword*

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<sup>47</sup> John G. Miller, *The Black Patch War* (Chapel Hill: The University of North Carolina Press, 1936), 84-85.

<sup>48</sup> Nall, 199.

<sup>49</sup>Ibid., 174.

attributed the fall of the Silent Brigade to “...a combination of military and judicial pressure...”<sup>50</sup> He generally concurred that the State Guard and civil suits were effective, varying from Nall only by degree of emphasis.

*On Bended Knees: the true story of the Night Rider Tobacco War in Kentucky and Tennessee* was a narrative of the Black Patch War written for a general audience. The author, Bill Cunningham, was the circuit judge for three of the Black Patch counties when his account was published in 1983. Cunningham gave full credit to the State Guard for defeating the Silent Brigade. “The state militia...had proven to be quite effective against the Night Rider groups...In short, the military presence successfully intimidated and discouraged the Night Riders.”<sup>51</sup>

Two books published in 1993 departed sharply from the conclusions of earlier writers. In *Night Riders: Defending Community in the Black Patch, 1890-1915*, Christopher Waldrep argued that the Silent Brigade declined because it expanded its violence to new purposes. According to Waldrep, the local populace turned against the Silent Brigade after it used violence for other purposes than the original cause of fair tobacco prices, such as driving African-Americans out of the region. In addition, he argued that the actions of the Planters’ Protective Association (PPA) and Silent Brigade had succeeded in raising tobacco prices, resolving their grievance so that they were able to end their armed struggle. Waldrep contended that the federal civil suits were ineffective against the Silent Brigade, and that “[Governor] Willson’s strategy of defeating the Night Riders with troops failed.”<sup>52</sup>

*The Politics of Despair: Power and Resistance in the Tobacco Wars*, by Tracy Campbell, was also published in 1993. Campbell argued that the Silent Brigade did not decline until the PPA itself collapsed. “The quick demise of night riding,” he wrote, “...did not occur because of armed

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<sup>50</sup> Stone, 97.

<sup>51</sup> Bill Cunningham, *On Bended Knees: The true story of the Night Rider Tobacco War in Kentucky and Tennessee* (Kuttawa, KY: McClannahan Publishing House, 1983), 168.

<sup>52</sup> Waldrep, 126, 138.

troops, unsympathetic juries, or even public indignation.”<sup>53</sup> Campbell and Waldrep had conflicting theories about the cause of the Silent Brigade’s collapse, but agreed that government action was not responsible. A turning point in scholarly opinion about the Black Patch War occurred in 1993. Since the works of Waldrep and Campbell were published, later writers have tended to agree with them that the State Guard and the federal civil suits were ineffective.

Suzanne Marshall, in her 1994 book, *Violence in the Black Patch of Kentucky and Tennessee*, provided a history of the culture of violence in the Black Patch from the time of the first white settlers in the 18<sup>th</sup> century until the end of the Black Patch War. She did not directly address why the Black Patch War ended, but wrote that the night riders were successful in defying the authorities and contributing to the rise in tobacco prices. She did not make a detailed defense of these claims, which were not central to her thesis. Marshall’s interest was toward the causes of violence rather than the outcome of the Silent Brigade conflict.<sup>54</sup>

In *Kentucky: Portrait in Paradox, 1900-1950*, author James C. Klotter devoted a section to the history of the Black Patch War. Klotter wrote in 1996 that the State Guard did not have a significant impact on the conflict. Instead, Klotter attributed the decline in Silent Brigade crimes to a loss of community support due to the Brigade’s “excesses.” He also argued that the Silent Brigade ended its criminal activity because it had accomplished its mission by causing tobacco prices to rise.<sup>55</sup> He restated this conclusion, with less detail, in his 1997 textbook, *A New History of Kentucky*, co-authored with Lowell H. Harrison.<sup>56</sup> Klotter cited Waldrep and Campbell in both books.

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<sup>53</sup> Campbell, 96.

<sup>54</sup> Suzanne Marshall, *Violence in the Black Patch of Kentucky and Tennessee* (Columbia: University of Missouri Press, 1994), 161-162.

<sup>55</sup> James C. Klotter, *Kentucky: Portrait in Paradox, 1900-1950* (Frankfort: Kentucky Historical Society, 1996), 64.

<sup>56</sup> Lowell Harrison and James C. Klotter, *A New History of Kentucky* (Lexington: University Press of Kentucky, 1997), 280-281.

The history of scholarship about the Black Patch War reveals a clear trend. Studies written prior to 1993 tend to agree that the Kentucky State Guard and/or the federal civil suits defeated the Silent Brigade, whereas scholarship since 1993 tends to discount the effectiveness of these efforts. More recent works tend to argue that the Silent Brigade stopped committing crimes because it was no longer necessary or because the community had turned against the night riders. This monograph defies the trend and generally disagrees with the assessments of the recent scholars.

The disagreement with other studies may be due to a more narrow focus. Some authors cover events in the Bluegrass Region and in both the Kentucky and Tennessee portions of the Black Patch. Some authors were primarily concerned with the causes of the conflict and the underlying grievances of the night riders, rather than the conflict between the State Guard and the Silent Brigade. Other works included the Black Patch war as part of a larger history of the militia or of Kentucky. The focus of this monograph specifically on the campaign of the State Guard in the Kentucky portion of the Black Patch leads to conclusions that are different from other recent authors. The data about the campaign against the Silent Brigade in the Black Patch region of Kentucky becomes more obvious when it is considered on its own.

## **Section Two: Data**

To analyze the State Guard's campaign against the Silent Brigade, this monograph compares several variables over time. The number of Silent Brigade attacks, the number of troops on active service in the Black Patch, the price of dark leaf tobacco, and media coverage are depicted as trend lines on the same graph. In order to portray these variables at the same scale, the values for each variable are divided by its maximum value. The raw data is also provided in a table in the appendix.

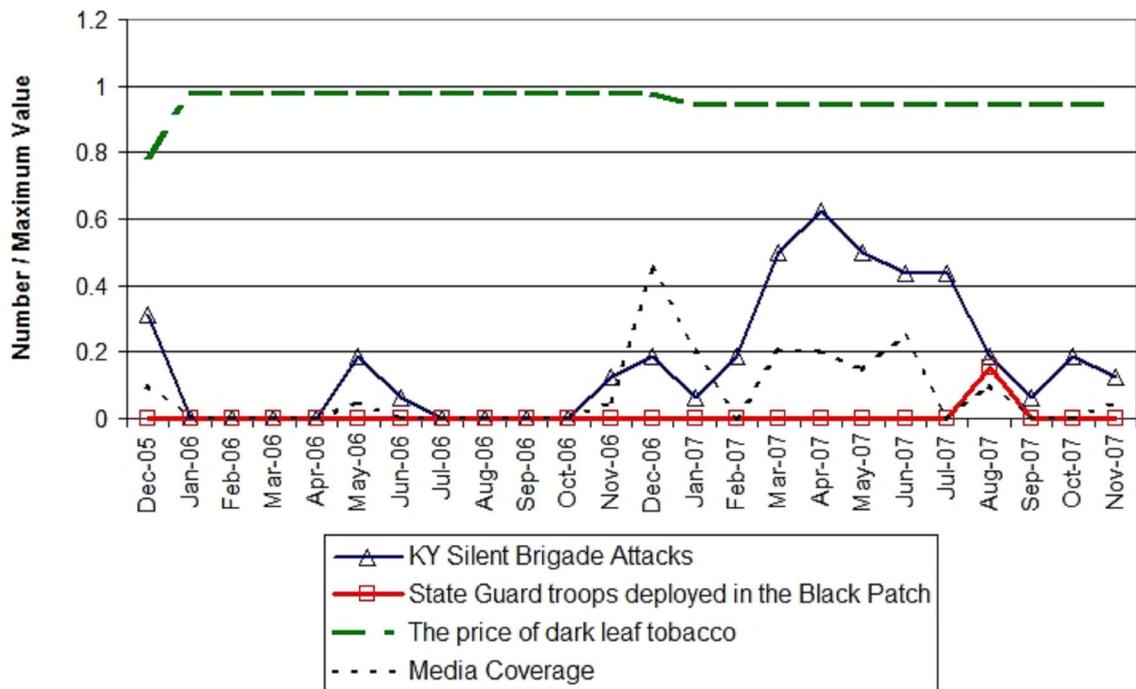


Figure 2: Graph of December, 1905 – November, 1907

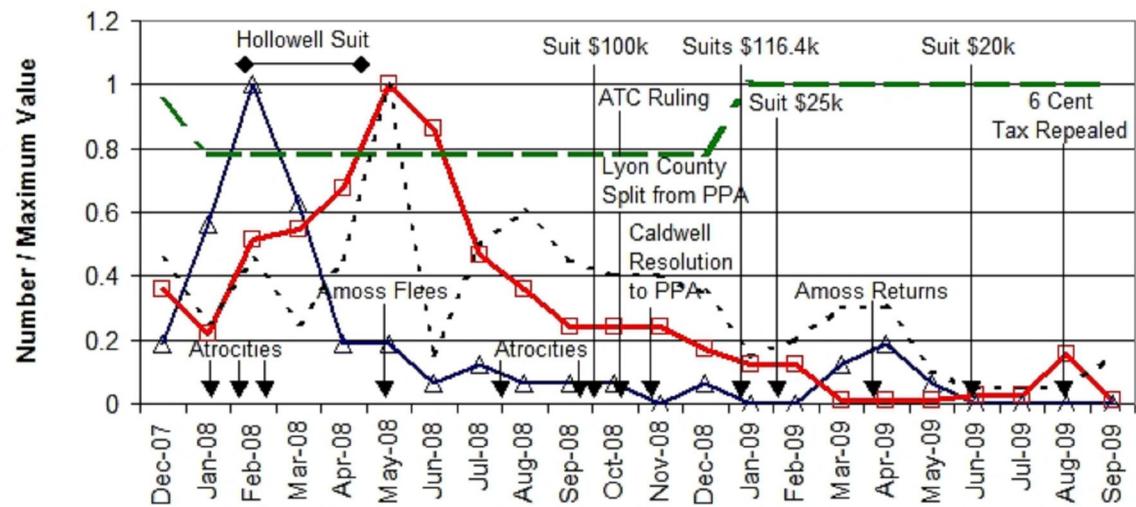


Figure 3: Graph of December, 1907 – September 1909

None of these variables are dependent or independent. They are mutually dependent.

Soldiers were deployed in response to the Silent Brigade attacks, and their deployment affected the number of attacks. The price of tobacco motivated Silent Brigade attacks, and attacks reduced

the supply of tobacco, affecting the supply. Therefore, mathematical regression is not an effective way to analyze the relationship of these variables. Mathematical regression in any case is not sufficient to demonstrate causality. In this study, it is more instructive to consider the timing of changes in each variable in relationship to each other. These relationships become apparent when they are displayed visually.

Attacks by the Silent Brigade are defined as illegal acts of violence or sabotage that occurred in the Black Patch region and were attributed to the Silent Brigade. All attacks are counted equally, regardless of the type of attack or number of victims. The primary source for these numbers is the list compiled by historian Tracy Campbell in the appendix to his book, *The Politics of Despair: Power and Resistance in the Tobacco Wars*. Campbell listed all night rider attacks, including those in Tennessee and other states, and those of the separate Burley tobacco conflict in the Bluegrass region of Kentucky. This monograph excluded any attacks in Campbell's list that were outside of the Black Patch region of Kentucky. Campbell's list did not include some attacks by the Silent Brigade against its own members: the murder of Herbert Hall, the bomb mailed to Sanford Hall, or the attempted murder of Tom Stephens. These additional attacks were added to the monthly totals shown on the graph.

The number of State Guard soldiers on active service in the Black Patch was derived from special orders issued by the State Adjutant General. A running count is based on the number of soldiers added or subtracted by each order. The number listed for each month is the maximum number on duty over the course of the month. This number of troops on duty is an estimate. Some orders specified the exact number of soldiers to be mobilized or demobilized. Other orders referred to entire units by name, without specifying the personnel strength of the units. In those cases, each company is estimated to include fifty soldiers, based on the average number of companies and soldiers in the three regiments according to the 1909 Adjutant General's Report. This is rounded down to fifty to reflect the likelihood that not every soldier in each unit would be available for service. Some of the orders from 1908 are missing from the archives. In cases where

the records show a unit being mobilized, but the record of demobilization is missing, or vice versa, this monograph estimates which missing special order added or subtracted the unit in question. Using this method, the highest number of soldiers on active service in the Black Patch at one time is 289. This is a close match to the account in Richard G. Stone's history of the Kentucky Militia, *A Brittle Sword*, which states that the number of troops deployed to the Black Patch was "never over 300."<sup>57</sup>

The annual price of tobacco is based on the research of Tracy Campbell. This is the price at which the Planter's Protective Association sold its tobacco. Each annual price is shown from December of the listed year through November of the following year, since prices for each growing season were determined when farmers sold their tobacco the following winter.<sup>58</sup>

Media coverage reflects the number of articles per month about the Black Patch War in the *Paducah Sun-Democrat*. Many other publications covered the story of the Black Patch War, but this study uses the *Sun-Democrat* as a representative sample of overall media coverage. The *Sun-Democrat* provides an easy reference, since the Caldwell County Historical Society compiled all of its articles about the Black Patch War into a single volume, *The Night Rider Files*, published in 2003. The *Sun-Democrat* was published on the edge of the Black Patch, close enough to generate a constant interest in the story, but in a city that was never attacked, so the staff of the *Sun-Democrat* would not be as susceptible to intimidation as a reporter living in the middle of the Black Patch.

Events are marked on the graph at the dates when they occurred. The Hollowell Civil Suit described in Section Four is shown from the date it was filed until the verdict, labeled "Hollowell Suit." Additional civil suits are marked when they filed and labeled with the total amount claimed. The flight and disappearance of David Amoss, as discussed in Section Five, is labeled

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<sup>57</sup> Stone, 97.

<sup>58</sup> Miller, 12.

“Amoss Flees,” and his return is labeled “Amoss Returns.” The date of the anti-trust ruling against the American Tobacco Company is labeled “ATC Ruling.” The repeal of the six-cent tobacco tax is labeled “6 Cent Tax Repealed” on the date that it was signed into law. The events “Lyon County Split from PPA”, and “Caldwell Resolution to PPA” are the first indicators of dissent within the PPA. The events labeled “atrocities” refer to the racially motivated attacks of the “Shirt-tail Night Riders.” These events are described in Section Six.

The most striking fact about the historical data is the sharp drop in Silent Brigade attacks between February and June of 1908. The number of attacks peaked at sixteen per month in February of 1908, declined to ten in March and three in April and May, and then to one in June. Occasional attacks continued for over a year, but the average number of attacks per month after May 1908 was less than one per month. While the conflict could not be declared finished until at least late 1909, the threat of the Silent Brigade was largely eliminated in the summer of 1908. What explains this sharp decline? There are several possible explanations, and this monograph will explore each in the following sections.

### **Section Three: Maintaining Peace and Order**

For the second time within fifty years, one group of organized Kentuckians was at war against another. Military encampments, hopefully seen for the last time by the weary eyes of old, were once again placed upon the troubled land.

-Bill Cunningham, *On Bended Knees*.

Kentucky soldiers in the Black Patch struggled at first to restore law and order. The initial mission of the troops in the Black Patch was to assist “...the civil authorities of Christian County in maintaining peace and order.” On December 7, 1907, the day after the Silent Brigade raid, the

local Hopkinsville unit was activated.<sup>59</sup> Four days later, Company I, Third Infantry, was sent to Hopkinsville to reinforce them.<sup>60</sup> Throughout the campaign, the State Headquarters would usually keep units on active duty for less than a month. The orders do not provide an explanation, but this was probably to minimize the soldiers' absence from their civilian jobs.<sup>61</sup> For the first two months of the campaign, the only soldiers on duty in the Black Patch were quartered in Hopkinsville, and they did not have horses. The initial units were replaced with smaller detachments, so that the number of soldiers on duty in Hopkinsville dwindled from over one hundred to only eighteen.<sup>62</sup> This dismounted detachment could only guard Hopkinsville and its immediate vicinity in Christian County, not stop night riding throughout the Black Patch region. Meanwhile, the Silent Brigade conducted eleven more attacks in December and January, 1908, in Caldwell, Christian, Graves, Hopkins, Logan, McCracken, and Trigg counties. During this initial period, the use of State Guard troops could not reasonably be considered a campaign against the Silent Brigade. From December 1907 through early February 1908, the purpose of the State Guard was merely to guard Hopkinsville.

In February 1908, the actions of the State Guard troops became more aggressive, but not more effective. On February 4, a new detachment of soldiers from Company H, Second Infantry Regiment, was sent to relieve the units on duty in Hopkinsville. Major George Albrecht took over command of the mission from Bassett. The actions of the State Guard troops were very well

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<sup>59</sup> "Ordered into active service" according to the terminology in use at the time. State of Kentucky, Adjutant General's Office, Special Orders No 39 ½, December 7, 1907, Boone National Guard Center, Frankfort, KY.

<sup>60</sup> State of Kentucky, Adjutant General's Office, Special Orders No 41, December 11, 1907, Boone National Guard Center, Frankfort, KY.

<sup>61</sup> It would be another 30 years before the government began to protect the civilian employment of reservists and national guard soldiers. *Selective Training and Service Act of 1940*, Public Law 783 § 54, U.S. *Statutes At Large* 885, 890-92 (1940) (repealed 1948): 8.

<sup>62</sup> State of Kentucky, Adjutant General's Office, Special Orders No 3, January 13, 1908, and No. 8, February 4, 1908, Boone National Guard Center, Frankfort, KY.

documented during this period, since Albrecht sent personal letters to Governor Willson almost daily. Albrecht's letters explained his plan to lure the Silent Brigade into an ambush.

I am still working on a plan of enticing them into a whipping bee at some place where I am sure to be ahead, and am not entirely without hope of encompassing it. To kill some and, perhaps, fatally wound others might lead to talk which would open the matter up. At present dead men only count.<sup>63</sup>

Albrecht hid soldiers at the houses of farmers who expected attacks by the Silent Brigade, and attempted to convince some residents to provoke the Silent Brigade in order to set up an ambush. The Silent Brigade never fell into his traps.<sup>64</sup>

Despite the efforts of the small State Guard detachment in Hopkinsville, the Silent Brigade problem became worse. The Silent Brigade conducted sixteen attacks in February throughout the Black Patch, a record number. On February 27, 1908, Albrecht was humiliated when the Silent Brigade burned a house less than half a mile from his headquarters. By the time the soldiers could acquire horses to pursue, the night riders were long gone.<sup>65</sup> The State Guard learned from this period of failure. The next day, the State Headquarters published a special order authorizing Albrecht to rent horses "to be used night and day."<sup>66</sup> The State Guard was finally mobile.

Beginning in late February 2008, the State Guard deployed more troops and began to conduct mounted operations in the Black Patch. The number of soldiers on active duty in

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<sup>63</sup> Albrecht to Willson, February 25, 1908, Augustus Willson papers, Filson Historical Society, Louisville, KY.

<sup>64</sup> "This is an awful tough proposition as I can make no move without the knowledge of some one, and then the secret is no longer in my keeping. Of course I cannot send a guard to a man's farm without the knowledge of at least that man, and he then confides the secret to some discreet friend and the endless chain is soon in motion. I try my best to pound it into their fool heads that I am not particularly interested in the direct guarding of their property but what I want is a clash. If I fail soon to find some one who can grasp this proposition I shall have to refuse to furnish any more guards and simply try to devise ways and means of being in the spot ahead of the riders, and without the knowledge of the farmer." Albrecht to Willson, February 22, 1908, Augustus Willson papers, Filson Historical Society, Louisville, KY.

<sup>65</sup> Albrecht to Willson, February 27, 1908, Augustus Willson papers, Filson Historical Society, Louisville, KY.

<sup>66</sup> State of Kentucky, Adjutant General's Office, Special Orders No 20, February 29, 1908, Boone National Guard Center, Frankfort, KY.

Hopkinsville had dwindled to eighteen once Albrecht's detachment arrived on February 4, 1908, but steadily increased to almost 300 by May 26.<sup>67</sup> On April 1, the unit in Hopkinsville rode across country to the city of Murray to defend it against an anticipated raid. The growing number of units throughout the Black Patch had already adopted more aggressive tactics. State Guard soldiers arrested fifty alleged night riders in April, 1908. At the end of April, the State Headquarters issued a general order that prescribed methods for conducting patrols. It included the following instructions:

Mounted troops will be divided into detachments and kept on the move, marching at night through localities where the lawless are supposed to be, doubling at times on their tracks, and taking the rest necessary to keep men and horses in condition, during the day. In this way a small force should effectively control, at all times, a large territory and hold the outlaws in subjugation with a good chance to capture them if they venture abroad.<sup>68</sup>

The State Guard troops in the Black Patch continued these tactics for the rest of the campaign. Attacks by the Silent Brigade rapidly declined. After May 1908, there was an average of less than one Silent Brigade attack per month for the remainder of the year. Shortly after Silent Brigade activity declined, the State Guard began to reduce its forces in the Black Patch as well. As the graph in section 2 portrays, the reduction in State Guard forces followed approximately four months after the reduction in Silent Brigade attacks.

James O. Nall, Jim Cunningham, and Richard G. Stone, Jr. credit these National Guard patrols for the rapid decrease in Silent Brigade activity.<sup>69</sup> Nall writes "...as no one knew where they were going, or where they were going to be, it became a bit hazardous for Night Riders to be abroad unless ready to give battle. Thus, there was an immediate decrease in Night Rider

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<sup>67</sup> State of Kentucky, Adjutant General's Office, Special Orders No 8- 71, February 4-May 28, 1908, Boone National Guard Center, Frankfort, KY.

<sup>68</sup> State of Kentucky, Adjutant General's Office, General Orders No. 9, April 30, 1908, Boone National Guard Center, Frankfort, KY.

<sup>69</sup> Cunningham, 168; Nall, 164; Stone, 97.

activities.”<sup>70</sup> In stark contrast, Christopher Waldrep argues that the State Guard presence was ineffective. Waldrep does not seem to recognize the change in Guard tactics that occurred in April, 1908. Waldrep’s analysis appears to be largely based on Allbrecht’s letters. Waldrep’s assessment uses examples from the period of February and March 1908, during which the only troops in the Black Patch were Major Allbrecht’s small detachment in Hopkinsville.<sup>71</sup> Albrecht wrote prolifically to Willson during the initial period when the State Guard was ineffective, but there are no personal letters from the commanders who replaced Albrecht, when the guard campaign was more successful. Waldrep then asserts that “[b]y April and May 1908 the failure of Albrecht’s strategy had become clear.”<sup>72</sup> Waldrep’s assertion is disproved by the decrease in Silent Brigade attacks during this period, from sixteen attacks in February 1908 to three attacks in May, and one attack in June. However, just because Waldrep’s criticism is flawed does not mean that the rosy assessment of Cunningham, Nall, and Stone is correct. The truth lies somewhere in the middle.

The State Guard patrols may have helped to suppress the activities of the Silent Brigade, but it is unlikely that they were decisive. Silent Brigade attacks decreased while State Guard troops were deployed to the Black Patch, but the decrease began in March 1908, before the State Guard expanded its presence in the region beyond Hopkinsville. More importantly, the arrests made by the State Guard did not result in any convictions. The Silent Brigade effectively controlled the local courts in the Black Patch. Attorney John G. Miller described the local courts as follows:

A circuit judge would deliver to a grand jury a solemn charge for law enforcement, often loudly applauded in the press, but in reality a solemn farce. For the judge believed and

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<sup>70</sup> Nall, 170.

<sup>71</sup> Waldrep 125-128.

<sup>72</sup> Ibid., 128.

the jury knew it would not be obeyed to the detriment of Night Rider bands. The Black Tobacco Association ruled the county government by virtue of the Silent Brigade.<sup>73</sup>

Due to sympathy, intimidation, or a combination of both, juries in the Black Patch refused to convict defendants accused of belonging to the Silent Brigade.<sup>74</sup> Whatever immediate effect the State Guard patrols may have had, it would have diminished once the Silent Brigade realized that there was no danger of actual punishment. The patrols of the State Guard may have been effective as a temporary deterrent, but additional factors must have contributed to the permanent reduction in attacks by the Silent Brigade.

## **Section Four: Federal Civil Suits**

With the Hollowell trials over, the outlook for the Night Riders was as dark as the nights on which they rode.

-James O. Nall, *The Tobacco Night Riders*.

Federal civil suits played an important role in targeting a critical vulnerability of the Silent Brigade. The economic motivation of the Silent Brigade was a center of gravity. The State Guard enabled an effective attack against this economic motive by providing security and empowering federal civil suits.

On May 1, 1907, eight months before the beginning of the State Guard campaign, thirty five members of the Silent Brigade attacked the Hollowell family in Caldwell County, Kentucky. The night riders fired into the house, wounding Mary Lou Hollowell. Some then tied Robert Hollowell to a tree and whipped him while others punched and kicked Mary Lou. The Hollowell

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<sup>73</sup> Miller, 24.

<sup>74</sup> *Paducah Sun-Democrat*, “Jury Wheel Stuffed,” October 27, 1908; Cunningham, 153; Campbell, 95; Nall, 150; Waldrep 155-156.

family survived and fled.<sup>75</sup> This attack was a typical example of Silent Brigade violence, but the response of the Hollowell family was novel.

Despite the perceived futility of legal action, Mary Lou Hollowell attempted to hire a law firm to represent her in a civil suit against her attackers. The firm refused. Several months later, attorney John G. Miller left the firm to establish his own practice. He contacted Mrs. Hollowell and agreed to represent her on one condition: that she and her family move out of the state. As residents of another state, the case would have “diversity of citizenship” and fall under federal jurisdiction. Once the Hollowell family established residence in Evansville, Indiana, Miller filed federal lawsuits on behalf of each Hollowell family member against their attackers.<sup>76</sup>

Miller filed the Hollowell’s federal civil suit on March 2, 1908. The federal court in Paducah tried the suit by Robert Hollowell on April 21. The case ended in a hung jury, and the judge ordered a new trial with jurors drawn from Louisville instead of from the Black Patch. The retrial began on May 11 and concluded on May 13 with a verdict of \$35,000 in favor of the plaintiff. The judge ordered capias, meaning that the defendants faced imprisonment if they did not pay the judgment. The defendants negotiated a compromise to pay \$15,000<sup>77</sup> (equivalent to over \$350,000 today).<sup>78</sup>

The Kentucky State Guard contributed to the success of the Hollowell’s case. Governor Willson realized the potential effectiveness of the federal civil suits and ordered the State Guard to provide security. Approximately five hundred members of the Silent Brigade came to Paducah

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<sup>75</sup> *Paducah Sun-Democrat*, “Night Riders in Another Outrage,” May 2, 1907; Cunningham, 86-90; Miller 25-26.

<sup>76</sup> Miller, 28, 30, 31; Nall, 165; Cunningham, 151-153.

<sup>77</sup> *Paducah Sun-Democrat*, “Alleged Night Riders are Sued for \$100,000 in Federal Court,” March 5, 1908, “Brother Arrayed Against Brother and Women Accused of Taking Hand in Caldwell Tobacco War, In Hollowell Case, April 22, 1908; “Judge Evans Orders Second Trial of Hollowell Cases with Jury That Cannot Be Subjected to Influence Cases Set May 11,” April 24, 1908; “Defendants Pay Over \$15,000 to Hollowells,” 28 May, 1908; Miller, 60-77; Cunningham, 156-163; Nall, 165-168; Waldrep 136-138.

<sup>78</sup> Measuring Worth, “Seven Ways to Compute the Relative Value of a U.S. Dollar Amount – 1774 to Present, <http://www.measuringworth.com/uscompare/> (accessed November 25, 2010).

to disrupt the first Hollowell trial, but a unit of the Kentucky State Guard assigned as sentries for the trial deterred them. Soldiers were assigned to the Hollowell family as bodyguards. Another detachment guarded Miller's home after his family noticed suspicious strangers observing the house.<sup>79</sup> State Guard security enabled the Hollowell trial to turn the tide in the Black Patch War.

Governor Willson also assisted the Hollowell case by exercising his pardon power. He pardoned Sanford Hall, a member of the Silent Brigade, on four charges of bootlegging in return for Hall's testimony against the Silent Brigade in the Hollowell trial. This could not be accomplished by a conventional plea deal, because the local authorities were aligned with the Silent Brigade. Hall revealed the leaders, organization, and secret passwords of the Silent Brigade, and testified that he had witnessed the Hollowell defendants conspiring to manufacture alibis. Hall fled the Black Patch after the trial.<sup>80</sup>

The Silent Brigade attempted to evade the damage of the lawsuit, but failed. The defendants became voluntarily bankrupt by transferring their property to friends so that they would have nothing to pay, but discovered that they would be imprisoned under the judge's writs if they could not pay. The Silent Brigade encouraged members to contribute toward their comrades who could not afford the judgments, thereby distributing the cost throughout the organization.<sup>81</sup> The Silent Brigade had no choice but to absorb the financial cost of the lawsuit.

Inspired by the success of the case, other victims of the Silent Brigade followed the Hollowell's example and filed federal civil suits from out of state. In October 1908, Henry Bennett of Dycusburg filed suit against David Amoss and fifty-five others for one hundred thousand dollars. Some defendants settled as the case remained pending for two years. In January

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<sup>79</sup> *Paducah Sun-Democrat*, "Soldiers and Alleged Night Riders will be in Paducah Next Week," April 17, 1908; Miller, 55, 74; Cunningham, 154, 157.

<sup>80</sup> *Paducah Sun-Democrat*, "Hollowell Case on Trial in Federal Court with Jury from Vicinity of Louisville," May 11, 1908, "Sanford Hall Pardoned by Governor Willson for Offense in Lyon County," August 19, 1908; Cunningham, 161, 164; Nall, 167, 177.

<sup>81</sup> Cunningham, 163; Nall 174.

and February 1909, five more plaintiffs filed lawsuits totaling \$131,400 in claims. Some plaintiffs settled for undisclosed amounts. All of these lawsuits remained pending until 1910 or later.<sup>82</sup> The Hollowell trial was not only a temporary setback. The first suit's immediate financial damage to the Silent Brigade was limited, but the potential cost of future cases was unlimited.

Robert and Mary Lou Hollowell's federal civil suit caused Silent Brigade attacks to sharply and permanently decline. During the period from the announcement of the suit in early March 1908 until the verdict in May 1908, attacks by the Silent Brigade fell from their highest level, sixteen per month, in February 1908 to less than one attack per month after May 1908 (see the chart in Section Two). A popular story in the Black Patch described one member of the Silent Brigade meeting another that he had not seen in some time. When asked what he had been doing with himself, the night rider answered "Worming tobacco for Mary Lou."<sup>83</sup>

The effect of the civil trials on the Silent Brigade can be described in military terms through the concept of a "center of gravity." Carl von Clausewitz introduced the idea of a center of gravity for warfare in the early nineteenth century, and the idea has been incorporated into U.S. military doctrine as an element of operational design, abbreviated "COG." According to the U.S. Department of Defense's *Joint Publication 3-0*, "a COG comprises the source of power that provides freedom of action, physical strength, and will to fight. COGs exist in an adversarial context involving a clash of moral wills and/or physical strengths."<sup>84</sup> Military planners attempt to determine the enemy COG, in order to affect it and cause the enemy force to collapse. A popular method of analyzing centers of gravity was proposed by Dr. Joe Strange of the U.S Marine Corps War College. According to Strange, a center of gravity must provide a critical capability to the enemy. A center of gravity should have critical requirements, which are conditions or resources

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<sup>82</sup> Miller, 78-79; Cunningham, 165-166; Nall, 175.

<sup>83</sup> Cunningham, 163.

<sup>84</sup> U.S. Department of Defense, *Joint Publication 3-0: Joint Operations* (Washington D.C.: U.S. Government Printing Office, 13 February, 2008), IV-10.

that required for the center of gravity to provide its critical capability. A critical vulnerability is a critical requirement that can be neutralized or defeated to prevent a center of gravity from providing its critical capability.<sup>85</sup>

The Silent Brigade's center of gravity was the economic motivation of its members, which provided the critical capability of their willing participation. The purpose of the Silent Brigade was to compel membership in the Planter's Protective Association, and the goal of the Planter's Protective Association was to secure higher prices for dark leaf tobacco. The critical requirement of the center of gravity was an expectation of members that they would improve their economic fortune by participating in the Silent Brigade. Rising tobacco prices would provide an economic benefit to the members of the Silent Brigade, but civil suit damages could cost the members more than they hoped to gain from rising tobacco prices. Creating an expected cost that was higher than the benefit struck at a critical vulnerability. Members could not even avoid the costs by carefully evading capture, since the Silent Brigade required all members to contribute toward the damages charged to any of their comrades who were found liable. As James O. Nall described, "They made night -riding the most expensive form of lodge-work ever indulged in by any organized group of farmers."<sup>86</sup> As Black Patch writer Bill Cunningham argued, "if you want to kill an organization, levy assessments. Once again, it's not the principle, it's the money."<sup>87</sup> It is possible that the leader of the Silent Brigade might have found a way to counter this threat, but before he had a chance to develop a new strategy, he was forced to flee by the Kentucky State Guard.

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<sup>85</sup> Joe Strange, *Centers Of Gravity & Critical Vulnerabilities: Building On The Clausewitzian Foundation So That We Can All Speak The Same Language* (Quantico, VA.: Marine Corps University Press, 1996), 7-8.

<sup>86</sup> Nall, 175.

<sup>87</sup> Cunningham, 168.

## **Section Five: Disrupting the Silent Brigade's Command and Control**

Eddyville, KY., Oct 22 - Possibly despondent because of his alleged connection with night riders, John Prescott, 19 years old, member of a prominent family shot his brains out yesterday just after noon in the presence of his father, mother and sisters...

*-Paducah Sun-Democrat, 1908*

Governor Willson employed the Kentucky State Guard as part of an effective effort to disrupt the command and control of the Silent Brigade as the federal suit damages struck at its economic center of gravity. The simultaneous economic attack and disruption of command and control permanently reduced the Silent Brigade threat.

The testimony that Governor Willson procured from Sanford Hall not only assisted the plaintiff in the Hollowell trial; it also contributed to disrupting the Silent Brigade command and control. By betraying the Silent Brigade, Hall compromised the sense of security that members of the Silent Brigade had gained from their secret codes and security measures. Members of the Silent Brigade became suspicious of each other. By pardoning Hall, Governor Willson demonstrated that he could overrule the local officials who were allied with the Silent Brigade. He could not compel the local prosecutors, judges, or juries to enforce laws against the Silent Brigade, but he could prevent them from using the law against the Silent Brigade's opponents.

The local authorities allied with the Silent Brigade could have charged a State Guard soldier with murder if the soldier killed a member of the Silent Brigade in battle. In February 1908, Governor Willson addressed this fear by providing the State Guard commander in the Black Patch with a written promise to pardon anyone who killed a night rider.<sup>88</sup> On or about June 1, 1908, a detachment of Kentucky Guard soldiers approached within a few miles of David

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<sup>88</sup> Willson to Allbrecht, February 22, 1908, Augustus Willson Papers, Filson Historical Society, Louisville, KY.; Lyle, "They Rode By Night," 178; *Paducah Sun-Democrat*, "Willson Tells of Night Riders," August 26, 1909; Marshall, 151.

Amoss's house. Amoss had heard rumors that guardsmen intended to murder him under the protection of the Governor's pardon. Amoss fled.<sup>89</sup> There is no evidence that anyone in the soldiers' chain of command ordered them to kill Amoss. However, the people of the Black Patch were aware of the pardon pledge. Soldiers had bragged to locals that they did not fear of the consequences of killing night riders, thanks to Governor Willson. Amoss believed the threat and expected the approaching soldiers to kill him.<sup>90</sup>

Amoss remained in hiding for ten months. He returned home for two weeks in October, and then disappeared again until April 1909. Sources disagree about where he went and how he spent his time during this period. Relatives in Stewart County, Tennessee recall that Amoss stayed with them.<sup>91</sup> The *Paducah Sun-Democrat* reported that he went "out west." Some Black Patch residents state that he went to Arkansas. A rumor claimed that various families in the Black Patch sheltered him, or even that he lived in a cave, and continued to direct the activities of the Silent Brigade while in hiding.<sup>92</sup> If this were true, Amoss had little to direct, since there were fewer attacks than one per month during this period.

The loss of Amoss was particularly acute because he was not only the Silent Brigade's commander, but also its founder and designer.<sup>93</sup> Amoss had a second-in-command, Guy Dunning, but there is no indication that Dunning shared Amoss' ability to think creatively. If the Silent Brigade had lost Amoss's leadership when the situation was otherwise unchanged, Dunning and the other leaders of the Silent Brigade could have continued the pattern that Amoss had established. However, in the wake of the civil suit damages and the exposure of their secrets by

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<sup>89</sup> Cunningham, 172; Waldrep, 140.

<sup>90</sup> *Paducah Sun-Democrat*, "Night Rider General in Disguise Skulking About Princeton Lest He be Shot by Soldiers or Followers," October 27, 1908; Cunningham, 171.

<sup>91</sup> *Paducah Sun-Democrat*, "Night Rider General...," October 27, 1908, "Doctor Amoss Can't Be Found at Home," November 4, 1908; Waldrep, 140.

<sup>92</sup> Cunningham, 172.

<sup>93</sup> Nall, 59.

Sanford Hall, a new strategy was required. Without Amoss, the Silent Brigade could not effectively adapt.

Instead of attempting new ways to defeat their external adversaries, the Silent Brigade directed its hostility toward its own unfaithful members. Members attempted to take revenge on Sanford Hall, who had betrayed the Silent Brigade by revealing its secrets in the Hollowell trial in exchange for the governor's pardon for bootlegging.<sup>94</sup> Members of the Silent Brigade murdered his brother Herbert Hall on June 7, 1908, and hid the body. The murder of Hall's brother was the only attack conducted by the Silent Brigade during June 1908. In July, the Silent Brigade sent Sanford Hall a package bomb, but it was discovered by the Paducah post office. On July 14, 1908, a member of the Silent Brigade named Tom Stephens confessed his participation in Silent Brigade crimes to the authorities. That night, twenty-five Silent Brigade guerrillas seized him and prepared to kill him by drowning him in a well. He convinced them that he was falsely accused and they released him. The Silent Brigade decided that Stephens had tricked them and attempted to kill him again two nights later. He evaded them and fled the state, then filed another federal civil suit against members of the Silent Brigade for \$20,000.<sup>95</sup> In April 1909, the Kentucky State Guard enlisted another Silent Brigade traitor, Macon Champion, and immediately ordered him to active service. This provided him protection and income in exchange for information.<sup>96</sup> Fear of betrayals such as these impaired the Silent Brigade's cohesion.

While reacting to civil suit damages, turncoats, and the loss of their leader, the Silent Brigade's attention was directed inward after May 1908. The effect of such an internal focus was

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<sup>94</sup> Cunningham, 163-164.

<sup>95</sup> *Paducah Sun-Democrat*, Exile from Home Tells of Plot to Murder Him for Revealing Secrets," July 22, 1908, "Infernal Machine Addressed to Sanford Hall Found in Paducah Post Office," September 28, 1908, Will Scott, "Herbert Hall Murdered: His Fate Told By Members of Night Riders," *Paducah Sun-Democrat*, September 29, 1908; Nall, 180; Waldrep, 157.

<sup>96</sup> *Murray Ledger & Times*, "Action Taken In Order To Afford Protection For Macon Champion Who Implicated 15 Men. Two Bands Operated In Calloway," April 14, 1909.

described by military theorist John Boyd. As a retired U.S. Air Force officer working in the Office of the Secretary of Defense, John Boyd developed theories that influenced American and allied military doctrine in the 1980s and 1990s.<sup>97</sup> In his presentation “The Strategic Game of ? and ?,” Boyd argued that “the strategic game is one of interaction and isolation.”<sup>98</sup> A system that does not interact with its external environment suffers entropy. An adversary that becomes folded back inside himself, in Boyd’s terms, becomes disoriented and confused.

Unless such menacing pressure is relieved, adversary will experience various combinations of uncertainty, doubt, confusion, self-deception, indecision, fear, panic, discouragement, despair, etc....<sup>99</sup>

Representative of this discouragement and despair, two members of the Silent Brigade killed themselves and a third attempted suicide in separate incidents within seven months of the Holloway verdict and Amoss’s disappearance.<sup>100</sup>

To fold a system back inside itself, its enemy must isolate it physically, mentally, and morally.<sup>101</sup> Confronted with threats they had not expected, the departure of their visionary leader, the exposure of their secrets, and suspicion of each other, the Silent Brigade suffered the outcome that Boyd predicted for systems that fold back inside themselves: disintegration and collapse.

Whether the threat of extrajudicial execution was real or a bluff, the Kentucky State Guard effectively disrupted the command and control of the Silent Brigade by driving Amoss away, preventing it from reacting effectively to the attack against its economic center of gravity.

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<sup>97</sup> Frans P.B. Osinga, *Science, Strategy, and War: The Strategic Theory of John Boyd* (New York: Routledge, 2007), 3-4.

<sup>98</sup> John Boyd, “The Strategic Game of ? and ?,” 34.

<sup>99</sup> Ibid., 44.

<sup>100</sup> John Prescott, Ed Fox, and an unnamed defendant in the Hollowell and Bennett cases. *Paducah Sun-Democrat*, “Alleged Night Rider Youth Takes Own Life After Talking over Prosecution,” October 22, 1908; “Night Rider General in Disguise Skulking About Princeton Lest He Be Shot by Soldiers or Followers,” October 27, “Fox Succumbs to Self-Inflicted Gunshot Wound,” December 30, 1908.

<sup>101</sup> Boyd, 47.

## Section Six: Alternate Theories

'Son, the good Lord never got any thousand or so men together for any purpose without a liberal assortment of sons-of-bitches thrown in.' He grinned and looked at Mr. Munn sidewise. 'Not even for the purpose of burning tobacco warehouses, which is a thing to make the heavenly choir tune up.'

-Robert Penn Warren, *Night Rider*.

Other writers on the topic of the Black Patch War have accounted for the decline of the Silent Brigade with theories that do not acknowledge the role of the State Guard. Most of these arguments can be dismissed based on the timing of the proposed causes. They do not acknowledge the sharp drop in attacks that occurred in the spring of 1908, shortly after the full-scale employment of the State Guard, the Hollowell suit, and the flight of David Amoss. The only alternate theory that cannot be dismissed solely on the basis of timing is the theory that the Silent Brigade declined due to a loss of public support.

One explanation for the different conclusion of this monograph is that other scholars have not graphed the number of attacks per month. The attacks of the Silent Brigade sharply declined in the spring of 1908, but the public discourse about the Black Patch War, as reflected in media coverage and political speeches, continued.<sup>102</sup> As the story continued through the rest of 1908 and the following years, Silent Brigade attacks were covered and discussed in detail, giving the impression that the war continued in full force. A historian who relied on personal correspondence and media coverage of the Black Patch War without tallying the actual number of attacks may not realize the dramatic reduction in violence that occurred between March and May of 1908. By considering the public reaction to events, rather than the events themselves, a researcher may not perceive a decline in violence until much later, after attacks (and media

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<sup>102</sup> For example, The *Paducah Sun-Democrat* published an average of 7 articles per month about the Black Patch War from January-April of 1908 (before the sharp decline in attacks), and an average of 9 articles per month from June-December of 1908 (after the decline). Caldwell County Historical Society, *Night Rider Files* (Evansville, Indiana: Evansville Bindery, 2003), 35-107.

coverage) had ceased entirely. Some of the historians of the Black Patch War appear to have committed this error.

## **Did the Silent Brigade Retire After Accomplishing its Goals?**

Several authors argue that the Silent Brigade stopped conducting attacks because it had achieved its purpose. According to this argument, the Silent Brigade was formed to solve the problem of unfairly low tobacco prices due to price-fixing by the tobacco trust. Once this problem was solved, attacks were no longer required. This is the primary position of Suzanne Marshall and James Klotter, and is also acknowledged at least in part, by Cunningham, Nall, and Waldrep. There are three variations of this argument: that the Silent Brigade's mission was complete after the successful anti-trust case against the American Tobacco Company, once the six-cent tobacco tax was repealed, and/or once tobacco prices rose to an acceptable level.

The problem with attributing the decline in attacks to the anti-trust victory, or to the repeal of the tobacco tax, is timing. The anti-trust ruling against the American Tobacco Company was issued on November 7, 1908.<sup>103</sup> The six-cent tobacco tax was repealed on August 5, 1909.<sup>104</sup> These victories for the farmers probably contributed to the decline of the Planter's Protective Association (PPA) and the final complete end of all activities by elements of the former Silent Brigade. However, neither of these events can account for the sharp decline in Silent Brigade attacks that occurred months earlier in the spring of 1908.

It is true that tobacco prices rose from 1904 to 1908. However, there are two problems with the logic that this caused the reduction in attacks by the Silent Brigade: timing and incentive. As described earlier, attacks by the Silent Brigade rose to their highest level in February 1908, then sharply fell between March and May to an average of less than one attack per month starting

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<sup>103</sup> Cunningham, 167; Nall 185.

<sup>104</sup> Nall, 187.

in June 1908. The gradual rise in tobacco prices over the years does not explain why attacks rose to their peak in the February 1908 and then began to fall in March 1908. Also, the incentive for such a reduction does not make sense. If night riding were causing tobacco prices to rise, that should encourage the Silent Brigade to continue, or even increase night riding. It seems more likely for rewards to reinforce behavior, especially if money is at stake. It appears naïve to argue that the Silent Brigade would be satisfied with a reasonable price instead of attempting to gain an even higher price. As John D Rockefeller famously responded when asked how much money is enough, “Just a little bit more.”<sup>105</sup>

### **Did the Silent Brigade Fall due to Dissent in the PPA?**

Historian Tracy Campbell argued “the quick demise of night riding, however, did not occur because of armed troops, unsympathetic juries, or even public indignation. The end corresponded with the death of the PPA itself.”<sup>106</sup> The PPA (Planters’ Protective Association) began to suffer internal dissent after the 1908 growing season. On November 7, the Lyon County chapter attempted to split from the PPA in a dispute over the method of grading tobacco quality.<sup>107</sup> On November 30, members in Caldwell County adopted a resolution demanding that the Association allow loose leaf sales.<sup>108</sup> The dispute grew worse in the spring of 1909, as PPA officers Joel Fort and Felix Ewing disagreed over policies and leadership. Dissatisfied members were permitted to withdraw, and both the volume of tobacco traded and membership began a

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<sup>105</sup> Brent Kessell, “How much money is enough?,” MSN Money, <http://articles.moneycentral.msn.com/Investing/StockInvestingTrading/HowMuchMoneyIsEnough.aspx> (accessed February 2, 2011).

<sup>106</sup> Campbell, 96-97.

<sup>107</sup> *Paducah Sun-Democrat*, “Lyon County Farmers Demanding Guaranty [sic] of 9 Cents for Tobacco,” November 16, 1908.

<sup>108</sup> *Paducah Sun-Democrat*, “Caldwell Growers Demand Right to Loose Leaf Sales in Planters’ Association or They Will Draw Out,” November 30, 1908.

gradual decline.<sup>109</sup> The PPA was officially dissolved in 1915.<sup>110</sup> On the graph in Section Two, the beginning of dissension within the PPA is indicated by the events “Lyon County Split from PPA”, and “Caldwell Resolution to PPA.” Campbell was correct that Silent Brigade attacks ended completely after the fall of the PPA, but he did not acknowledge that Silent Brigade attacks in the Kentucky Black Patch had already fallen by over ninety percent six months before the first signs of dissension within the PPA, as shown on the graph in Section Two.

## Did the Silent Brigade Decline Due to Public Outrage?

In *Night Riders: Defending Community in the Black Patch, 1890-1915*, Christopher Waldrep argued that the Silent Brigade declined because it lost the support of the community due to atrocities that caused public outrage. Waldrep writes “By the end of 1908 many of the same men who had originally supported the Night Riders had become alarmed by their murderous raiding.”<sup>111</sup> This caused the decline of the Silent Brigade, in combination with the rising tobacco prices and dissent within the PPA, according to Waldrep. Cunningham also includes the loss of public support due to atrocities as one of several factors that contributed to the fall of the Silent Brigade.<sup>112</sup> While the Silent Brigade had always been violent, these authors believe it lost the support of the public due to atrocities that were unrelated to the original cause of the tobacco association and excessively violent, mostly targeting African Americans.

Three of the most brutal attacks occurred in February and March of 1908. The perpetrators were a group of night riders who Waldrep argues were not full members of the Silent Brigade, but loosely allied with it. Waldrep calls this group “the Shirt Tail Night Riders,” led by

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<sup>109</sup> *Paducah Sun-Democrat*, “Fort Sorter Fussy: Talks Out in Meeting About Ewing’s Aim,” May 18, 1909; Nall, 187-190; Cunningham, 169-170.

<sup>110</sup> Nall, 198; Cunningham 204.

<sup>111</sup> Waldrep, 161.

<sup>112</sup> Cunningham, 166.

Doctor Emilus Champion. Nall refers to them as “The Negro Chasers.”<sup>113</sup> The Shirt Tail Night Riders attacked Eddyville, Kentucky on February 16, beating ten people, six of them black and four white. One of the victims died of his wounds. The raiders ordered their black victims to leave town.<sup>114</sup> On March 9, a group of approximately one hundred night riders attacked three residences of black families in Birmingham, Kentucky, intending to whip them and drive them out of the community. One of the victims shot and wounded a night rider. In revenge, the raiders killed a man and his granddaughter and wounded six other men and women. On March 23, forty men whipped to death a black employee of the PPA, demonstrating that this campaign to scare black residents into moving away was unrelated to the Silent Brigade’s campaign against the “hillbillies” and tobacco trust.<sup>115</sup> These racial attacks occurred just as Silent Brigade attacks were at their peak in February and March of 1908. Additional attacks against African American residents of the black patch occurred in August and October of 1908.<sup>116</sup>

Unlike the other alternative explanations, the atrocity theory cannot be refuted simply based on timing, since some of the worst attacks occurred right before the sharp decline in Silent Brigade violence. It is possible that public outrage contributed to the decline of the Silent Brigade. However, there are three reasons why it is unlikely that atrocities were a significant factor.

First, even if atrocities affected people’s attitudes towards the Silent Brigade, support in civil conflicts is not primarily driven by attitudes. The atrocity theory is based on the popular belief that members of the public in a civil conflict will always support the side that ‘wins their hearts and minds.’ Professor Stathis N. Kalyvas of Yale University undermined this commonly

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<sup>113</sup> Nall, 142-143.

<sup>114</sup> Waldrep, 150; *Paducah Sun-Democrat*, “Night Riders Whip 19 Men in 30 Days in Western Kentucky,” February 21, 1908

<sup>115</sup> Nall, 142-143.

<sup>116</sup> Nall, 143; Waldrep 151.

held assumption in his book, *The Logic of Violence in Civil War*. Kalyvas conducted a quantitative study of the killings of civilians in the Greek Civil War of the 1940s and compared it to civil wars in other parts of the world. Based on the results of his research, Kalyvas concluded that preference is only one of many factors that determine whether civilians will support or join either side in a civil war. Fear, economic gain, and other factors are at least as important as preference.<sup>117</sup> Excessive brutality may have reduced the public's preference for the Silent Brigade, but would also have increased their fear of it, and would not have changed the economic benefit they gained from it. Kalvas also determined that the public tends to shift its preference to the side that establishes control over them.<sup>118</sup> Rather than a group losing a war because the public stopped supporting it, the public stops supporting it because it lost the war. There is no reason to believe that the Black Patch War is different from other civil wars in this regard.

Second, the fact that the perpetrators of the racist attacks were prosecuted in court reveals that the public did not associate them with the regular Silent Brigade. This is demonstrated by the fact that the local authorities prosecuted several of the Shirt Tail Night Riders who could be identified, and juries convicted them (though they received light sentences; two men involved in the Birmingham murders were sentenced to one year in jail).<sup>119</sup> By contrast, Black Patch juries never convicted members of the Silent Brigade, either before or after the trials of the Shirt Tail Night Riders. The fact that the public continued to protect the Silent Brigade indicates that the public did not blame the Silent Brigade for the attacks of this separate group.

Third, it is uncertain that mistreatment of African Americans would turn the general public against the Silent Brigade, due to the racism of the era. Violence against black residents

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<sup>117</sup> Stathis N. Kalyvas, *The Logic of Violence in Civil War* (New York: Cambridge University Press, 2006), 92-96.

<sup>118</sup> Ibid., 101-103.

<sup>119</sup> Nall, 142-143.

occurred frequently in the decades before the Black Patch War.<sup>120</sup> Sixty-six black Kentuckians were lynched between 1890 and 1900.<sup>121</sup> Forty-four were lynched between 1900 and 1909.<sup>122</sup> Waldrep, Cunningham, and others suggest that white Kentuckians considered tobacco-related violence acceptable but did not approve of racist violence. One could argue that historical trends suggest the opposite: tobacco-related violence was the aberration, whereas racist violence continued throughout the early twentieth century.<sup>123</sup> It is certainly possible that some white people condemned racist attacks against African Americans, but there is no reason to assume the majority shared this opinion.

The fact that some of the perpetrators were punished at all indicates that there was some degree of public disapproval for the atrocities. As Waldrep and Cunningham argue, members of the public may have blamed the Silent Brigade for creating a climate of disorder. Public affinity is only one component of public support for a guerrilla army, racist violence in that era of Kentucky would not necessarily create public outrage, and the public appears to have realized that the perpetrators were separate from the Silent Brigade. Nevertheless, it remains possible that these atrocities may have helped to reduce public support for the Silent Brigade by some degree. For these reasons, however, it is unlikely that public disapproval of the racist atrocities was a primary cause of the sharp decline in Silent Brigade attacks in the summer of 1908.

## Section Seven: Application

The Night Rider is American born and bred – and if he is allowed to continue unchecked and unpunished, he will strike at his state and his country with a greater menace than that of any Black Hand or Mafia from across the seas.

-Eugene P. Lyle, “They That Ride by Night,” *Hampton’s Magazine*. 1909.

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<sup>120</sup> Marshall, 128.

<sup>121</sup> Kentucky Historical Society, “Moments in Kentucky Legislative History” [http://www.lrc.ky.gov/record/Moments07RS/18\\_web\\_leg\\_moments.htm](http://www.lrc.ky.gov/record/Moments07RS/18_web_leg_moments.htm) (accessed August 30, 2010).

<sup>122</sup> Klotter, 66.

<sup>123</sup> Ibid., 65-67.

While long-term military campaigns to restore law and order are now less likely in America, the lessons of the Black Patch War may prove useful to military forces in other countries, or to U.S. forces conducting stability operations abroad. Future use of National Guard troops in the United States for a mission similar to the Black Patch war is unlikely. Contemporary missions to restore law and order in the U.S. tend to be of short duration in the wake of a natural disaster and/or civil unrest, such as Hurricane Katrina in 2005 or the Los Angeles riots of 1992.<sup>124</sup> Other state and federal law enforcement agencies are now available to deal with secret criminal organizations. Kentucky and other states have civilian state police forces with investigators. The Federal Bureau of Investigation (FBI), Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE), and other agencies now lead the struggle against violent underground movements.<sup>125</sup>

The purpose of proving that the State Guard was effective in the Black Patch War is that this acknowledgement allows us to learn lessons from the way the mission was accomplished. It is not only incorrect, but also unhelpful to argue that the Silent Brigade brought about its own downfall, or even worse, that society could only eliminate the Silent Brigade by meeting its demands. What are the implications of these conclusions for future missions to restore law and order? Fortunately, the historical data indicates that Silent Brigade attacks decreased not for these reasons, but as a result of the Kentucky State Guard's campaign to restore law and order. From the State Guard's successful campaign, we can draw several lessons.

The campaign against the Silent Brigade demonstrates that for an enemy group with an economic purpose, the center of gravity is likely to be the group's ability to generate economic gain. This makes such a group vulnerable to an economic attack. The Kentucky State Guard did

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<sup>124</sup> Michael D. Doubler, *Civilian in Peace, Soldier in War* (Lawrence: University Press of Kansas, 2003), 358; Lynn E. Davis et al, Hurricane Katrina: Lessons for Army Planning and Operations (Santa Monica, CA: Rand Corporation, 2007), 19-28;

<sup>125</sup> Mark A. Sauter and James Jay Carafano, *Homeland Security* (New York: McGraw Hill, 2005), 226-227, 231; Philip P. Purpura, *Terrorism and Homeland Security* (Burlington, MA: Butterworth – Heinemann, 2007), 133.

not lead the effort to attack the Silent Brigade's economic center of gravity through federal civil suits, but it enabled the effort to succeed by providing security. Though the method of targeting the economic center of gravity will vary, the same logic should apply to drug cartels, pirates, rebels fighting for control of oil exports, or other groups that promise an economic reward for their supporters. If the economic cost of supporting the group outweighs its benefit, the group loses its purpose.

Enemies adapt, however. An enterprise can transform in response to changes in the environment. Once prohibition was repealed, for example, the American mafia expanded into new types of crime.<sup>126</sup> Therefore, an attack against the enemy's economic center of gravity should be coupled with a near simultaneous attack to disrupt the enemy's command and control. Simply removing an enemy leader, or interfering with enemy communications, is not enough on its own. The enemy will appoint a new leader, or find a new way to communicate.

The key is simultaneity. Simultaneity is a component of U.S. military doctrine. As Army *Field Manual 3-0* describes, "simultaneous actions across the depth of the operational area place more demands on enemy forces than they can effectively respond to them."<sup>127</sup> The campaign against the Silent Brigade employed patrols to suppress enemy attacks. This measure could only have a temporary effect as long as the patrols continued. At the same time, the campaign targeted the Silent Brigade's economic center of gravity. Before the Silent Brigade could react to the loss of its critical capability, the State Guard disrupted the Silent Brigade's command and control, causing it to focus inward. These simultaneous efforts combined to cause the Silent Brigade to effectively collapse in the summer of 1908. Attacks declined by over 90 percent, and the Silent Brigade never recovered.

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<sup>126</sup> Howard Abadinsky, *Organized Crime* (Boston: Allyn and Bacon, Inc., 1981), 87, 98; Francis A. J. Ianni and Elizabeth Reuss-Ianni, *A Family Business* (New York: Russell Sage Foundation, 1972), 58.

<sup>127</sup> U.S. Department of the Army, Training and Doctrine Command, *Field Manual 3-0: Operations*, Washington, DC: Government Printing Office, February 27, 2008, 6-16.

A thorny issue was raised by Governor Willson's use of pardon powers. The Kentucky constitution gives the governor discretion to pardon crimes with few limitations.<sup>128</sup> Governor Willson used this power to protect Guardsmen and others from malicious prosecution by local authorities who were allied with the Silent Brigade. He or his State Guard subordinates may also have intended to use pardons as a way to evade prosecution for an extra-judicial execution of the Silent Brigade leader, Dr. David Amoss, who the local authorities and juries refused to punish. Whether the intent to kill Amoss was real, a bluff, or imagined by their supposed target, it was effective. In future civil security missions, a guerrilla force may similarly control local prosecutors and judges. Military forces restoring law and order may require higher-level authority to protect themselves from local officials affiliated with the guerrillas. This kind of power must be exercised carefully. Pardons, or similar forms of immunity to local rules, are controversial and can be abused.<sup>129</sup>

Restoring law and order, or providing civil support to a host nation force that is restoring law and order, are standard military tasks. The Black Patch War was a unique set of circumstances, but may resemble other campaigns against guerrillas that seek control over economic resources. Operational planners developing such campaigns should consider how to apply these lessons from the successful campaign of Governor Willson and his State Guard.

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<sup>128</sup> The Kentucky constitution does not require any other office to approve pardons. Pardons are only limited in the cases of impeachment, treason, and remitting fees of the clerk, sheriff, or commonwealth attorney. Constitution of the Commonwealth of Kentucky, Section 77, as revised September 28, 1891.

<sup>129</sup> In 2005, Kentucky Governor Ernie Fletcher issued a blanket pardon for fourteen of his subordinates, and any subordinates who might be indicted in the future, on criminal charges relating to a scandal over violations of state merit system hiring laws. Observers claimed that the pardons were largely responsible for Fletcher's 17 percentage-point loss in his campaign for reelection. Ryan Alessi and Jack Brammer, "Democrat's Victory is Overwhelming, Hiring Inquiry Hobbled Fletcher," *Lexington Herald Leader*, November 7, 2007.

## APPENDIX A: Data Table

The following table displays the data that is reflected in the graphs for figures 2 and 3 in Section 2.

Month	KY Silent Brigade Attacks		State Guard Troops Deployed in the Black Patch		Price of Dark Leaf Tobacco		Media Coverage in the <i>Paducah Sun-Democrat</i>	
	Number <sup>130</sup>	Percent	Number <sup>131</sup>	Percent	Cents per pound <sup>132</sup>	Percent	Number <sup>133</sup>	Percent
Dec-05	5	31%	0	0%	7.12	79%	2	10%
Jan-06	0	0%	0	0%	8.84	98%	0	0%
Feb-06	0	0%	0	0%	8.84	98%	0	0%
Mar-06	0	0%	0	0%	8.84	98%	0	0%
Apr-06	0	0%	0	0%	8.84	98%	0	0%
May-06	3	19%	0	0%	8.84	98%	1	5%
Jun-06	1	6%	0	0%	8.84	98%	0	0%
Jul-06	0	0%	0	0%	8.84	98%	0	0%
Aug-06	0	0%	0	0%	8.84	98%	0	0%
Sep-06	0	0%	0	0%	8.84	98%	0	0%
Oct-06	0	0%	0	0%	8.84	98%	0	0%
Nov-06	2	13%	0	0%	8.84	98%	1	5%
Dec-06	3	19%	0	0%	8.84	98%	9	45%
Jan-07	1	6%	0	0%	8.54	95%	4	20%
Feb-07	3	19%	0	0%	8.54	95%	0	0%
Mar-07	8	50%	0	0%	8.54	95%	4	20%
Apr-07	10	63%	0	0%	8.54	95%	4	20%
May-07	8	50%	0	0%	8.54	95%	3	15%
Jun-07	7	44%	0	0%	8.54	95%	5	25%
Jul-07	7	44%	0	0%	8.54	95%	0	0%
Aug-07	3	19%	45	16%	8.54	95%	2	10%
Sep-07	1	6%	0	0%	8.54	95%	0	0%
Oct-07	3	19%	0	0%	8.54	95%	0	0%
Nov-07	2	13%	0	0%	8.54	95%	1	5%
Dec-07	3	19%	103	36%	8.54	95%	9	45%
Jan-08	9	56%	64	22%	7.04	78%	5	25%
Feb-08	16	100%	149	52%	7.04	78%	9	45%
Mar-08	10	63%	158	55%	7.04	78%	5	25%
Apr-08	3	19%	195	67%	7.04	78%	9	45%

<sup>130</sup> Campbell, 171-180.

<sup>131</sup> State of Kentucky, Adjutant General's Office, Special Orders No. 31 1/2, 39 1/2, 41-43 of 1907, and 1, 3-23, 29-78, 112, 117, 130, 145, 176, 187-189, 196, 198 of 1908, Boone National Guard Center, Frankfort, KY.

<sup>132</sup> Campbell, 149.

<sup>133</sup> Caldwell County Historical Society, *Night Rider Files* (Evansville, Indiana: Evansville Bindery, 2003).

Month	KY Silent Brigade Attacks		State Guard Troops Deployed in the Black Patch		Price of Dark Leaf Tobacco Cents per pound <sup>132</sup>		Media Coverage in the <i>Paducah Sun-Democrat</i>	
	Number <sup>130</sup>	Percent	Number <sup>131</sup>	Percent	Percent	Number <sup>133</sup>	Percent	
May-08	3	19%	289	100%	7.04	78%	20	50%
Jun-08	1	6%	250	87%	7.04	78%	3	15%
Jul-08	2	13%	134	46%	7.04	78%	10	10%
Aug-08	1	6%	103	36%	7.04	78%	12	60%
Sep-08	1	6%	69	24%	7.04	78%	9	45%
Oct-08	1	6%	69	24%	7.04	78%	8	40%
Nov-08	0	0%	69	24%	7.04	78%	8	40%
Dec-08	1	6%	49	17%	7.04	78%	7	35%
Jan-09	0	0%	35	12%	9.02	100%	3	15%
Feb-09	0	0%	35	12%	9.02	100%	4	20%
Mar-09	2	13%	3	1%	9.02	100%	6	30%
Apr-09	3	19%	3	1%	9.02	100%	6	30%
May-09	1	6%	3	1%	9.02	100%	2	10%
Jun-09	0	0%	8	3%	9.02	100%	1	5%
Jul-09	0	0%	8	3%	9.02	100%	1	5%
Aug-09	0	0%	45	16%	9.02	100%	1	5%
Sep-09	0	0%	3	1%	9.02	100%	3	15%
Maximum	16		289		9.02		20	

## APPENDIX B: Oath of the Silent Brigade

I, \_\_\_\_\_, in the presence of Almighty God and these witnesses, take upon myself these solemn pledges and obligations: That I will never reveal any of the secrets, signs, or passwords of this order, either by word or writing, to any person or persons who are not entitled to the same in accordance with the rules and regulations of this order. I furthermore promise and swear that I will never reveal, or cause to be revealed by word or act, to any person or persons any of the transactions of this order in the lodge room or out of the lodge room, unless after due trials and examination, I find him or them justly entitled to the same, and not then unless I believe the welfare and business of the order will be benefited by such information given. I furthermore promise and swear that I will obey all orders or summons coming from my lodge, either day or night, unless prevented by sickness of self or family. I furthermore promise and swear that I will not use this order, or under cover of this order, do anything to a personal enemy for personal revenge. To all of this I most solemnly promise myself under no less penalty than may be put upon me by order of this lodge.<sup>134</sup>

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<sup>134</sup> Cunningham, 59; Nall, 52-53; Vivian, H.A. "How Crime is Breeding Crime in Kentucky." New York Times. July 26, 1908.

## APPENDIX C: The Kentucky State Guard in 1907

The Kentucky National Guard of the Black Patch War reflected national trends in its organization and training, which affected its capabilities to conduct the campaign against the Silent Brigade. The Black Patch War occurred between two major events in the modernization of the American National Guard: the passage of the Militia Act of 1903 and the National Defense Act of 1916. The Militia Act of 1903 repealed the previous Militia Act of 1792, making several important changes to the state militias. The most concrete impact was federal funding for equipment and training. By 1908, federal funding for state militias had increased tenfold.<sup>135</sup> A struggle intensified over the War Department's power to specify standards and organization for the state militias and the willingness of the War Department to incorporate the state militias into plans for national wartime mobilization. This struggle culminated in the National Defense Act of 1916. In 1916, states gained greater funding for their state forces, but the funding was conditional: states were required to accept much greater federal control and standardization.<sup>136</sup> The period between these acts has been called "the heyday of the peacetime National Guard."<sup>137</sup> State troops had been given greater resources, but without yet having all the strings attached.

During this period, the policies and training of the Kentucky State Guard were very different from the Kentucky National Guard of today. By 1907, most states had adopted the name "National Guard" for their official militias, but Kentucky would not follow this trend until after the Black Patch War. Nevertheless, the Kentucky State Guard of 1907-1909 is the organization

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<sup>135</sup> Jerry Cooper, *The Rise of the National Guard: The Evolution of the American Militia 1865-1920* (Lincoln: University of Nebraska Press, 1997), 110.

<sup>136</sup> Ibid., 110.

<sup>137</sup> Kentucky National Guard History eMuseum, The Dick Act And Reorganization: (1903-1908), History of the KYNG. Updated May 14, 2008, <http://kynghistory.ky.gov/history/3qtr/dickact.htm>, accessed September 30, 2010.

now known as the Kentucky National Guard.<sup>138</sup> During the era of the Black Patch War, State Guard units elected their own officers. Soldiers were only paid for active duty, but not for monthly assemblies. Standardized collective tasks for training had not yet been formalized.<sup>139</sup> Prior to the National Defense Act of 1916, the federal government did not require the organization, training, doctrine, and administration of state forces to mirror those of the U.S. Army, but as a condition of the increased funding of the 1903 militia act, State Guard forces became subject to inspections from the federal government. The Kentucky State Guard failed the first inspections in 1908 and 1909, during the Black Patch War. In response, Kentucky initiated reforms, such as requiring officers to pass physical and professional examinations. However, these reforms were not enacted until after the campaign against the Silent Brigade.<sup>140</sup>

The Kentucky State Guard of 1907-1909 was a small infantry organization. According the *1908 Annual Adjutant General's Report*, the force consisted of 140 officers and 1,712 enlisted soldiers. The Kentucky Guard organized these troops into three regiments of infantry, three small medical detachments, and the State Headquarters. Each regiment had 34-40 officers and 538-583 enlisted soldiers in nine or ten companies.<sup>141</sup> The number of soldiers and companies in each regiment varied as entire companies would routinely be “mustered in to service” (established) and “mustered out” (dissolved). In 1908, two new companies mustered in when a sufficient number of

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<sup>138</sup> “The militia of nearly all the States are now called the National Guard. Kentucky should fall in line in this particular.” Phillip P. Johnson, *Report of the Adjutant General to the Governor: Ending December 31, 1909*, Kentucky National Guard eMuseum, <http://kynghistory.ky.gov/NR/rdonlyres/4FACF017-7952-4C71-BA34-50CE9CF25AA8/0/1909AdjutantGeneralsReport.pdf> (accessed September 30, 2010), 6; Stone, 113, 115.

<sup>139</sup> Stone, 115.

<sup>140</sup> Stone, 112-113.

<sup>141</sup> Commonwealth of Kentucky, Adjutant General's Office, *Report of the Adjutant General to the Governor, Ending December 31, 1909* (Kentucky National Guard eMuseum, , accessed August 31, 2010), 83.

interested citizens in Calloway and McCracken Counties applied to join.<sup>142</sup> One mustered out when an inspection revealed that a majority of unit members were not residents of the county, a requirement of the era.

The equipment of the Kentucky State Guard was severely limited. Soldiers had rifles and bayonets. Officers had pistols and sabers. The only weapons besides small arms were two gatling guns. Without cavalry units in the force structure, none of the soldiers were equipped with horses.<sup>143</sup> Bassett and his men used privately owned horses and a carriage when they pursued the Hopkinsville raiders.<sup>144</sup> The State Guard would have to overcome this limitation during the campaign.

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<sup>142</sup> State of Kentucky, Adjutant General's Office, Special Order No. 60, May 14, 1908 and 68, May 25, 1908. Boone National Guard Center, Frankfort, KY.

<sup>143</sup> Commonwealth of Kentucky, Adjutant General's Office, *Report of the Adjutant General to the Governor, Ending December 31, 1909* (Kentucky National Guard eMuseum, , accessed August 31, 2010), 36-52.

<sup>144</sup> Stone, 96.

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