

## A FIRST LOOK AT THE WORST: SLAVERY AND RACE RELATIONS AT THE COLLEGE OF WILLIAM AND MARY

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[I]f way to the Better there be, it exacts a full look at the Worst . . . .

—Thomas Hardy<sup>1</sup>

In recent years a few universities—Yale, North Carolina, Dartmouth, Alabama, and Brown—have documented fully the ignoble role slavery played in their noble pasts.<sup>2</sup> The College of William and Mary (the College) has not, though there is plenty of the worst—and a bit of the better—to be found in our own closet. From its earliest days, as called for in the Royal Charter of 1693, funding for the College came from taxes on tobacco produced by slaves.<sup>3</sup> And the College itself owned slaves well into the nineteenth century.<sup>4</sup> As this compendium shows, the shadow of slavery is long, affecting race relations into our own time.

An architectural historian at Colonial Williamsburg, Carl Lounsbury, has recently suggested that the older buildings on campus were probably built with slave labor—that would include the Wren Building (1695), the Brufferton (1723), the president's

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\* I would like to thank Linda Rowe at Colonial Williamsburg for reviewing my work on slavery at the College during the eighteenth century.

<sup>1</sup> Thomas Hardy, *In Tenebris II* (1896), reprinted in VICTORIAN POETRY AND POETICS 815, 816 (Walter E. Houghton & G. Robert Stange eds., 2d ed. 1968).

<sup>2</sup> For a discussion of slavery and Yale, see ANTONY DUGDALE ET AL., YALE, SLAVERY AND ABOLITION (2001). For a discussion of slavery and the University of North Carolina, see Manuscripts Dep't, Univ. of N.C. at Chapel Hill, Slavery and the Making of the University, <http://www.lib.unc.edu/mss/exhibits/slavery> (last visited Feb. 17, 2008). For information on slaves at Dartmouth, see James Zug, *The Slaves of Dartmouth*, DARTMOUTH ALUMNI MAG., Jan.–Feb. 2007, at 41. For information on the University of Alabama and slavery, see Brian Leiter, Leiter Reports: A Philosophy Blog, Slavery and the University of Alabama, [http://leiterreports.typepad.com/blog/2004/05/slavery\\_and\\_the.html](http://leiterreports.typepad.com/blog/2004/05/slavery_and_the.html) (May 11, 2004, 11:53 EST). For a discussion on slavery and Brown University, see BROWN UNIV. STEERING COMM. ON SLAVERY AND JUSTICE, SLAVERY AND JUSTICE (2006), available at [http://www.brown.edu/Research/Slavery\\_Justice/documents/SlaveryAndJustice.pdf](http://www.brown.edu/Research/Slavery_Justice/documents/SlaveryAndJustice.pdf).

<sup>3</sup> For a discussion of the funding of the College in its early years, see Kristin A. Zech, “So Well Endowed”: Economic Support of the College of William and Mary During the Colonial Period (April 2001) (unpublished Honors thesis, College of William and Mary) (on file with Swem Library, Special Collections Research Center, University Archives, College of William and Mary [hereinafter Swem Archives]).

<sup>4</sup> *Id.*

house (1732), and (possibly) the Alumni House (arguably built before the Civil War,<sup>5</sup> well before the College acquired it from the Bright family).<sup>6</sup>

The early master builders were brought from England, but local contractors for the Wren Building supplied the laborers, who included two of William and Mary President James Blair's slaves.<sup>7</sup> The glazier for the Brufferton, James Wray, apparently used slaves.<sup>8</sup> In 1704, Blair complained about the employment of "a great number of unskillful Workmen,"<sup>9</sup> possibly some of them slaves and possibly including a gift

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<sup>5</sup> I argued this dating in an essay on the building. Terry Meyers, *This Old House: A Civil War Watercolor Casts Light on the True Age of the Alumni House*, WM. & MARY ALUMNI MAG., Winter 2007/2008, available at [http://www.wmalumni.com/magazine/wint\\_0708/feature\\_2.shtml](http://www.wmalumni.com/magazine/wint_0708/feature_2.shtml). There I depended in large part on sketches by Robert Knox Sneden. *Id.* One of the Brights continued after the Civil War to work against black rights and suffrage. See Bright Family Papers, 1763–1934, available at <http://www.lib.udel.edu/ud/spec/findaids/bright.htm> (last visited Feb. 26, 2008).

<sup>6</sup> Angela Cota, *College's Oldest Buildings Likely Built by Slaves, Lecturer Says*, FLAT HAT (Wm. & Mary), Feb. 23, 2007, at 1, available at <http://www.flathatnews.com/news/398/colleges-oldest-buildings-likely-built-by-slaves-lecturer-says>.

<sup>7</sup> *Id.* One of Blair's slaves figured in an account of a 1702 incident when students attempted to bar the school masters from the College; Blair ordered "a Negro Man" (not his other white servant) to break the door down. See 1 A DOCUMENTARY HISTORY OF EDUCATION IN THE SOUTH BEFORE 1860, at 477 (Edgar W. Knight ed., 1949). In a later incident of a possible break-in, his wife's "maid who lay in a Closet just by" is mentioned; she may also have been a slave. *See id.* at 473. The documents in Knight's collection mentioned slavery at the College a number of times, including in the *Statutes* of the College, which lists positions perhaps occupied by slaves—"the Janitor, the Cook, the Butler, and Gardener," as well as "the Workmen for building or repairing" and "Bailiffs and Overseers." *Id.* at 519. Knight also provided regulations printed by the Board of Visitors: "That the Masters and Scholars keeping waiting Boys pay Five Pounds per Annum for their Board." *Id.* at 528. A law in 1734 exempted "all the domestic servants belonging to the college . . . from being listed as tithables." *Id.* at 534. And in the 1779 reorganization of the College, "the use of the college kitchen and garden" was given over to a "sober and discreet male person" who was to have hired the College "negroes accustomed to labour in the same . . . . A sufficient number of slaves shall be reserved for cleaning the college," with any in excess "hired out at publick auction." *Id.* at 547–48.

<sup>8</sup> See Morgan Figa, *In Williamsburg, Slaves Played Key Role*, FLAT HAT (Wm. & Mary), Apr. 27, 2007, at 1, available at <http://www.flathatnews.com/news/882/in-williamsburg-slaves-played-key-role>. In the article, a history department member, Julie Richter, is quoted on slavery and the College. *Id.* Jennifer Oast, a Ph.D. student in history, will include the College in a chapter on colleges and slavery in a dissertation she is finishing entitled "*Forgotten Masters*": *Institutional Slavery in Virginia, 1680–1860*.

<sup>9</sup> JAMES D. KORNWOLF, "SO GOOD A DESIGN": THE COLONIAL CAMPUS OF THE COLLEGE OF WILLIAM AND MARY: ITS HISTORY, BACKGROUND, AND LEGACY 38 (1989). The "Building Account of First Building" at the College records payments for bricks "made on the spot," "labourers," "bricklayers," "sawyers," "Carpenters," and "Contracts with workmen," but whether the workers were hired slaves remains an open question. *See* E.G. Swem, *Some Notes on the Four Forms of the Oldest Building of William and Mary College*, 8 WM. & MARY C.Q.2D 217, 220–21, 223 (1928). I am grateful to Jean Meyers for bringing this article to my attention.

to the College that year from Governor Francis Nicholson, a male slave valued at thirty pounds.<sup>10</sup>

In an address of May 1, 1699, a student mentioned in passing the president's and masters' "servants and attendants" and the responsibilities of the College's slaves in "the kitchin, Buttery, Gardens, [and] wooding."<sup>11</sup> Another student evoked slavery in fearful terms but only as a possible fate for the young white man crossing the Atlantic; to undertake that voyage was "to bee exposed to all Sorts of Enemies & to their Barbarous Usage of their prisoners, not to Speak of Some of them Soe inexorable, that it is well if all a mans estate can redeem him from a perpetuall Slavery."<sup>12</sup>

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<sup>10</sup> Zech, *supra* note 3. Chapter three, "The 'Nottoway Quarter': Slavery and the College of William and Mary," is a rich source of information on the subject. *Id.* at 58–73. Zech included a chart showing the names and some family relationships of eighteen College slaves (and one free black apparently associated with the College) baptized at Bruton Parish Church between 1749 and 1783. *Id.* at 66. Another College slave, Ben, born March 1734, was baptized at Bristol Parish in Prince George County. *Id.* at 59. Zech also included a list of the slaves the College owned in 1780 and details of the College's hiring its slaves out in 1779–1780. *Id.* at 67–68. She noted that one of the masters, Carlo Bellini, himself owned three slaves. *Id.* at 68. And she cited several allusions to other College slaves, including one who died in the smallpox outbreak of 1768. *Id.* at 66–67. I am indebted to Jim Whittenburg for bringing Zech's work to my attention.

And I am indebted to Louise Kale for lending me a copy of a work Zech mentioned briefly in her list of sources. See Thomas F. Higgins III & John R. Underwood, *Secrets of the Historic Campus: Archeological Investigations in the Wren Yard at the College of William and Mary, 1999–2000* (William and Mary Center for Archeological Research, March 12, 2001, WMCAR Project No. 99-26) (on file with Louise Kale). Higgins and Underwood documented and discussed slavery at the College in a number of places. They note that the "separate kitchen" at the president's house had a "second-story servants' quarters," *id.* at 16; that "servants' quarters" may have been located west of the Wren Building "near the sunken garden," *id.* at 32; and that a stone marble "incised with an 'X'" may reflect "traditional African cosmology and conjuring," *id.* at 71–72 (illustrated). Found nearby were cowrie shells used by slaves possibly "in medicine or as gaming pieces, decoration, or charms." *Id.* at 71. In a discussion of slave life at the College, the authors commented that "these objects, and perhaps others yet to be found in the Wren Yard, may reveal aspects of African American life at the College hidden for centuries." *Id.* at 93.

<sup>11</sup> *Speeches of Students of the College of William and Mary Delivered May 1, 1699*, 10 W.M. & MARY C.Q. 2D 323, 332 (1930). The students were oblivious enough to local slavery to praise King William for having saved "all Europe from slavery," *id.* at 335, and to deprecate for reasons of health the idea of young Virginians having to travel to England to study at a university:

[I]t has pleased the wise God to fitt all animals for the severall  
Elements wherein hee designed they should Live soe he has soe fitted  
all mens bodies & Constitutions for the severall Aires & Clymats  
wherein they were Borne & bred, That to carry them out of these into  
Remote & Forreigne parts is Like the Turning of Creatures out of their  
owne Element . . . .

*Id.* at 326.

<sup>12</sup> *Id.*

In 1718 the General Assembly allocated to the College £1000.<sup>13</sup> With £150, the College bought a plantation, 2119 acres “lying and being on both sides of Nottoway river, in the counties of Prince George, Surry and Brunswick” to grow tobacco.<sup>14</sup> The College also bought human beings: “one other sum of four hundred and seventy-six pounds four shillings, of the like money hath been laid out in the purchase of seventeen negro slaves, to be employed in tilling and manuring the said lands.”<sup>15</sup> A 1773 ledger page, “Cloathing for the Ingen Boys,” included an expenditure of £30.18.2 for the “Notoway Quarter.”<sup>16</sup> Until the College sold the plantation in 1780, it used the profits to support its Nottoway Foundations (scholarships).<sup>17</sup>

In 1784 a visitor published an account of a slave quarter near the Nottoway River, “a shell of a house” that could conceivably be one the College had owned:

That miserable shell . . . consisted but of one small room, which served for the accommodation of the overseer and six negroes: it was not lathed nor plastered, neither ceiled nor lofted above, and only very thin boards for its covering; it had a door in each side, and one window, but no glass in it; it had not even a brick chimney, and, as it stood on blocks about a foot above the ground, the hogs lay constantly under the floor, which made it swarm with fleas; water was near half a mile distant, and that very bad; There was not a neighbour within five miles on

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<sup>13</sup> Zech, *supra* note 3, at 58.

<sup>14</sup> The Transfer to the Faculty in Virginia (Feb. 27, 1729), available at <http://swem.wm.edu/departments/special-collections/exhibits/exhibits/charter/transfer/>.

<sup>15</sup> *Id.* This is very likely what Hugh Jones called in 1724 one of “many Contributions of the Country, especially a late one of 1000 l. to buy Negroes for the College Use and Service.” A DOCUMENTARY HISTORY OF EDUCATION IN THE SOUTH BEFORE 1860, *supra* note 7, at 488.

<sup>16</sup> William and Mary College Papers, Swem Archives, Folder 260 (1765–1892).

<sup>17</sup> For the 1777 moves to sell the plantation, see THAD W. TATE, JR., THE NEGRO IN EIGHTEENTH-CENTURY WILLIAMSBURG 38 (1972). The slaves were sold at the same time, except for “two men and a boy [brought] from there to replace hired Negroes” at the College. *Id.* For information on the Nottoway scholarships, see *Journal of the Meetings of the President and Masters of William and Mary College*, 14 W.M. & MARY C.Q. 25, 27, 31 (1905). For the sale of tobacco, see *id.* at 28. Zech puts the date of the actual sale as September 11, 1780. Zech, *supra* note 3, at 72.

The Nottoway acquisitions are invisible in the major College histories. Jack Morpurgo said only that “with the setting up in 1718 of a scholarship fund of £1,000 . . . [e]ducation became available not only to the rich but also to middle-class Virginians.” J.E. MORPURGO, THEIR MAJESTIES’ ROYALL COLLEDGE: WILLIAM AND MARY IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES 74 (1976). The appropriation of £1000 for scholarships is mentioned in SUSAN H. GODSON ET AL., 1 THE COLLEGE OF WILLIAM & MARY: A HISTORY, 1693–1888, at 62 (1993), but no mention is made of how the money was invested. Ditto in WILFORD KALE, HARK UPON THE GALE: AN ILLUSTRATED HISTORY OF THE COLLEGE OF WILLIAM AND MARY 39 (1985).

one side, and eight miles on the other; no book, no convenience, no furniture, no comfort in the house, unless you call by that name a miserable thin chaff bed, somewhat raised from the floor, in a corner of the room, which alternately served him for his chair, his table, and his couch.

In this wretched habitation I had little sleep, and no refreshment, although the poor young man permitted me to lie on his bed alone, and did not come there himself, but lay on the floor with the negroes; for they were shelling Indian-corn with their hands all the former part of the night, when their songs kept me awake; and the disagreeable idea of such a parcel of nasty black devils all snoring in the same room with me, with the assistance of the musketees, prevented me from sleep until day-break . . .<sup>18</sup>

At the College, slaves lived in the Wren Building (the kitchen), in the president's kitchen, and in "outbuildings in the North Yard, service buildings in the South Yard near the Brufferton, and in buildings near the College garden in the West Yard."<sup>19</sup> Zech noted a complaint by Hugh Jones about "the Negroes and inferior servants belonging to the College . . . [who] take up a great deal of room and are noisy and nasty."<sup>20</sup> Jones suggested that a quarter be built for them, and Zech noted a sum spent in 1766 "to mend the Negro quarters."<sup>21</sup>

Faculty minutes show that the College sent some of its young slaves to a local school funded by an English philanthropy, the Associates of Dr. Bray.<sup>22</sup> The school was established in Williamsburg (on the advice of Benjamin Franklin) to educate slave children.<sup>23</sup> It was overseen by a William and Mary graduate, Robert Carter

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<sup>18</sup> J.F.D. SMYTH, 1 A TOUR IN THE UNITED STATES OF AMERICA, CONTAINING AN ACCOUNT OF THE PRESENT SITUATION OF THAT COUNTRY 45–47 (Dublin, G. Perrin 1784).

<sup>19</sup> Zech, *supra* note 3, at 65. As Benjamin Ewell became president in 1854, he described "2 or 3 small houses in which Negroes lived . . . [and] at least a half dozen small buildings scattered in the College Yard." Anne W. Chapman, The College of William and Mary, 1849–59: The Memoirs of Silas Totten 61 n.11 (1978) (unpublished M.A. thesis, College of William and Mary) (on file with Swem Archives, *supra* note 2) [hereinafter Chapman, Totten]. However, these were apparently "frame cabins that housed some of Williamsburg's relatively numerous free blacks." Anne W. Chapman, Benjamin Stoddert Ewell: A Biography 88 (1984) (unpublished Ph.D. dissertation, College of William and Mary) (on file with Swem Archives, *supra* note 2) [hereinafter Chapman, Ewell].

<sup>20</sup> Zech, *supra* note 3, at 63.

<sup>21</sup> *Id.* at 64.

<sup>22</sup> For more information on the Associates of Dr. Bray, see RELIGIOUS PHILANTHROPY AND COLONIAL SLAVERY: THE AMERICAN CORRESPONDENCE OF THE ASSOCIATES OF DR. BRAY, 1717–1777 (John C. Van Horne ed., 1985).

<sup>23</sup> Terry L. Meyers, *This Old House: Moved, Mislabeled, and Misplaced, Building at the College Dates to 1700s*, VA. GAZETTE, June 19, 2004, at 1A. James Blair would not likely have

Nicholas, assisted by two (possibly three) of the College's presidents—Dawson, Yates, and possibly Horrocks (the College now owns the eighteenth-century structure, much altered, that housed the school from 1763 to 1765).<sup>24</sup> In 1768, the College placed two of its slave children, Adam and Fanny, at this "Negro School" to be educated by Mrs. Anne Wager.<sup>25</sup> In 1773 the faculty resolved "that four Loads of Wood be sent to Mrs Wager, who has the care of some young Negroes belonging to the College."<sup>26</sup>

Thad Tate documented still other slaves the College owned.<sup>27</sup> Between 1749 and 1768, seventeen were baptized at Bruton Parish Church.<sup>28</sup> Most worked at house-keeping duties; the president and masters noted in 1763 that they should not be allowed to have keys or travel too often away from the College.<sup>29</sup> Supervision was necessary, the faculty minutes recorded, "[a]s we all know that Negroes will not perform their Duties without the Mistress's constant Eye especially in so large a Family as the College."<sup>30</sup>

In the eighteenth century, slaves sometimes accompanied their young masters to the College, eight in 1754 alone.<sup>31</sup> Sometimes the College hired slaves or rented out its own at public auction.<sup>32</sup> In 1782, needing money to repair buildings, the College sold eight slaves.<sup>33</sup> In 1821, it bought or sold others.<sup>34</sup>

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been pleased with the Bray school; in 1730 he wrote skeptically about slaves' willingness to convert to Christianity, thinking that in most cases they did so hoping that "Christianity will help them to their freedom" since Christians were not supposed to enslave other Christians. See Edward L. Bond, *Colonial Origins and Growth*, 115 VA. MAG. HIST. & BIOGRAPHY 164 (2007).

<sup>24</sup> Meyers, *supra* note 23. It too may have been built with slave labor.

<sup>25</sup> Letter from Robert Carter Nicholas to Rev. John Waring (Feb. 16, 1769), in *RELIGIOUS PHILANTHROPY AND COLONIAL SLAVERY*, *supra* note 22, at 275, 278.

<sup>26</sup> *Journal of the Meetings of the President and Masters of William and Mary College*, *supra* note 17, at 27.

<sup>27</sup> TATE, *supra* note 17, at 50–52.

<sup>28</sup> Zech, *supra* note 3, at 66.

<sup>29</sup> TATE, *supra* note 17, at 50.

<sup>30</sup> *Id.* Tate has further details on several other College slaves.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 51.

<sup>33</sup> *Id.* at 51–52. About this time too, according to Zech, president of the College James Madison was seeking to give the College's twenty to thirty slaves to the Commonwealth in exchange for land and a house the state owned. Zech, *supra* note 3, at 71. She noted a faculty resolution in 1780 to sell some of the College's slaves to raise money to buy land. *Id.* She quoted as well a 1781 comment by Madison about the need "to move the few Negroes we have" as the British Army promised freedom to slaves who joined it: "I know nothing but a lucky accident prevented most of them from joining the enemy." *Id.* at 71.

In the William and Mary College Papers, Swem Archives, Folders 250–53 are indexed as "Papers relating to lands and slaves owned by the College of William and Mary."

<sup>34</sup> See RUBY ORDERS OSBORNE, THE CRISIS YEARS: THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA, 1800–1827, at 245 (1981). The College also appears in 1821 to have acquired

At least two faculty members at the College harbored misgivings about slavery.<sup>35</sup> One was George Wythe, who, late in life, freed several of his slaves.<sup>36</sup> After leaving the College, Wythe ruled as a judge that “Virginia’s Declaration of Rights . . . included African Americans among the ‘all men’ born free and equally independent. ‘They should,’ Wythe said, ‘be considered free until proven otherwise.’”<sup>37</sup>

The second faculty member troubled at times by slavery was the judge who later overturned Wythe’s ruling, St. George Tucker, who had been Wythe’s student and then successor as professor of law at the College.<sup>38</sup> In his 1806 reversal of Wythe, according to Paul Finkelman, Tucker went so far as to provide “the legal basis for presuming that all blacks in Virginia were slaves, even though the free black population was the fastest growing segment of the commonwealth’s population.”<sup>39</sup>

Tucker had, however, sought in publishing his law lectures in 1796 “to demonstrate the incompatibility of a state of slavery with the principles of our government, and of that revolution upon which it is founded, and to elucidate the practicability of its total, though gradual, abolition.”<sup>40</sup> Tucker’s proposal (so “gradual” as to take a

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slaves as part of a payment on a bond. *Id.* at 253.

<sup>35</sup> David Brion Davis suggested that William Small was a third skeptic and seemed to imply at least one other beyond those named here, Wythe and Tucker. DAVID BRION DAVIS, *SLAVERY IN THE COLONIAL CHESAPEAKE* 33–34 (1986). Davis noted that Thomas Jefferson “acquired a deep and lifelong hatred” of slavery as he moved in

a small intellectual circle at Williamsburg that included Governor Francis Fauquier, George Wythe, William Small, and other teachers at the College of William and Mary. The scholarly Wythe and Small were closely attuned to the writings of contemporary Scottish jurists and moral philosophers, who condemned slavery both as a violation of natural rights and as a wasteful and uneconomic form of labor.

*Id.*

<sup>36</sup> See Colonial Williamsburg, George Wythe, <http://www.history.org/Almanack/people/bios/biowythe.cfm> (last visited Jan. 15, 2008).

<sup>37</sup> *Id.*

<sup>38</sup> Paul Finkelman, *The Dragon St. George Could Not Slay: Tucker’s Plan to End Slavery*, 47 WM. & MARY L. REV. 1213, 1217 (2006).

<sup>39</sup> *Id.*

<sup>40</sup> ST. GEORGE TUCKER, *A DISSERTATION ON SLAVERY: WITH A PROPOSAL FOR THE GRADUAL ABOLITION OF IT IN THE STATE OF VIRGINIA* 9 (Phila., Matthew Carey 1861) (1796), available at <http://medicolegal.tripod.com/tuckeruos.htm>. Michael Kent Curtis noted that Tucker’s “expressed empathy [for slaves] did not often appear in Tucker’s personal relations with his own slaves.” Michael Kent Curtis, *St. George Tucker and the Legacy of Slavery*, 47 WM. & MARY L. REV. 1157, 1169 (2006). Curtis also quoted another commentator: “Tucker’s treatment of his slaves often revealed ‘an entrepreneur adept at squeezing maximum profit’ from slavery.” *Id.* at 1170.

Lyon G. Tyler, president of the College when he spoke in 1904, emphasized a strain of abolitionist thinking at William and Mary, seeing that both Wythe and Tucker “were advocates of the emancipation of the slaves, and their teachings no doubt had much to do with producing that spirit of philanthropy so prevalent in Virginia till the sudden onslaught of the abolitionists.”

century) included making the standing and lives of free blacks so intolerable that they would, he hoped, flee Virginia altogether.<sup>41</sup> His *Dissertation*, said Finkelman, was “simultaneously visionary, philanthropic, racist, vicious, utterly impractical, internally inconsistent, and hopelessly complex.”<sup>42</sup> After writing it, “Tucker turned his back on such reformist projects” and, in later years, “seemed to come to terms with slavery, embracing it and encouraging his children to do so.”<sup>43</sup>

Thomas Roderick Dew, an economist nationally eminent in the 1830s and 1840s, became the College’s president in 1836.<sup>44</sup> Dew is today largely forgotten at the College, but he was a vigorous apologist for slavery.<sup>45</sup> Eugene Genovese commented that Dew moved arguments supporting slavery “from the defense of a necessary evil to the assertion of a positive good.”<sup>46</sup> Dew thought such “principles that ‘all men are born equal,’ that ‘slavery in the abstract is wrong,’ [and] that ‘the slave has a natural

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LYON G. TYLER, EARLY COURSES AND PROFESSORS AT WILLIAM AND MARY COLLEGE, FROM AN ADDRESS DELIVERED BY LYON G. TYLER, DEC. 5, 1904, at 12. To that “crusade of abuse and incendiaryism,” Tyler ascribed a seemingly natural reaction: “the benefits of slavery ‘socially, politically and economically,’ were preached at William and Mary from 1826 to 1857, by Thomas R. Dew and Nathaniel Beverley Tucker.” *Id.* at 13. Tyler sought to reassure his audience, however, that “Virginia did not take to any great extent to the new doctrines, but adhered to the opinions of the older professors that slavery was an evil, which was to be eliminated as soon as practicable.” *Id.* at 13.

Edward Crapol examined the attitudes of Tyler’s own father (also a William and Mary graduate) toward slavery. See Edward P. Crapol, *John Tyler and the Pursuit of National Destiny*, 17 J. EARLY AM. REPUBLIC 467 (1997).

<sup>41</sup> TUCKER, *supra* note 40, at 88–104.

<sup>42</sup> Finkelman, *supra* note 38, at 1240.

<sup>43</sup> *Id.* at 1217. Finkelman provided other details on Tucker’s involvement with and attitudes towards slavery as well as an analysis of the *Dissertation*. For Tucker family correspondence, see VIRGINIA SILHOUETTES: CONTEMPORARY LETTERS CONCERNING NEGRO SLAVERY IN THE STATE OF VIRGINIA (Mrs. George P. Coleman ed., 1934).

<sup>44</sup> Clyde A. Haulman & William J. Hausman, *Political Economy at the College of William and Mary*, 6 ESSAYS ECON. & BUS. HIST. 110 (1988), available at <http://www.wm.edu/economics/history.php>.

<sup>45</sup> *Id.*; see, e.g., THOMAS R. DEW, REVIEW OF THE DEBATE IN THE VIRGINIA LEGISLATURE OF 1831 AND 1832 (Richmond, Va., T.W. White 1832), reprinted as Thomas R. Dew, *Professor Dew on Slavery, in The Pro-Slavery Argument; As Maintained by the Most Distinguished Writers of the Southern States, Containing the Several Essays, on the Subject, of Chancellor Harper, Governor Hammond, Dr. Simms, and Professor Dew* 287 (Charleston, Walker, Richards & Co. 1852).

<sup>46</sup> EUGENE D. GENOVESE, WESTERN CIVILIZATION THROUGH SLAVEHOLDING EYES: THE SOCIAL AND HISTORICAL THOUGHT OF THOMAS RODERICK DEW 1 (1986); see also Christopher M. Curtis, *Can These Be the Sons of Their Fathers?: The Defense of Slavery in Virginia, 1831–1832* (Apr. 28, 1997) (unpublished M.A. thesis, Virginia Polytechnic Institute), available at <http://scholar.lib.vt.edu/theses/available/etd-4744152149731401/unrestricted/ETD.pdf> (abstract and preface) (contextualizing Dew’s arguments). Dew at one time seemed to have a more liberal view. See GODSON ET AL., *supra* note 17, at 250.

right to regain his liberty” were inapplicable “quackery.”<sup>47</sup> He wrote to William Henry Harrison on October 18, 1838, that he was

glad to find that you agree with me on the subject of slavery. Every day convinces me of its blessings in southern latitudes. I think you are right in regard to Liberia—Man cannot be uplifted from barbarism to civilization without the aid of slavery—All history demonstrates this proposition.<sup>48</sup>

Although Dew died in 1846 in Paris and was buried there, in 1939 the College had his remains exhumed and re-interred in the Wren Crypt.<sup>49</sup> At an elaborate service, Dew was eulogized in glowing terms: “The work of his head and his heart was not in vain . . . Servant of God, well done!”<sup>50</sup>



Wren Chapel, late March 1939: lowering the coffin of Thomas Roderick Dew (1802–1846)<sup>51</sup>

<sup>47</sup> Dew, *supra* note 45, at 354–55.

<sup>48</sup> Letter from T.R. Dew to William H. Harrison (Oct. 18, 1838), available at <http://ead.lib.virginia.edu/vivaead/published/wm/viw00066.component>.

<sup>49</sup> *Thomas Dew Is Honored in Chapel*, FLAT HAT (Wm. & Mary), Apr. 4, 1939, at 1, available at <http://www.swem.edu/beta/flathat/issues/fh19390404.pdf>.

<sup>50</sup> *Id.* Details of the exhumation and re-interment are on file with Swem Archives, Thomas R. Dew Folder. For photographs, see Colonial Williamsburg, Digital History Center Archive, Chapel Vaults and Tablets, <http://research.history.org/DigitalLibrary/RRDisplay.cfm?File Name=RR0197.htm> (last visited Feb. 21, 2008). Dew was still being honored in the 1930s by the Economics Club which bore his name. The William and Mary Alumni Association speaks glowingly of him. William & Mary Alumni Ass’n, A Brief History of the Alumni Association, <https://alumni.wm.edu/history/index.shtml> (last visited Jan. 15, 2008).

<sup>51</sup> Colonial Williamsburg, Digital History Center Archive, Old Photograph—Coffin Being Placed, <http://research.history.org/CWDLImages/ResearchReports/Images/Low/RR019709>

College faculty, in the decades before the Civil War, were among the leaders in defending slavery—the College was “a stronghold of Southern principles.”<sup>52</sup> The professor of law at William and Mary from 1834 (and later a secessionist novelist)<sup>53</sup> was Nathaniel Beverley Tucker, who held as an ideal “a society of communities guided by a gentry of talent and breeding, acting on the principle of noblesse oblige”; in this world, “masters and slaves [would be] bound together by mutual affection, by benevolent care and protection on one side and devoted obedience on the other.”<sup>54</sup> A visitor to the Tucker home (known today as Colonial Williamsburg’s St. George Tucker House) penned a memoir of a charmed evening and the skills of one of Beverley Tucker’s slaves, “an elegant old negro servant . . . a grey-headed Ganymede.”<sup>55</sup> The visitor felt he had stepped back to a nobler time, “steeped in dreamy traditions.”<sup>56</sup> A faculty colleague commented that Beverley Tucker’s twenty slaves

were made as happy as dependents could possibly be. Every want was attended to. He [Tucker] was as courteous and polite to his servants as to his equals and took great care never to wound their feelings, thinking it especially mean to insult or abuse those who could not resent it. It was a beautiful sight to contemplate when he came from his room usually about ten o’clock in the morning and walked around his premises to see his servants at their several occupations. His long flowing gray hair, his handsome and venerable countenance beaming with benevolence, his cordial good morning to all reminded one of the patriarchs of Old. Slavery under such a master seemed no bondage and was not felt to be

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<sup>52</sup> GODSON ET AL., *supra* note 17, at 265. Such views as Dew’s were not always well received, even in Virginia. See Chapman, Totten, *supra* note 19, at 27; *see also id.* at 84 n.3. Chapman suggested that “the extreme views of Dew and [Beverley] Tucker” led to a decline in enrollment at the College, and that most of the students, as sons of Virginia’s Whigs, “presumably looked with disfavor on these views.” Chapman, Ewell, *supra* note 19, at 82. Certainly the students protested the appointment of Archibald Peachy, one of Dew’s followers: “a group of students with *blackened faces*, beating on tin pans and ringing cow bells, staged a midnight protest at the Peachy residence.” *Id.* at 84 (emphasis added).

<sup>53</sup> See NATHANIEL BEVERLEY TUCKER, THE PARTISAN LEADER (Carl Bridenbough ed., Alfred A. Knopf, Inc. 1933) (1836).

<sup>54</sup> GODSON ET AL., *supra* note 17, at 256. For an elaboration of this idyllic relationship, see Nathaniel Beverley Tucker, *An Essay on the Moral and Political Effect of the Relation Between the Caucasian Master and the African Slave*, 10 S. LITERARY MESSENGER 329, 470 (1844). Tucker was “one of the stars in the proslavery firmament.” GODSON ET AL., *supra* note 17, at 255.

<sup>55</sup> GODSON ET AL., *supra* note 17, at 257. This was perhaps John Sparks, “Old John,” Judge Tucker’s “dining room servant.” MEMORIES OF WILLIAMSBURG AND STORIES OF MY FATHER 19–20 (1941) (attributed to Robert S. Bright).

<sup>56</sup> GODSON ET AL., *supra* note 17, at 258.

such. They never spoke of him but with veneration nor seemed for a moment to distrust either his wisdom or his goodness.<sup>57</sup>

Living across the Palace Green in the Wythe House, Professor John Millington, of Millington Hall fame, seemed somewhat less patriarchal. A distinguished English scientist, Millington taught at the College until 1848 and sometimes amused himself in cruel ways.<sup>58</sup> George F. Holmes, who in 1847–1848 taught history and political economy at William and Mary, reported that local blacks thought Millington “in habitual collusion” with the devil.<sup>59</sup> He related that when “little magnetic batteries” were developed for “electro-magnetic cures,” Millington

threw a gold piece and the handle of one of the cords into a basin of water, offering the money to any little darkey who could extract it, while holding the handle of the other cord. Many, between the ages of 12 and 18 made the trial with confidence; none succeeded in seizing the half-eagle. As the free hand touched the water, it was thrown out by the electrical discharge, while by strengthening the current, the other hand was tightened on the handle which it grasped and which it was unable to drop. The personal experience reported by the amazed and disappointed crew, and, magnified with every fresh transmission, satisfied the negro mind of the reality of the demoniac arts ascribed to the operator.<sup>60</sup>

The cross in the College’s Wren Chapel memorializes Millington.

Beverley Tucker seemed amused at Millington’s slide from early principles: “experience has convinced him (an English radical and personal friend of [the abolitionist] Lord Brougham) of the superior advantage of living in a country whose institutions are based on domestic slavery.”<sup>61</sup> When Millington left the William and

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<sup>57</sup> *Id.*

<sup>58</sup> George F. Holmes, *Professor John Millington, M.D., 1779–1868*, 3 WM. & MARY C.Q.2D 23, 30–31 (1923). I am grateful to Louise Kale for bringing this article to my attention.

Lavonne Tarleton noted of Millington that he “was a real Southerner. He kept slaves, hoped for a war between England and the United States in order to take the pressure off the South, [and] hoped for a Southern victory when the Civil War did come.” Lavonne Olson Tarleton, John Millington, Civil Engineer and Teacher, 1779–1868, at 68 (1966) (unpublished M.A. thesis, College of William and Mary) (on file with Swem Archives). Millington returned to the Wythe House from time to time, keeping his furniture and some four thousand books there in the care of a slave, described as a “servant” in a letter of October 10, 1850. *Id.* at 64 & n.78.

<sup>59</sup> Holmes, *supra* note 58, at 30.

<sup>60</sup> *Id.*

<sup>61</sup> Stephen S. Mansfield, Thomas Roderick Dew: Defender of the Southern Faith 123 n.12

Mary, he went to help establish the University of Mississippi, where Holmes was the first president.<sup>62</sup>

Some measure of what Holmes, who had come to the College through the “personal influence” of John Tyler,<sup>63</sup> taught at the College is the affirmation by the proslavery writer George Fitzhugh that Holmes had anticipated Fitzhugh’s “fundamental theories during certain lectures given at William and Mary in 1847.”<sup>64</sup> Holmes had written in the 1840s articles for the *Southern Literary Messenger* “excoriating abolitionist literature,” and in his 1852 review of *Uncle Tom’s Cabin* he “could not find sufficient terms of vituperation for Harriet Beecher Stowe.”<sup>65</sup>

In 1849, a new professor of moral philosophy, Silas Totten, joined the faculty—from the North.<sup>66</sup> There was some concern that he might be “tainted with abolitionism,” but after an investigation he was hired.<sup>67</sup> His views “were not inconsistent with those held by many Virginians: slavery was wrong, but virtually impossible to get rid of, and as long as it persisted the relationship between the races was probably the best possible under the circumstances.”<sup>68</sup>

Another faculty member new in 1849 was Henry A. Washington, whose “writings reflect strong pro-slavery and anti-unionist sentiments.”<sup>69</sup> He was “a disciple” of Dew and Tucker, “heavily influenced by the[ir] social and biblical defenses of slavery.”<sup>70</sup>

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(1968) (unpublished Ph.D. dissertation, University of Virginia) (on file with Swem Archives) (quoting Letter from Beverley Tucker to John Randolph Bryan (Nov. 3, 1836)).

<sup>62</sup> Holmes, *supra* note 58, at 31–32. Millington had earlier turned down a job offer in the North; life in a slave-owning society was just easier. See Mansfield, *supra* note 61, at 123.

<sup>63</sup> See Harvey Wish, *George Frederick Holmes and Southern Periodical Literature of the Mid-Nineteenth Century*, 7 J. S. HIST. 343, 347 (1941). Holmes resigned from the College “following a quarrel with the Board of Visitors over a professorial duel.” *Id.* at 344. After a short stay at Mississippi, Holmes joined the University of Virginia, where he remains an honored figure. *Id.*

<sup>64</sup> *Id.* at 352. For Fitzhugh’s doctrines (and presumably Holmes’s), see George Fitzhugh, <http://www.faculty.fairfield.edu/faculty/hodgson/Courses/city/fitzhugh/george.html> (last visited Jan. 15, 2008).

<sup>65</sup> Wish, *supra* note 63, at 349.

<sup>66</sup> GODSON ET AL., *supra* note 17, at 281.

<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at 326; *see also id.* at 258. Chapman included Totten’s recollection of his interrogation. Chapman, Totten, *supra* note 19, at 44–45. Totten, who left the College to become the first president of the University of Iowa, was convinced that “the blacks must always be the servile class” and that “their greatest security against oppression and abuse is to make them property and thus put them under the protection of a master.” *Id.* at 44. A possible chance at the presidency of the College was complicated when he was accused of being sympathetic to abolition; the students rallied in support: “Dr. Totten is as free from the taints of abolitionism as we feel and know ourselves to be.” *Id.* at 161 n.2.

<sup>69</sup> Chapman, Totten, *supra* note 19, at 28. Washington’s diaries and a manuscript essay, “The Abolition of Slavery,” are in Swem Archives, Henry A. Washington Folder.

<sup>70</sup> Chapman, Totten, *supra* note 19, at 91 n.16.

A succeeding president (between 1854 and 1888),<sup>71</sup> Benjamin Ewell, was a complicated man. He was a Unionist but, like most of the faculty, was an officer in the Confederate Army, in which many students also served.<sup>72</sup> Ewell was instrumental in building the series of redoubts just east of town; the main source of labor was slaves, including the College's.<sup>73</sup> But, after the war, Ewell was quoted in the *True Southerner* as "in favor of Negro suffrage."<sup>74</sup> Chapman noted Ewell's "strong support

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<sup>71</sup> College of William and Mary, Presidents in the 19th Century, <http://www.wm.edu/president/past/nineteen.php> (last visited Mar. 21, 2008).

<sup>72</sup> See Sean Michael Heuvel, *The Old College Goes to War: The Civil War Experiences of William and Mary Students, Faculty, and Alumni* 14 (2006) (unpublished M.A. thesis, University of Richmond) (on file with Swem Archives). Heuvel drew attention to Ewell's being "bitterly opposed [to] secession" and his difficulties in dealing with the students. *Id.*; see also Chapman, Ewell, *supra* note 19, at 125.

One professor, Edwin Taliaferro, "organized secessionist activity among his students." PETER S. CARMICHAEL, *THE LAST GENERATION: YOUNG VIRGINIANS IN PEACE, WAR, AND REUNION* 127 (2005). Students were allowed to form a militia in January 1861. *Id.* at 130. They raised "secession flags" before Fort Sumter was fired on. *Id.* at 139. Ewell emphasized in a letter that "no secession flag had ever flown from the college buildings." Chapman, Ewell, *supra* note 19, at 216; see also *id.* at 125 (describing Ewell's support of an anti-secession speech by a student).

In 1863, a conference was called to consider new textbooks for the Confederacy and to explore "the best means for supplying the necessary text-books for schools and colleges, and for uniting their efforts for the advancement of education in the Confederacy." *PROCEEDINGS OF THE CONVENTION OF TEACHERS OF THE CONFEDERATE STATES, ASSEMBLED AT COLUMBIA, SOUTH CAROLINA, APRIL 28TH, 1863*, at 1 (Macon, Ga., Burke, Boykin & Co. 1863). "A communication was read from E. T. [sic] Joynes, Prof. Greek Literature, William and Mary's College, Virginia, containing some valuable suggestions in relation to the object and aims of the Association, and the best method of accomplishing them." *Id.* at 11. Joynes alone among the faculty did not join the Confederate Army, but he was the "chief clerk for the Confederate Bureau of War" and developed "a cordial friendship" with Robert E. Lee. Heuvel, *supra*, at 38.

<sup>73</sup> See EARL C. HASTINGS, JR. & DAVID S. HASTINGS, *A PITILESS RAIN: THE BATTLE OF WILLIAMSBURG, 1862*, at 43–45 (1997). At one time, Ewell impressed "all able-bodied slaves, and free Negroes, in the vicinity of Williamsburg." Chapman, Ewell, *supra* note 19, at 132.

<sup>74</sup> I am grateful to Stephanie Heinatz, who mentioned Ewell's support for black suffrage in a newspaper article and who subsequently sent me the date, November 24, 1865. Stephanie Heinatz, *A Man of Honor: A Former James City County Slave Earned the Medal of Honor—Then Disappeared into an Unmarked Grave*, DAILY PRESS (Newport News, Va.), July 29, 2006, at A5.

Not surprisingly, Ewell possibly, and faculty members certainly, owned slaves. See, e.g., the following entries in the Richard M. Bucktrout Daybook and Ledger (funeral home account book) (on file with Swem Archives), available at <http://www.swem.wm.edu/archives/collections/bucktrout/index.cfm>. "Jan 27 1862 Mr. Joines [probably Professor Edward S. Joynes] Paid by Vest Paid to makeing a small coffin for a child at Mr Euwells and dug grave for same 5.00" (perhaps the child was owned by William Vest, a local merchant or by Joynes and hired out to Ewell); "August 5 1862 Mr. Blane for Mrs. Morrisson professors wife to

for Negro suffrage and the establishment of schools for former slaves”<sup>75</sup> though Williamsburg was largely hostile to the idea.<sup>76</sup>

Indeed, the evidence in Anne W. Chapman’s biography of Ewell is of a man sympathetic to blacks.<sup>77</sup> His nurse had been a free mulatto woman whom he remembered “as one of the greatest influences in his life.”<sup>78</sup> Ewell “deplored the effects of slavery on both whites and blacks” and thought it “responsible, at least in part, for Virginia’s economic decline and detrimental to her future industrial growth.”<sup>79</sup> At the president’s house, he employed not his own slaves, but “three hired servants”<sup>80</sup> to the apparent irritation of his mother (who lived with him), “who favored the

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makeing a coffin for black child dug grave and carried it to the ground 8.00 Insolvent”; “Decr 30 1862 Mrs. Morrisson to a coffin for old black woman (Bethia) 10.00 to grave for same 2.00 to conveyance to ground 1.00 Insolvent.” *Id.*

Though faculty-owned slaves would likely have been buried close to where they died, the question of where College slaves were buried for some 170 years is open; presumably the campus has somewhere on it whatever might remain of a slave burial ground. Zech noted that in 1766 the College expended five shillings for a coffin for a black child. *See* Zech, *supra* note 3, at 66.

<sup>75</sup> Chapman, Ewell, *supra* note 19, at 175.

<sup>76</sup> LAURA S. HAVILAND, A WOMAN’S LIFE-WORK 407–18 (photo. reprint 1969) (4th ed. 1889). Haviland described local black schools immediately after the war, including large ones in Williamsburg’s “old slave-pens” and at Fort Magruder. *Id.* at 412–13. “Ewell, to the horror of many Williamsburg residents, welcomed teachers sent by the Friends’ Association of Philadelphia and pledged his full support for their efforts.” Chapman, Ewell, *supra* note 19, at 175. In 1866, Williamsburg residents suspected that “teachers in the Quaker schools for freedmen were setting blacks against white citizens.” *Id.* at 182.

The teachers Ewell supported (who are also mentioned in HAVILAND, *supra*) can now be identified: Margaret Thorpe detailed her and Martha Haines’s efforts in an impoverished Williamsburg deeply hostile to Yankees—and to educating blacks. Richard L. Morton, *Life in Virginia, by a “Yankee Teacher,” Margaret Newbold Thorpe*, 64 VA. MAG. HIST. & BIOGRAPHY 180 (1956). Already the Ku Klux Klan was locally active. *See id.* at 85. At this time too, Ewell “insisted that Pauline, his only remaining Negro servant whom he had taught to read and write, conduct a school for Negroes.” Chapman, Ewell, *supra* note 19, at 175–76.

<sup>77</sup> Chapman, Ewell, *supra* note 19, at 23.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.* at 66.

<sup>80</sup> *Id.* at 107. After the war, in reduced circumstances, Ewell had as an attendant at the president’s house “a teenaged Negro servant, Robert Rush.” *Id.* at 245. When the College was closed, Ewell was driven each day by “Malachi Gardiner, a black tenant farmer who shared his acreage and whom he called ‘The Professor.’” *Id.* at 277. Ewell was devoted to Gardiner. MEMORIES OF WILLIAMSBURG AND STORIES OF MY FATHER, *supra* note 55, at 18. Elizabeth Woolsey Gilman and her husband, the president of Johns Hopkins University, visited Williamsburg in 1887; she described Gardiner in more detail and also spoke of “[a]n old colored woman who seemed to be the sole guardian” of the College. PARKE ROUSE, JR., REMEMBERING WILLIAMSBURG: A SENTIMENTAL JOURNEY THROUGH THREE CENTURIES 103 (3d prtg. 1996).

reopening of the slave trade.”<sup>81</sup> Similarly, he ran his farm with “a white manager and a score of hired slaves.”<sup>82</sup>

After the war, Ewell found himself attacked as an abolitionist when he urged “acceptance of defeat, a policy of moderation, and quick reunion as the best paths to Virginia’s future.”<sup>83</sup> He urged Virginians to get used to “waiting on themselves rather than being waited on by a reverential, and obsequious, darky.”<sup>84</sup>

In 1867, seeking federal reparations for the burning of the Wren Building, Ewell included among the affidavits one from a freed slave.<sup>85</sup> He argued at one point that federal support would allow the College to “help supply the teachers so desperately needed by both blacks and whites.”<sup>86</sup> The president of the Hampton Institute praised Ewell as “liberal, polite, and kind” and singled out his support of black schools, even “at much sacrifice of his comfort.”<sup>87</sup> One newspaper attacked Ewell’s support for Ulysses S. Grant, saying Ewell “had suggested Negro students be received at William and Mary,” which he denounced as “a malicious falsehood.”<sup>88</sup>

And in fighting off frequent attempts to move the College, Ewell reassured those who feared racial conflict locally, telling “the public that Williamsburg’s black population had been and would remain docile and orderly.”<sup>89</sup> In 1872, he again suggested that “[r]elations in Williamsburg between the races . . . were . . . good.”<sup>90</sup> The College

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<sup>81</sup> Chapman, Ewell, *supra* note 19, at 107. Ewell’s marriage was a disaster and his wife had left him in part, one faculty foe alleged, because he took a mulatto as a mistress. *Id.* at 97.

Rumor would have it that he kept a mulatto woman for his mistress.

This woman was his slave and his housekeeper and confidential servant and dressed much above her condition. I do not think he had religious principle enough to restrain him from such conduct and what was worse the students generally believe the rumor true.

Chapman, Totten, *supra* note 19, at 80.

<sup>82</sup> Chapman, Ewell, *supra* note 19, at 110. Later, when the farm was run by his son-in-law, Beverley Scott, he was concerned that Scott “persisted in treating the Negroes he hired as though they were still slaves.” *Id.* at 246.

<sup>83</sup> *Id.* at 173–74.

<sup>84</sup> *Id.* at 175.

<sup>85</sup> *Id.* at 181.

<sup>86</sup> *Id.* at 211. Ewell’s seeking funds from the Commonwealth was complicated once by a rumor (which he denied) that students from the College, organized as “Wise’s Light Infantry,” “had disrupted a racially-mixed Republican meeting in Williamsburg.” *Id.* at 214; see also APPENDIX TO THE CONG. GLOBE, 42d Cong., 2d Sess. 96 (Feb. 24, 1872). In Congress, federal reparations previously failed when an amendment was attached “calling on . . . [the College] to open its doors to colored students.” *Senatorial Opinion on the Caldwell Report—Passage of William and Mary College Relief Bill*, N.Y. TIMES, Feb. 18, 1873, at 1 (including perhaps a sardonic commentary on Ewell’s apparent sympathies); see also Editorial, N.Y. TIMES, Dec. 14, 1872, at 6.

<sup>87</sup> Chapman, Ewell, *supra* note 19, at 213.

<sup>88</sup> *Id.* at 219–20.

<sup>89</sup> *Id.* at 183.

<sup>90</sup> *Id.* at 216.

welcomed blacks and whites alike to its commencement festivities.<sup>91</sup> At the 1855 commencement, held July 4 with Ewell presiding, there was included “a picnic dinner in the College Yard, attended by all the townspeople, black and white.”<sup>92</sup> William Robertson Garrett described this part of his own graduation day, July 4, 1858, in detail, explaining that “[t]he entire population of the city and vicinity, and the entire student body gathered around the tables—and such tables!”<sup>93</sup> Each student was expected, with his belle, to “take many courses at different tables, and pay in full at each”<sup>94</sup>: “[A] great revenue flowed into [each family’s black cook’s] treasury from the dinner fees, and from generous donations.”<sup>95</sup> Moreover,

[t]here was an unwritten law that none of the viands should be left. This accorded with the injunction at the sacred feast, “Eat ye all of it.” This injunction was fully provided for. The entire colored population was in attendance as well as the white. . . . Those accustomed to house service were employed to wait upon the table. The “corn-field niggers” stood in groups upon the outskirts, their faces amiable with the pleasures of anticipation. They knew that “there’s a good time a-comin’,” as soon as the white folks were through. When the signal was given, they hastened to the tables, free of charge. Here they performed their duty nobly, and when they were through, nothing remained.<sup>96</sup>

One document rich in suggesting the racial attitudes among at least some College students in the middle of the nineteenth century is *The Owl*, a satirical student newspaper (apparently one issue only) that appeared in January 1854.<sup>97</sup> Its four pages take up racial matters time and again, with several jabs at Horace Greeley the abolitionist<sup>98</sup> and a mocking “Ethiopian Dialogue” between a student and a college slave, Greenough<sup>99</sup> (possibly and, if so cruelly, named after George Greenough, the English geologist and “liberal politician of the school of Bentham, Romilly and Horner, who supported such radical policies as universal suffrage, abolition of the monarchy and a ban on slavery”).<sup>100</sup>

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<sup>91</sup> See Chapman, Totten, *supra* note 19, at 164 n.4.

<sup>92</sup> *Id.*

<sup>93</sup> William Robertson Garrett, *William and Mary College in 1858*, 10 WM. & MARY Q. 251, 254 (1902).

<sup>94</sup> *Id.* at 255.

<sup>95</sup> *Id.* at 254.

<sup>96</sup> *Id.* at 255.

<sup>97</sup> THE OWL (Wm. & Mary), Jan. 1854 (on file with Swem Archives). I am grateful to Bob Maccubbin for drawing *The Owl* to my attention. That Ewell became president in this year may explain why no further issues appear to have been published.

<sup>98</sup> See, e.g., *Still Another*, THE OWL (Wm. & Mary), Jan. 1854, at 3 (purporting to be a letter from “horrid greedy,” editor of the “N.Y. Liebune”).

<sup>99</sup> *An Ethiopian Dialogue*, THE OWL (Wm. & Mary), Jan. 1854, at 1.

<sup>100</sup> See Oxford University Museum of Natural History, Buckland’s Journey to the Continent

Two other items in *The Owl* are striking. “The Horrors of Slavery in Black and White” pictures the difference in servitude South and North.<sup>101</sup> One engraving, “Black,” shows (purportedly “in the neighborhood of William and Mary and other Southern Colleges”) a group of slaves dancing amidst joy and plenty; the other, “White,” shows (purportedly “in the neighborhood of Yale and other Northern Colleges”) a white woman painfully making a shirt in penury and cold.<sup>102</sup>



As seen in the neighborhood of William and Mary and other Southern Colleges. As seen in the neighborhood of Yale and other Northern Colleges.

“Negroes Rejoice!” depicts a black man dancing a jig because a College rule that “no Student shall abuse strike or injure negroes” is still in force, to which the writer responds, “Not even if they are grossly impertinent. Ahem!” and suggests a northern influence.<sup>103</sup>



in 1816, <http://www.oum.ox.ac.uk/learning/htmls/bucktrip.htm> (last visited Jan. 15, 2008).

<sup>101</sup> *The Horrors of Slavery in Black and White*, THE OWL (Wm. & Mary), Jan. 1854, at 2.

<sup>102</sup> *Id.*

<sup>103</sup> *Negroes Rejoice!*, THE OWL (Wm. & Mary), Jan. 1854, at 4.

According to a former student, one of the Seven Wise Men hired at the reopening of the College in 1888, Professor John Lesslie Hall, “frequently repeated advice . . . to ‘never look too far up your family tree—you might find a coon sitting on one of the limbs.’”<sup>104</sup> A story in the 1899 College yearbook, *Colonial Echo, In Time of War*, features a stereotypical “Uncle Moses.”<sup>105</sup>

Race relations since the nineteenth century have continued complex and sometimes ugly into more recent times. In the 1920s, after Virginia’s notorious 1924 racial purity laws, an Anglo-Saxon Club appears to have been founded at the College.<sup>106</sup> At its meeting of June 9, 1924, the Board of Visitors was informed of “some difficulty in quartering and controlling the negro help” and concurred in “the need of some kind of quarters for the housing of [the Steward’s] negro servants”; it appears too that the Board thought such improved control and “bringing in outside employees” could reduce costs.<sup>107</sup> In developing College Terrace (faculty housing), the minutes of March 15, 1928 recorded, the Board gave right of first refusal to “every professor and white employee at the College.”<sup>108</sup> Fred Frechette recalled in his recent memoir that when he arrived at William and Mary in 1942, Jim Crow ruled.<sup>109</sup> He also remembered at the corner of Jamestown Road and Boundary Street the “ornate flagpole and brickwork” presented to the College by the Ku Klux Klan in 1926.<sup>110</sup> During the era when all state agencies were required to fly not just the American flag but also the Virginia flag, the KKK’s pole did service at James Blair Hall.<sup>111</sup>

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<sup>104</sup> ROUSE, *supra* note 80, at 122; see also JOHN LESSLIE HALL, HALF-HOURS IN SOUTHERN HISTORY (1907) (romanticizing the old South).

<sup>105</sup> Charles Higdon Lambert, *In Time of War*, 1899 COLONIAL ECHO (Wm. & Mary) 106.

<sup>106</sup> See *Anglo-Saxon Club Seeking New Members*, FLAT HAT (Wm. & Mary), Feb. 15, 1925, at 1, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19240215.pdf> (describing the club’s purpose as in part supporting “the preservation of racial integrity” and “the supremacy of the white race in the United States of America”). Joanne Braxton brought to my attention a sermon by Rev. Jennifer Youngsun Ryu, Williamsburg Unitarian Universalists (Apr. 1, 2007), which mentioned “a network of Anglo-Saxon clubs, including one at William and Mary.” Amy Schindler told me that the Swem Archives have a photograph of a group “described as possibly the Anglo-Saxon Club.”

<sup>107</sup> RECORD BOOK BOARD OF VISITORS FROM JULY 1, 1919 – [APRIL 3, 1934], at 95 (June 9, 1924) (on file with Swem Archives).

<sup>108</sup> RECORD BOOK BOARD OF VISITORS FROM [FROM MAY 4, 1934–OCTOBER 4, 1939], at 183 (Mar. 15, 1928) (on file with Swem Archives).

<sup>109</sup> FRED L. FRECHETTE, WILLIAMSBURG: MY TOWN 57 (2006).

<sup>110</sup> *Id.*

<sup>111</sup> This information was imparted to me by Thad Tate in the fall of 2006. See Joe Hennessey, *KKK Flagpole to Fly State Flag*, FLAT HAT (Wm. & Mary), Mar. 10, 1959, at 11 (edging towards, without quite mentioning, massive resistance). No flag had been flown on the KKK pole since 1941, when, “President Chandler explained, ‘the halyards on the mast were broken.’” *Id.* One might read this inability to make a repair as a rebuke to the KKK.

In the College's archives, an essay by Trudier Harris (William and Mary's first African-American faculty member in 1973)<sup>112</sup> documented Henry "Doc" Billups, Wren custodian and bell ringer, who held the job from 1888 to 1955, the record for employment at the College.<sup>113</sup> Named a "Doctor of Boozeology," Doc Billups supplied liquor to all, including students.<sup>114</sup> In Homecoming parades (in which students in blackface sometimes marched), Doc Billups rode in a special car.<sup>115</sup> But the affection showered on him was often patronizing and mixed with mockery.<sup>116</sup> Rouse

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<sup>112</sup> Harris told me that the faculty included one other person of color then, Louis Noisin, a Haitian teaching in French, anthropology, and government.

<sup>113</sup> Trudier Harris, Henry Billups: Bell Ringer at the College of William and Mary, 1888–1955 (unpublished history) (on file at Swem Archives, *supra* note 2, Henry "Doc" Billups Folder).

<sup>114</sup> Sunny Manewal, *Bells Peal for "Doc" Billups' Birthday; Old Boozeology Prof Celebrates 72nd Year*, FLAT HAT (Wm. & Mary), May 6, 1942, at 1, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19420506.pdf>.

<sup>115</sup> *Id.*

<sup>116</sup> The quotation assigned to Billups in the 1899 yearbook hints at the mixed tone he elicited: "I am not in the roll of common men."—Shakespeare." 1899 COLONIAL ECHO (Wm. & Mary) 186. Billups (May 6, 1872–July 11, 1955) is buried at Cedar Grove Cemetery. See CHRIS DICKON, COLLEGE OF WILLIAM AND MARY 67 (2007) (featuring a picture of Billups being "[h]onored in the homecoming parade of 1952"). The cover of Dickon's book reproduces a well-known photograph of Billups in the College library (located then at the southeast corner of the Wren Building). *Id.* at cover. Dickon dated the photo to 1888, but Louise Kale told me that "Ann Madonia has identified the lady in the photo as Emily Christian, who was hired as college librarian in 1902." A picture of Billups in his last parade, 1954, is in KALE, *supra* note 17, at 174. On his 72nd, 74th, and 75th birthdays, Billups was fondly saluted by the *Flat Hat*. See Bill Anderson, *Anderson Asks: Do You Know the Campus' Third Group?*, FLAT HAT (Wm. & Mary), May 9, 1945, at 10, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19450509.pdf>; Dot Ferencbaugh, *Henry Billups, Bellringer, Celebrates 73rd Birthday*, FLAT HAT (Wm. & Mary), May 10, 1944, at 4, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19440510.pdf>; Manewal, *supra* note 114. Jerome Hyman (Class of '44) wrote me (after reading a draft of part of this Article),

I also remember Doc Billups very well. I thought of him as a very distinguished and respected gentleman, and don't recall any views to the contrary. If I recall correctly, there used to be some ceremony every year (I believe at the grave of a former president or at least of a memorial to him [probably the grave of Benjamin Ewell]) in which Doc Billups played an important part.

Email from Jerome E. Hyman to Terry L. Meyers (Aug. 31, 2007, 23:44 EST) (on file with Swem Archives, Henry "Doc" Billups Folder).

Morpurgo, who is sympathetic to the plight of blacks in the South, says straightforwardly that Billups "was, next to President Bryan, the most revered character on the William and Mary campus" but could not see his child educated there. J.E. MORPURGO, AMERICAN EXCURSION 7 (1949). Morpurgo also cited as debate topics among fraternity members "the comparative sensual abilities of negress and white girl and, recurring like the insistent chorus of a nursery rhyme, the justice of the Civil War and Reconstruction." *Id.* at 167. Morpurgo's chapter

quoted from a student's recollections: "President Lyon Gardiner Tyler one night asking Doc Billups . . . to go out to the sundial in front of the President's House to see what time it was. When Doc protested that it was dark, Dr. Tyler told him to get a lantern and go see anyway."<sup>117</sup>



Henry Billups (1899)<sup>118</sup>

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"To Live and Die in Dixie" captures something of the attitudes of a roommate, Duke, from Maryland. *Id.* at 168–80. He later examined "the 'negro problem'" in America. *Id.* at 182–96. One student's seeming dedication to southern values was detailed in the *Flat Hat*; pride of place in his library went to *Negroes and Negro Slavery: The First an Inferior Race: The Latter Its Normal Condition*. Jim Baker, *Flat Hat Interviews "Typical" College Boys in 240 Old Dominion: Vitamin Cox, Southern Gentleman, and Martin Irons, Radio Ham*, FLAT HAT (Wm. & Mary), Mar. 7, 1950, at 11, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19500307.pdf>.

William and Mary yearbooks show blackface at the College. See 1932 COLONIAL ECHO (Wm. & Mary) 203; *Sorority Shin-digs*, 1943 COLONIAL ECHO (Wm. & Mary) 168–69. The 1925 *Colonial Echo* recorded the formation of a "Girls' Minstrel Troupe" and the success of its production, which featured a "rag doll dance" and a "colored quartette." 1925 COLONIAL ECHO (Wm. & Mary) 206.

Black entertainers did play at College dances at least once, as when Jimmie Lunceford and his band were featured at the 1945–1946 Midwinters. 1946 COLONIAL ECHO (Wm. & Mary) 243–44; *id.* at 59 (picturing Lunceford in Blow Gym); see also Terrie Howe, *Lunceford Orchestra Flies from Tampa to Mid-Winters*, FLAT HAT (Wm. & Mary), Nov. 28, 1945, at 1, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19451128.pdf>; *Jimmy Lunceford Plays at Midwinters Saturday: Unique Decorations, Lighting Deck Gym at First Postwar Dance Event*, FLAT HAT (Wm. & Mary), Dec. 5, 1945, at 1, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19451205.pdf>.

<sup>117</sup> ROUSE, *supra* note 80, at 123.

<sup>118</sup> 1899 COLONIAL ECHO (Wm. & Mary) 189.



Henry Billups (1942)<sup>119</sup>

Mockery is apparent in the title, recalling the Indian School, to a sketch of one of the workers in the Brufferton, “A Brufferton Warrior.”<sup>120</sup>



<sup>119</sup> 1942 COLONIAL ECHO (Wm. & Mary) 25.

<sup>120</sup> 1899 COLONIAL ECHO (Wm. & Mary) 90.

In the 1912 *Colonial Echo*, “E.B.T.” mocked a food server in “At the Commons”:

“What will you have, Sir?” said the waiter,  
—Ah, how he smiled, black alligator!—  
As he posed a sweet pertater  
On a spoon.

....  
So off that grinning waiter hurried,  
Rather shuffled, crawled and tarried  
Till I thought he must be buried  
In the dregs.<sup>121</sup>

Racial indignities continued into living memory.<sup>122</sup> In 1945, the editor of the *Flat Hat*, Marilyn Kammerle, was removed<sup>123</sup> when she supported integration and

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<sup>121</sup> E.B.T., *At the Commons*, 1912 COLONIAL ECHO (Wm. & Mary) 203.

<sup>122</sup> An allusion to John Hope Franklin’s attendance at the American Historical Society meeting here needs a comment. See SUSAN H. GODSON ET AL., 2 THE COLLEGE OF WILLIAM & MARY: A HISTORY, 1888–1993, at 766 (1993). Thad Tate told me that Franklin was allowed to attend sessions and eat with his peers but was refused a room at the Williamsburg Inn; he was invited by the editor of the *William and Mary Quarterly*, Douglass Adair, to stay at his home.

<sup>123</sup> See GODSON ET AL., *supra* note 122, at 766. The incident was covered even in the English press. See Morpurgo, *supra* note 116, at 54; see also *Plea for Negro Halts William-Mary Paper*, N.Y. TIMES, Feb. 12, 1945, at 21. The *Times* noted that most students appeared not to support the editorial and that President Pomfret reported the view of the Board of Visitors—that the College was supported by and was a part of the State and that when [the editorial] aroused the community, great harm was done.” *Fight Press Curb at William, Mary Students Hit Campus Editorial Urging Negro Intermarriage, but Assail Censorship*, N.Y. TIMES, Feb. 13, 1945, at 25. Racial matters came up several times in the *Flat Hat* over the rest of the semester. See, e.g., *Dr. Cushman Talks on Two Minority Group Problems*, FLAT HAT (Wm. & Mary), Apr. 18, 1945, at 3, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19450418.pdf>; *Faculty Panel Discusses Minorities’ Background: Professors Adair, Marsh, Freeman Give Historical, Economical Aspects*, FLAT HAT (Wm. & Mary), Feb. 28, 1945, at 4, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19450228.pdf>; *Speaker Urges Poll Tax End*, FLAT HAT (Wm. & Mary), Apr. 11, 1945, at 1, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19450411.pdf>.

Dartmouth College at one time cancelled a tennis match with the College when the College refused to play against a black player. *Dartmouth Cancels Match*, N.Y. TIMES, Mar. 27, 1947, at 37. A William and Mary student berated the College for the racist act. See Fred Tubbs, Editorial, *Tubbs Asks About Dartmouth Cancellation*, FLAT HAT (Wm. & Mary), Apr. 1, 1947, at 2, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19470401.pdf>. Wayne Kernodle, professor emeritus of sociology, feared some turmoil when he wanted to play tennis on College courts with two local blacks, “the No 1 black doubles team in the U.S.,” at about this time. Wayne Kernodle, *The College of William and Mary: Part 2*, TATLER (Williamsburg), Jan. 2007, at 19 (on file with Swem Archives, Wayne Kernodle Folder).

interracial marriage.<sup>124</sup> A student protested a dozen male students reducing a black girl to tears with their harassing remarks.<sup>125</sup> The College's first black undergraduate, in 1963, Oscar Blayton, recently recalled his chilly reception, especially from the College's president.<sup>126</sup> And in 1975 the Board of Visitors refused the law school permission to hire Jeroyd X. Greene, a black attorney.<sup>127</sup> Up until sometime in the 1970s (or later) the Kappa Alpha Order would parade around campus in Confederate uniforms and under a Confederate flag.<sup>128</sup> For some years a member of the sociology department, Vernon Edmonds, roiled the campus with reported claims of blacks' inferiority.<sup>129</sup> More recent was a bake sale, November 8, 2003, sponsored by the "Sons of Liberty" to provoke discussion about affirmative action.<sup>130</sup> Blacks could buy cookies for less than whites and other races; some of the participants played "Ghettopoly" during the bake sale.<sup>131</sup> Max Fisher recently reported in a *Flat Hat* column a "hostility towards minorities" at William and Mary that includes blacks: "If you are not white, Christian and straight then you do not always feel welcome at the College."<sup>132</sup>

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<sup>124</sup> Editorial, *Lincoln's Job Half-Done*, FLAT HAT (Wm. & Mary), Feb. 7, 1945, at 8, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19450207.pdf>.

<sup>125</sup> Connie Conway, Letter to the Editor, FLAT HAT (Wm. & Mary), Oct. 11, 1944, at 8, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19441011.pdf>.

<sup>126</sup> Oscar H. Blayton, Letter to the Editor, VA. GAZETTE (Williamsburg), Jan. 17, 2007, at 20A. The first black students at the College, Hulon L. Willis and Edward A. Travis, enrolled in 1951 as graduate students. GODSON ET AL., *supra* note 122, at 767; see also *W. & M. to Admit Negro: Graduate Student Will Be First of Race in Virginia College*, N.Y. TIMES, May 2, 1951, at 34.

<sup>127</sup> GODSON ET AL., *supra* note 122, at 860–61. I recall that faculty members collected money to give Greene the equivalent of the first year's salary he had to forgo.

<sup>128</sup> William and Mary Vice President for Student Affairs Sam Sadler told me that "the practice ended sometime I would say in the late 70's with strong pressure from several of us and, I might add, good support from the national organization which by then had taken its own stance on the matter." Email from Sam Sadler, Vice President, Student Affairs, College of William & Mary, to Terry L. Meyers, Professor of English, College of William & Mary (Mar. 26, 2007, 12:59:01 EDT) (on file with author). I think the parades may have gone on longer (as Sadler subsequently agreed) because I can recall one I saw from my Tucker office, where I have been since 1982. The southern heritage of Kappa Alpha Order is germane. See Todd Shelton, Our Kappa Alpha Heritage (June 19, 2003), [http://www.kappaalphaorder.org/resources/varlet\\_materials/varlet\\_kaheritage.asp](http://www.kappaalphaorder.org/resources/varlet_materials/varlet_kaheritage.asp); see also Wikipedia, Kappa Alpha Order, [http://en.wikipedia.org/wiki/Kappa\\_Alpha\\_Order](http://en.wikipedia.org/wiki/Kappa_Alpha_Order) (last visited Jan. 15, 2008). Kale mentioned the local chapter's "Old South" celebrations." KALE, *supra* note 17, at 153.

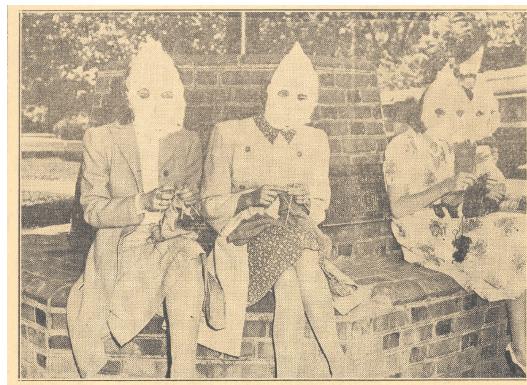
<sup>129</sup> See, e.g., Bob Evans, *Professor Says He Was Penalized for Racial Views*, DAILY PRESS (Newport News, Va.), May 31, 1984, at 17. Edmonds was a professor at the College for twenty-five years from 1967–1992. Press Release, Melvyn D. Schiavelli, Provost, William and Mary (Nov. 23, 1992) (on file at Swem Archives, Vernon H. Edmonds Folder).

<sup>130</sup> Cara Passaro, *Bake Sale Sparks Debate*, FLAT HAT (Wm. & Mary), Nov. 21, 2003, at 1, available at <http://flathat.wm.edu/2003-11-21/story.php?type=1&aid=3>.

<sup>131</sup> *Id.*

<sup>132</sup> Max Fisher, *Diversity Disaster*, FLAT HAT (Wm. & Mary), Sept. 11, 2007, available at

Among “the worst,” of course, “the better” also stands out. That brave stance by the fired *Flat Hat* editor appears to have been but one in a series of examples in the newspaper of both tolerance and impatience with American and southern shortcomings. For example, in 1940, a student evoked the Klan gift in a sardonic review of *Gone with the Wind*.<sup>133</sup> And in a satire section for the issue of May 20, 1941, students in KKK hoods sit at the pole and are quoted as approving lynchings, a clumsy but clear protest against racism.<sup>134</sup>



In a similar vein, *An Open Letter to America* in the same issue satirizes white jingoists in an ironic attack on Indians: “America [is] for white skins.”<sup>135</sup> A *Flat Hat* editorial denounced the poll tax that barred ten million southern blacks from voting, comparing it to Germany’s “terrible persecution of minorities.”<sup>136</sup> Two editorial decisions

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<http://www.flathatnews.com/opinions/1106/diversity-disaster>.

<sup>133</sup> *How's About It*, FLAT HAT (Wm. & Mary), Mar. 12, 1940, at 4, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19400312.pdf>.

<sup>134</sup> *Williamsburg Hoods for Holland Drive Is Formally Opened at College Flagpole: Tri "K" Knitters Aid Dutch Folk for Democracy*, FLAT HAT (Wm. & Mary), May 20, 1941, at 1, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19410520.pdf>.

<sup>135</sup> *An Open Letter to America*, FLAT HAT (Wm. & Mary), May 20, 1941, at 4, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19410520.pdf>. Southern values are mocked in another satiric issue called *The Rebel Rouser*; a front page headline announced, “William and Mary Secedes from Union.” REBEL ROUSER (FLAT HAT) (Wm. & Mary), May 20, 1947, at 1, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19470520.pdf>.

In 1950, an editorial chastised an administrator for a racist joke and commended students “for their utterly cold reception of it.” LDB [Louis D. Bailey], *A Spirit of Confidence*, FLAT HAT (Wm. & Mary), Jan. 10, 1950, at 2, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19500110.pdf>.

<sup>136</sup> *Elections and the Poll Tax*, FLAT HAT (Wm. & Mary), Nov. 5, 1940, at 4, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19401105.pdf>; see also *Convoys Mean War!*, FLAT HAT (Wm. & Mary), May 6, 1941, at 4, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19410506.pdf> (mentioning “the battle against the poll-tax” as part of “the fight for democracy”); *Democracy Is Everybody*, FLAT HAT (Wm. & Mary), Nov. 11, 1941, at 4, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19411111.pdf> (“What does

suggest sympathy to the plight of blacks. One was to run a wire story on lynchings,<sup>137</sup> and the other was to note the circulation on campus of a ministers' petition protesting the treatment of “[w]hite farmers and poor, uneducated negroes” as the government rushed to create Camp Peary.<sup>138</sup> A columnist, Jerry Hyman, denounced “race prejudice” and the “denial of equal rights to all citizens regardless of race, or color,” suggesting that America’s “theory of race superiority” was not much different from Hitler’s.<sup>139</sup>

When a local black merchant’s store burned in 1896, College students rushed to help put the fire out.<sup>140</sup> In November 1914, Booker T. Washington presented a

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Armistice Day mean to the sharecropper, to the Negro, to the miner, to the factory worker, or to the tenement family?”); Editorial, *Poll Tax Week—May 11–17*, FLAT HAT (Wm. & Mary), May 13, 1941, at 4, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19410513.pdf> (advocating the abolition of the poll tax); Arthur Barnard Thompson, Jr. et al., Letters to the Editor, FLAT HAT (Wm. & Mary), Mar. 16, 1948, at 2, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19480316.pdf> (writing in response to Arthur Thompson, Editorial, *Arthur Thompson Flays Truman Move Aimed at Buying Negro Vote in South*, FLAT HAT (Wm. & Mary), Mar. 9, 1948, at 3, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19480309.pdf> (arguing that anti-poll tax “bills are an obvious attempt to buy the votes of the Negroes in certain Northern states”)).

Race relations were good enough in 1941 that the newspaper printed a picture and an account of Walter Kelly, a janitor in what is now Blair Hall, participating in a moot trial. See *Wythe Gun-Man Given Maximum Five Year Term in Moot Trial*, FLAT HAT (Wm. & Mary), May 6, 1941, at 1, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19410506.pdf>. For information on the College’s janitors (including Kelly), maids, and bus drivers, see Jane Hale, *Lee and Pierce, Bus Drivers for Ludwell Dorm, Find Girls’ Wishes Challenging, Schedule Difficult to Keep*, FLAT HAT (Wm. & Mary), Feb. 21, 1950, at 3, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19500221.pdf>; *Harris Suffers Headaches as Supervisor of College Laundry*, FLAT HAT (Wm. & Mary), Mar. 20, 1946, at 9, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19460320.pdf>; *Janitors and Maids Form Traditional Part of College: Mattie, James, Henry, Ernst, Walter Hold Long W-M Service Records*, FLAT HAT (Wm. & Mary), Mar. 6, 1946, at 8, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19460306.pdf>; A.R.J. [Allan Jones], *Maid Service*, FLAT HAT (Wm. & Mary), Oct. 28, 1947, at 2, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19471028.pdf>; Letter to the Editor, *Letter Urges Students Show Consideration for Laundry*, FLAT HAT (Wm. & Mary), Mar. 4, 1947, at 2, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19470304.pdf>.

<sup>137</sup> See Jay Richter, *Capital to Campus*, FLAT HAT (Wm. & Mary), Apr. 29, 1942, at 4, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19420429.pdf>.

<sup>138</sup> See Charlotte Fry, “*Inhumanity* of Navy Cited in Petition to Roosevelt: Townsmen Protest Action Near City, FLAT HAT (Wm. & Mary), Dec. 1, 1942, at 2, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19421201.pdf>.

<sup>139</sup> See Jerry Hyman, *War Overshadows Campus Problems*, FLAT HAT (Wm. & Mary), May 3, 1944, at 8, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19440503.pdf>.

<sup>140</sup> JULIA WOODBRIDGE OXRIEDER, RICH, BLACK, AND SOUTHERN: THE HARRIS FAMILY OF WILLIAMSBURG (AND BOSTON) 8 (1998). The merchant, Samuel Jacob Harris, was the wealthiest man in town and loaned money to President Ewell in 1889. *Id.* at 9.

“well-received” talk to “a large audience” in the College Chapel; classes had been cancelled and President Tyler introduced Washington “in glowing terms.”<sup>141</sup> A 1902 graduate of the College, Jackson Davis, was instrumental in advancing education for blacks and better race relations and was given an honorary degree by the College in 1931.<sup>142</sup> The KKK gift itself was controversial, and President Chandler rebuffed the KKK in his acceptance remarks even as he felt the College could not reject the gift.<sup>143</sup> A faculty member who left to become governor of Virginia, John Garland

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<sup>141</sup> *Famous Negro Educator Makes Address in College Chapel: Booker T. Washington Gives History of His Life to Students and Townspeople*, FLAT HAT (Wm. & Mary), Nov. 17, 1914, at 1, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19141117.pdf>. An administrator at the Hampton Institute, Robert Russa Moton, who had married a Williamsburg woman, wrote Washington the next week: “I spoke at Williamsburg to a packed house and afterwards talked with Prof. [Henry Eastman] Bennett [professor of philosophy and education at the College, 1907–1925] and a number of the leading white people and they were very enthusiastic over your address.” 13 THE BOOKER T. WASHINGTON PAPERS 18 (Louis R. Harlan et al. eds., photo reprint 1984). Moton emphasized that Washington’s “being at William & Mary was one of the most significant incidents that has happened in the State for many years. The Virginians are very conservative as you know and William & Mary has been especially so.” *Id.* An earlier visit to Williamsburg had seen Washington speak briefly at the courthouse to the faculty and “a large number of students.” *In and Out of College Topics*, FLAT HAT (Wm. & Mary), May 13, 1913, at 4, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19130513.pdf>.

The Cole papers in the Swem Archives contain an open letter from the Rector of Bruton Parish Church attacking President Tyler for his daughter’s attending Wellesley College where Washington’s daughter was also a student: it is “a crime against society [akin to President Roosevelt’s having dined with Washington at the White House] . . . for the daughter of the President of William and Mary to sit down in the class room and at the dinner table with the daughter of Booker Washington. The daughter does this of course, with the knowledge and consent of her father.” Letter from W.T. Roberts, Rector of Bruton Church, to the Hon. John Goode, President Constitutional Convention, Richmond, Va. (Nov. 20, 1901) (on file with the Cole Papers, Swem Archives, Box IV, Folder 1). Tyler’s defense to the Vestry: “[T]he daughter of the President of William & Mary does not associate with the daughter of Booker Washington.” Letter from Lyon G. Tyler, President of William and Mary, to the Vestry of Bruton Parish, at 5 (n.d.) (on file with the Cole Papers, Swem Archives, Box VIIIa, Folder 1).

<sup>142</sup> *Dr. Jackson Davis, Educator, Is Dead*, N.Y. TIMES, Apr. 16, 1947, at 25.

<sup>143</sup> GODSON ET AL., *supra* note 122, at 612. John Stewart Bryan almost resigned from the Board of Visitors in protest, and “[i]n the early 1940s the [KKK] tablet was surreptitiously removed.” *Id.* at 613. The “Flags” folder in Swem Archives has rich material on the ceremony at which the pole was accepted, including newspaper printings of Chandler’s powerful rebuke to the KKK and anonymous notes by someone attending: “[A]ll the Faculty were opposed to the acceptance . But . . . it couldn’t be avoided.” *Chandler and the Ku Klux Klan*, DAILY PRESS (Newport News, Va.), Sept. 26, 1926; *Chandler’s Lecture to Klan*, VIRGINIAN-PILOT (Norfolk), Sept. 28, 1926; *Presentation of Flag to W. & M. Attended by 5,000 Klansmen*, RICHMOND TIMES-DISPATCH, Sept. 27, 1926, at 1; Program, Flag Presentation to the College of William and Mary by the Klansmen of Province No. 2 Realm of Virginia Knights of the Ku Klux Klan, Inc. Williamsburg, VA (Sept. 28, 1926) (program with handwritten notes gift of Mrs. William G. Guy) (Swem Archives, Flags Folder); see also R.C. Rasmus, *The Ku Klux Klan’s Mark on*

Pollard, refused to take credit for success in raising funds for the Virginia Museum of Fine Arts because of what his family's black cook had taught him about the hard work of earlier generations.<sup>144</sup> President John Stewart Bryan once announced staff raises differentiated by race.<sup>145</sup> “[C]olored help” had “for a long time . . . been greatly underpaid,” to the point that their staying was “difficult to understand”; “fairness” led to a greater raise than that for the white help in the dining room.<sup>146</sup> Dean J. Wilfred Lambert recalled the number of black families who for generation after generation have had members working at the College.<sup>147</sup> When Rector Dillard died in 1940, he was praised in the *Flat Hat* for his “contributions to Negro education” and his “liberal heritage.”<sup>148</sup> An Easter service held in the Sunken Garden in 1943 was attended by students, servicemen, and “members of the community, both white and Negro.”<sup>149</sup> In 1948, a dozen students and one faculty member walked out of a local talk by Strom Thurmond, the segregationist and presidential candidate; others merely giggled.<sup>150</sup> In 1965, one student, Donna Truesdell, tutored black students blocked from public schools in Farmville, Virginia.<sup>151</sup>

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*William and Mary, VA. INFORMER* (Wm. & Mary), Sept. 19, 2007, at 10, available at [http://www.vainformer.com/index.php?option=com\\_content&view=article&id=6545&Itemid=1](http://www.vainformer.com/index.php?option=com_content&view=article&id=6545&Itemid=1).

In his memoir of studying at William and Mary in the 1930s, J. E. Morpurgo, a student from England, returned several times to the status of local blacks. See MOPURGO, *supra* note 116. He recalled that they could, at College Corner, “sun themselves on seats presented by the Ku Klux Klan and whistle ‘Dixieland’ while the flag of freedom mocks them, the unmockable, from the staff above their heads.” *Id.* at 14. Kris Preacher directed me to Ed Belvin’s account of President Chandler’s handling of the KKK; Belvin reproduced a page from the program showing the flag and noted that the plaque suffered at the hands of College students many times. ED BELVIN, GROWING UP IN WILLIAMSBURG; FROM THE DEPRESSION TO PEARL HARBOR 72–73 (1981) (privately printed) (on file with Swem Archives).

<sup>144</sup> ROUSE, *supra* note 80, at 160.

<sup>145</sup> See RECORD BOOK BOARD OF VISITORS [FROM MAY 4, 1943 THRU OCTOBER 4, 1939] 462 (May 27, 1939) (on file with Swem Archives).

<sup>146</sup> *Id.*

<sup>147</sup> Dean Lambert’s recollections are in an oral history interview in Swem Archives, J. Wilfred Lambert Folder. Lambert recalled too a somewhat tense gathering of black workers at William and Mary when President Bryan invited them to socialize with the workers on his plantation. *Id.* at 142–44 (transcript).

<sup>148</sup> *Death of Rector Dillard Personal Loss to College*, FLAT HAT (Wm. & Mary), Sept. 24, 1940, at 6.

<sup>149</sup> 400 Attend Easter Sunrise Services in Sunken Garden, FLAT HAT (Wm. & Mary), Apr. 27, 1943, at 7, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19430427.pdf>.

<sup>150</sup> Fletcher Cox, Jr., Letter to the Editor, FLAT HAT (Wm. & Mary), Oct. 12, 1948, at 8, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19481012.pdf> (chastising the protestors). In a mock election, Thurmond received sixteen percent of the student vote. *Dewey Triumphs in Mock Election, Receiving 43 Percent of Ballots: Harry Truman Achieves Second Place; Thurmond, Wallace and Thomas Trail*, FLAT HAT (Wm. & Mary), Nov. 2, 1948, at 1, available at <http://www.swem.wm.edu/beta/flathat/issues/fh19481102.pdf>.

<sup>151</sup> Ben A. Franklin, *A Literacy Drive Gains in Virginia: U.S. Helps Negroes in Area Where Schools Closed*, N.Y. TIMES, Aug. 1, 1965, at 61.

And in recent decades the College has made serious efforts, dramatically increasing the diversity of students, faculty, and professional staff. It has strong equal employment policies, a dedication to multiculturalism, and a presidential committee on diversity.<sup>152</sup> Since the late 1970s there have been appointed several effective Directors of Affirmative Action and professionals such as Carol Hardy who have moved the College forward.<sup>153</sup>

Still, William and Mary has been called on to investigate its past connections with slavery.<sup>154</sup> Is it not time for that “full look at the Worst”?<sup>155</sup>

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<sup>152</sup> See College of William and Mary, Diversity at W&M, <http://www.wm.edu/diversity/> (last visited Feb. 27, 2008).

<sup>153</sup> Carol Hardy was recognized at an Arts and Sciences Faculty Meeting (Dec. 6, 1988) for a “minority retention rate . . . better than twice the national average.” Other signs of progress include Medgar Evers speaking at the College “c. 1960” to an audience of blacks and whites (perhaps partly integrated, though mostly seated by race, it appears). See DICKON, *supra* note 116, at 75. Dickon also included a picture of Anthony McNeal, the black president of the Student Association in 1985, who “worked toward policy positions on Affirmative Action.” *Id.* at 107; see also GODSON ET AL. *supra* note 122, at 829–30, 855, 859–61 (discussing the starts and stops of racial matters at the College and the appointment of the first black to the Board of Visitors, Henry T. Tucker, Jr., in 1978).

<sup>154</sup> See David Glenn, *Brown U. Announces Projects in Response to Report on Its Role in the Slave Trade*, CHRON. HIGHER ED., Feb. 26, 2007, available at <http://chronicle.com/daily/2007/02/2007022604n.htm> (quoting Alfred L. Brophy, Professor of Law at the University of Alabama); see also Alfred L. Brophy, *Considering William and Mary’s History with Slavery: The Case of President Thomas Roderick Dew*, 16 WM. & MARY BILL RTS. J. \_\_ (2008). When visiting William and Mary on September 20, 2007, to lecture on the subject of Dew, Brophy picked up part of the tribute to a professor of law, Lucian Minor (1802–1858); the obelisk marking the grave where his remains were reburied in the College cemetery cites his “love for his race.” After Brophy’s lecture and after reading a draft of the present Article, a student introduced in the William and Mary Student Assembly a resolution calling on the College’s Board of Visitors to apologize for the institution’s involvement with slavery; two mocking resolutions were immediately introduced. See Andy Gardner, *SA Bill Apologizes for Slavery*, FLAT HAT (Wm. & Mary), Dec. 7, 2007, available at <http://www.flathatnews.com/news/1565/sa-bill-apologizes-for-slavery>; Sarah Nadler, *Bevy of Bills Considered in SA Senate*, VA. INFORMER (Wm. & Mary), Oct. 24, 2007, available at [www.vainformer.com/index.php?view=article&catid=1%3ANews&id=6598%3Abevy-of-bills-considered-in-sa-senate&itemid=2&option=com\\_content](http://www.vainformer.com/index.php?view=article&catid=1%3ANews&id=6598%3Abevy-of-bills-considered-in-sa-senate&itemid=2&option=com_content).

<sup>155</sup> See Hardy, *supra* note 1, at 816.