

Justifying Violence: Ninety Years of Remembering a 1912 Courtroom

Massacre in Virginia's Blue Ridge Mountains

Abstract

This paper will approach the question of violence from a historical perspective by examining a courtroom gun battle that brought brief national prominence to the Blue Ridge mountain town of Hillsville, Virginia, in 1912 and will analyze the subsequent discursive struggle to define the significance of the violence. Upon conviction for a minor offense, Floyd Allen, the patriarch of a prominent and well-to-do local family of leaders in the Democratic political party, and various members of his family engaged in a gun battle with county officials (most staunch members of the Republican party) that left the judge, the sheriff, the prosecuting attorney, and two others dead. The state of Virginia electrocuted Floyd and his son, while several others served lengthy prison sentences. This paper will analyze the subtle ways that a variety of groups shaped competing narratives of this one outbreak of extreme violence.

Historians and sociologists have long labeled the American South as a culture of violence. This incident provides insights at a time of transition in that it occurred during the Progressive era of reform, as the state extended rational court systems and bureaucracies more deeply into the ruling structure of such small towns. Accustomed to doing as they liked in their local arena of power, the Allen family members reacted violently to law enforcement from a newly strengthened state court system. They and many supporters around the state defended their actions as legitimate reaction to a threat from their political opposition. Other contemporaries defended the killings in the name of family honor, a pre-modern trait being carried into a modernizing society. Over the past ninety years, Virginians have continued to debate the causes and meaning of the shootings in books, memoirs, a play, a novel, and even a rock opera. Conclusions moved from accusations of political persecution to a romanticized sense of heroic resistance against strong, central governance. One education reformer in the 1930s used the incident to illustrate the inherent depravity of southern mountain culture. Most recently, two amateur historians who have lived in the area wrote of the shootings and concluded separately that both sides were to blame. This middle ground in analysis, along with certain ritual commemorations in the community, demonstrate that even now partisan passions flare if blame is allocated to the instigating family. The community has yet fully to work through the traumatic aftermath of violence in an objective way.

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Text

In introducing a recent collection of essays, historian W. Fitzhugh Brundage summarized the importance of historical memory: “For individuals and groups alike, memory forms an essential component of their social identity. By definition, collective memory involves sharing, discussion, negotiation, and often conflict. Remembering consequently becomes implicated in a range of activities that have as much to do with identity, power, authority, cultural norms, and social interaction as with the simple act of conserving and recalling information. Groups invariably fashion their own image of the world and their place in it by establishing an accepted version of the past, a sort of genealogy of identity.” Brundage notes, however, that “to date . . . surprisingly little work has been done on the historical memory of the [American] South.”¹

In this paper, I will use an example of violence in 1912 in one small Virginia community to contribute to understanding violence in the American South during the twentieth century and discerning the relationship between actual events and the memory of violence. Over the course of the past ninety years, this single event has remained a source of controversy and has consistently inspired attempts to explain the sources of the violence and to criticize or justify the actions of the participants. The malleability and the enduring power of memory in this tiny town hint discouragingly that without the use of such publicly endorsed fact-finding measures as reconciliation commissions to address outbreaks of violence, communities may not quickly dispense with long-term attempts to manipulate the memory of it for varied political and cultural ends.

Carroll County, Virginia, is located in the Blue Ridge mountains, part of the Appalachian mountain chain of southeastern America. The central town of Hillsville included well under

¹ W. Fitzhugh Brundage, “No Deed but Memory,” in Fitzhugh, ed., *Where These Memories Grow: History, Memory, and Southern Identity* (Chapel Hill and London, 2000), 3–4. For an example of changing memories of one violent event in the region see Melton A. McLaurin, “Commemorating Wilmington’s Racial Violence of 1898: From Individual to Collective Memory,” *Southern Cultures*, 6 (Winter 2000), 35–57.

1,000 residents in 1912, and the community served as home to the county's judicial and governing structures. Much of the American South of the early twentieth century was marked by a one-party political system, with the dominant Democratic party controlled by whites willing to maintain hegemony by whatever means necessary. In this sub-region of the Appalachian mountains, however, the Republican party maintained an active political opposition, a legacy of the mountain areas' divided feelings about the American Civil War decades earlier. In Carroll County, the Republicans had gained control of local government in the years just after the turn of the century, ending Democratic dominance there. At the state level, though, Virginia remained firmly in the hands of the Democratic party, and the state government had adopted some modernizing measures in the first decade of the twentieth century, some as part of a revision of the state constitution that passed in 1902. A significant aspect of the new constitution was the strengthening of state control over local courts. Beginning in 1904 the judge for Carroll County's criminal court came from outside the county and held court in Hillsville periodically as part of a circuit.

On the morning of March 14, 1912, a local Democratic leader, farmer, and merchant named Floyd Allen was on trial for forcibly releasing two of his nephews from the custody of local deputies the previous year. The nephews had been arrested for a minor crime for which they subsequently served a short jail term. Allen had spent his entire fifty-five years living in the county and had been involved in a long series of violent incidents, including a shooting exchange with one of his own brothers. However, as long as local officials shared his membership in the Democratic political party and the local judge was a friend, Allen had been able to avoid serious legal problems. His ability to overawe the county's justice system had ended when the opposition Republican officials were elected and, concurrently, the judicial system was modernized to include judges from outside the county. On this spring morning, the jury

convicted Floyd Allen, and the judge sentenced him to serve one year in the penitentiary. As the sheriff moved across the courtroom to place the convicted man in custody, Floyd, his son Claude, his brother Sidna, and three nephews opened fire with pistols, killing the judge, prosecuting attorney, sheriff, a juror, and a witness. Some of the Allen family fled, but, over the next few months, all of the shooters were captured and tried. The state of Virginia executed Floyd and his son, and the others served lengthy prison sentences before being pardoned by a sympathetic governor during the 1920s.²

By the time of the shootings in 1912 the South had earned a national reputation for violence, a characterization growing from racial conflict, poverty, economic frustration, and various other cultural factors. For the Appalachian mountain region in particular, the reputation centered on two sources of violence. One consistent image was the making of illegal untaxed moonshine whiskey, and the second was of family feuding, such as the famous Hatfield-McCoy feud on the border between West Virginia and Kentucky that established many of the nation's stereotypes of Appalachia. The many early portrayals of the Allen incident automatically used these stereotypes to explain the courtroom shooting, thereby giving the residents of the cities in the North and other parts of the country another comforting example of their own superiority to their so-called contemporary ancestors living barbaric, pre-modern lives in the mountains.³ Early in his book, published in 1913, Edwin Payne, a member of the detective force that led the search

² This essay grows out of a larger manuscript project titled "A 1912 Courtroom Massacre and Virginia's Transition to the Modern State." Some of the major sources for the basic narrative of the events include Virginia, Circuit Court (Wythe County), Commonwealth of Virginia v. Floyd Allen, 1912 April 30 . Accession 28311, Local government records collection, The Library of Virginia, Richmond, Va. 23219; Ronald W. Hall, *The Carroll County Courthouse Tragedy* (Hillsville, Va., 1998); William "Bill" Lord, *The Red Ear of Corn* (privately printed; Pittsburgh, Pa., 1999); and various court records and newspaper sources.

³ Sheldon Hackney, "Southern Violence," *American Historical Review*, 74 (February 1969), 906–25; Albert C. Smith, "'Southern Violence' Reconsidered: Arson as Protest in Black-Belt Georgia, 1865–1910," *Journal of Southern History*, 51 (November 1985), 527–64; Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th-Century American South* (New York and Oxford, 1984); Stewart E. Tolnay and E. M. Beck, *A Festival of Violence: An Analysis of Southern Lynchings, 1882–1920* (Urbana and Chicago, 1995); Altina Waller, *Feud: Hatfields, McCoys, and Social Change in Appalachia, 1860–1900* (Chapel Hill and London, 1988); and Henry D. Shapiro, *Appalachia on Our Mind: The Southern Mountains and Mountaineers in the American Consciousness, 1870–1920* (Chapel Hill, 1978).

for the Allens on behalf of the state, immediately exoticized his subjects, claiming “The inhabitants of the mountain section of Carroll county are, in many respects, as primitive in their mode of living as were their ancestors who settled in that out-of-the-way spot more than one hundred years ago.” For the mountaineer, Payne believed, “his feuds are often hereditary and are usually bitter. They frequently end in bloodshed, sometimes in murder. But he will quickly join forces against what he regards to be a common danger, and if one of his kind is in trouble or threatened with interference in his chosen avocation of illicit distilling, friends will shield him and enemies will refrain from giving evidence against him.”⁴ In an even more fantastical version of events in a pulp paperback published even before all the Allens had been captured, J. J. Reynolds iterated the same blanket generalizations: “Firm in the conviction that government is exercising tyranny when interfering with their trade, the ‘moonshiners’ are bound together against a common enemy by ties that no individual feud can ever permanently sever.” In the case of the Allens, when “they began their wholesale slaughter” their actions were, “in their minds, merely a reply to an insult. ‘God,’ they used to say, ‘made the corn and the water for the whiskey and God made the Allens to be bosses of Carroll County.’”⁵

The Allen family members unsuccessfully fought these stereotypes. First, in his final public statement before execution, Floyd Allen complained, “A great injustice has been done me in so many stating that I had sold or handled blockade whiskey. I had never run a blockade still in my life. There has never been a still operated on my land except one, a long time ago, which was there according to law.”⁶ In 1929, in a fascinating memoir, his brother Sidna still sought to correct the record. He noted, “The Allens, you know, have all been branded moonshiners. My

⁴ Edwin Chancellor Payne, *The Hillsville Tragedy: Complete Story of the Allen Clan*, ed. by E. B. Jacobs (Roanoke, Va., 1913), 18, 39.

⁵ J. J. Reynolds, *The Allen Gang: Outlaws of the Blue Ridge Mountains* (Baltimore, 1912), 22, 156. See also Edgar James, *The Allen Outlaws: Complete History of Their Lives and Exploits* (Baltimore, 1912), for a similar book.

⁶ Floyd Allen, “Statement on his life and the events leading to his execution: dictated to his son C. [S]. Allen, 1913 Mar. 27. Accession 28355, Personal papers collection, The Library of Virginia, Richmond, Va. 23219.

personal plea is not guilty.” He goes on to explain that he and another brother Jack had for a season distilled brandy legally, “in accordance with law and under the eyes of a government gauger.”⁷ The two instead sought to portray the shootings as the fault of Republican county officials who were seeking unjustly to use the courts to persecute their old political enemy. Their claims found many sympathetic ears among Democratic partisans around the state, though ultimately the state’s governor refused to stop the executions of Floyd Allen and his son in 1913. It was an enduring sense that political tensions had caused the killings that led a more sympathetic governor to pardon the others later. The Allen supporters partook of traditional southern views in which extreme violence was an accepted reaction to threats to one’s honor or freedom.⁸

Though some of these early depictions of this violent family played upon negative stereotypes, the later depictions of the shootings began to emphasize more positive views of the violence. The passage of time, combined with the change from firsthand accounts to popular culture, caused the shift in memory. Songs, both traditional and commercial, were a significant medium by which the story remained in popular consciousness and was manipulated there for various purposes. In the years following the shooting, at least three songs became part of the oral tradition. Carroll County and surrounding areas were home to many of the earliest performers in the burgeoning country music industry, in which traditional songs often combined with commercial music to create a profitable new form. In 1924 Henry Whitter, a pioneer of commercial country music who grew up in a county adjacent to Carroll, recorded one of the two songs about Sidna Allen for a record label in New York City, while Ernest Stoneman, another famous early country singer who was a native of Carroll and who remembered from his youth

⁷ J. Sidna Allen, *Memoirs of J. Sidna Allen* . . . (Madison, N.C., 1929), 18.

⁸ Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York, 1982); and Ayers, *Vengeance and Justice*.

the search parties for the fugitive Allens, recorded a ballad about Claude Allen in 1928. Folklorists also found both songs circulating widely in the oral world of traditional musicians. The songs could depict the events quite differently than had the earliest chroniclers of the killings more than a decade earlier. In one, Sidna Allen is glorified as “a brave mountaineer.” In a different song, Sidna is viewed sympathetically as well: “Now fourteen years this Sydna [*sic*] was forced to leave his friend,/ To go into a prison a lonely life to spend;/ But by his good behavior, as you will surely see,/ The Governor signed his pardon and gave him liberty!” Even more strongly in the case of the young, handsome Claude Allen, the songsters could not avoid romanticizing the outlaw and his violent deeds. One verse lamented, “Sad, indeed, to think of killing/ A man just in his youthful years,/ To leave his dear old mother weeping/ And all his friends in bitter tears.” Another verse expressed anger at the strong state government whose authorities executed Claude: “The governor being so hard hearted/ And not caring what his friends might say/ That he finally took his sweet life from him/ And they laid his body in the clay.”⁹

Sidna Allen published his memoir in 1929, three years following his pardon and early release from prison. To earn a living he traveled in Virginia, North Carolina, and West Virginia exhibiting a collection of intricate handcrafted furniture pieces that he had made in prison.¹⁰ The self-justifications one expects to find in a memoir and the positive publicity surrounding his traveling display incensed George Parker, an advocate of religious uplift and social reform in the mountains. In 1930 Parker published a book titled *The Mountain Massacre* in an attempt to fight

⁹ Mellinger Edward Henry, ed., *Folk-Songs from the Southern Highlands* (New York, 1938), 316–20; Ethel Park Richardson, comp., and Sigmund Spaeth, ed., *American Mountain Songs* (1927; rpt., [New York], 1955), 34 and 106–7; online exhibit of the Blue Ridge Institute and Museum of Ferrum College at <http://www.blueridgeinstitute.org/ballads/allenssongs.html>; Ivan M. Tribe, *The Stonemans: An Appalachian Family and the Music That Shaped Their Lives* (Urbana and Chicago, 1993), 68–69 and 305; and on country music’s early history Bill C. Malone, *Singing Cowboys and Musical Mountaineers: Southern Culture and the Roots of Country Music* (Athens and London, 1993).

¹⁰ Allen, *Memoirs*.

back against the romanticization of the killings. His was a plea for old-fashioned values and a cry of outrage against what he called “an alarming increase in drunkenness” in society. He resurrected the comparison of the Allen family to the famous Hatfields of the feuds in Kentucky and West Virginia and deplored the arrogance toward the law preceding their “savage slaughter” In pardoning Sidna Allen and his nephews, the governor was “throwing anarchists back on society” As a result, Sidna was able to release “his blasphemous booklet,” his “vicious little volume” of memoirs and show no contrition for his actions despite his time in jail. Parker ridiculed Allen’s claims to have become religious, claiming instead “surely Sidna was drunk on the belief that his booklet would bring him fame and fortune” To Parker, the same decline in values that led readers to enjoy Sidna’s book was also leading to calls for the end of the Prohibition of alcohol in America. He called for the book to be banned lest it lead youth astray. Parker’s reform group, the Callers to Country Life, was sponsoring his book “to put the Commonwealth’s Courts above clans” in the hope of making “justice swifter and life safer.”¹¹

It was not until the late 1940s, with the improvement of academic historical publications in Virginia and the South, that a writer first tried to use documentary sources to depict the incident with the trappings of objective research. Her effort was reprinted in 1964 and remained for a number of years the most thorough work on the topic.¹² Unfortunately for attempts at accuracy, however, the incident returned to the realm of popular culture, and a new generation wrestled with the uses of it in public memory. The Allens returned more visibly to popular historical memory in the 1970s, this time as manipulable figures in productions of mass cultural forms. In 1979, a Virginia playwright depicted the events in part through the voice of young

¹¹ G. M. N. Parker, *The Mountain Massacre* (Bluefield, W. Va., 1930), 11, 17, 30, 48, 52, 62–66, 79, 87, 95.

¹² Louise Jones Bu Bose, “The Fatal Doom of the Allens of Carroll County,” *Virginia Record* (December 1964), 17–31 (a reprint of an article originally published in three parts from the September–October 1948 issue to the January 1949 issue in the same publication when it was titled *Virginia and the Virginia County*).

Claude and two of the nephews. The 1960s and 1970s had witnessed the growth of a rebellious youth cultural movement in the United States as prosperous young adults tested their independence and the limits of popular culture through such mediums as drugs and rock music.¹³ In this context, Claude could be explored as a sympathetic, high-spirited young rebel, and his violence could be excused as the unfortunate result of the machinations of older men.¹⁴ In a rock opera released in 1992, singer and songwriter Tom Harvey moved even farther away from historical accuracy and created a version of the Allen family that showed them all as freedom-loving rebels arrayed against unfair political victimization. He claimed incorrectly that “the Allens became embroiled in a political struggle with the State of Virginia’s Republican administration, culminating in the framing and eventual execution of Floyd Allen and his son Claude.” His verses have Sidna Allen sing, “They were out to get us but we just got them first.”¹⁵

Most recently, two talented amateur historians have tried again to depict objectively the courtroom shootings. In their books and in a joint appearance earlier this year in the old county courtroom at a commemoration of the 90th anniversary of the killings, these two writers tepidly concluded that both the Allens and the court officials shared the blame for the shootings. As one writes, “In summary, the whole thing appears to have been a tragic mistake.”¹⁶ In Carroll County today, mention of the killings still arouses passions, and attempting to condemn either group can be a source of controversy. Only through careful construction of a neutral final analysis of the shootings can some locals face the most important event in the history of the county.

¹³ Terry H. Anderson, *The Movement and the Sixties* (New York and Oxford, 1995), especially 241–91; and Allen J. Matusow, *The Unraveling of America: A History of Liberalism in the 1960s* (New York and other cities, 1984), 275–307.

¹⁴ Ronald M. Larson, “A Tragedy in Hillsville: A Play in Three Acts,” *Appalachian Heritage*, 7 (Winter 1979), 58–79; (Spring 1979), 62–79; and (Summer 1979), 59–80.

¹⁵ Tom Harvey, *Sid Allen and the Devil’s Den: An American Rock Opera* (T. H. E. Productions, 1992), quotations in liner notes and lyrics.

¹⁶ Hall, *Carroll County Courthouse Tragedy*, quotation on p. 247; and Lord, *Red Ear of Corn*.

The evolution of so many contesting versions of the courtroom killings supports a provocative contention of historian Carl Becker in his presidential address to the American Historical Association in the early 1930s. He argued, “Every generation, our own included, will, must inevitably, understand the past and anticipate the future in the light of its own restricted experience, must inevitably play on the dead whatever tricks it finds necessary for its own peace of mind.”¹⁷ Given the overlapping imperatives from regional stereotypes, traditional views of violence, political partisanship, the power of commercial entertainment, and the rebelliousness of youth culture, the ongoing revisions of this story in popular memory could hardly be other than tricks of the mind against the fading of actual events over the past ninety years. As the Allens evolved in cultural imagination from savage hillbillies to political victims to rock music heroes and most recently to morally neutral participants in an iconic small-town event, the stories have revealed more about the writers and their times than about the roots of the violence of 1912. Violence, as with any other historical phenomenon, becomes a protean cultural artifact when consigned to memory.

¹⁷ Carl Becker, “Everyman His Own Historian,” *American Historical Review*, 37 (January 1932), 235.