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ARTS & SCIENCES

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July 31, 2020

Chancellor Kevin Guskiewicz
Via electronic delivery

Dear Chancellor Guskiewicz:

On behalf of the Commission on History, Race, and a Way Forward, we write to follow up on the Board of Trustees' July 29 meeting, specifically with regard to the interim decision to leave the name of Thomas Ruffin Jr. on Ruffin Residence Hall. New evidence has come to light, which does not appear in any published account of Klan violence during the Reconstruction era. It is in the form of newspaper stories and public correspondence that link Ruffin to a legislative grant of amnesty to Klansmen who were responsible for two political assassinations in Alamance and Caswell Counties. Both victims – one black, the other white – were Republican officeholders and civic leaders. A full report accompanies this letter as a supplement to materials submitted in support of our July 10 recommendation that the names of Charles Aycock, Julian Carr, Josephus Daniels, Thomas Ruffin, and Thomas Ruffin Jr. be removed from campus buildings. We believe that the information presented warrants an expedited review and removal of Thomas Ruffin Jr.'s name from Ruffin Residence Hall at the earliest possible date.

This referral and the attached report were approved unanimously by commission members on July 30 in a poll conducted via e-mail.

For the Commission,

Patricia S. Parker

James Leloudis

Thomas Ruffin Jr. (1824 – 1889)

This document supplements supporting materials that accompanied the July 10, 2020, recommendation from the Commission on History, Race, and a Way Forward that the names of Thomas Ruffin and Thomas Ruffin Jr. be removed from Ruffin Residence Hall. It reflects the discovery of new historical evidence in the time since that submission.

Thomas Ruffin Jr.:

- **In a purposefully public act, advocated amnesty for the Klansmen who murdered Black Republican leader Wyatt Outlaw in Alamance County, February 1870**
- **In doing so, declared his allegiance to white supremacy, even when it was enforced by murder and other terrorist acts**
- **Urged pardon and forgiveness for vigilante violence, despite his sworn duty as an attorney to serve as an officer of the court and guardian of the law**
- **At no time in his later life indicated a change of heart**

As noted in the commission's prior report, Thomas Ruffin Jr. was the son of Thomas Ruffin, Chief Justice of the North Carolina Supreme Court from 1833 to 1852, and later from 1858 to 1859. The younger Ruffin graduated from the University of North Carolina in 1844; was a one-term member of the North Carolina House of Commons (1850-1851); fought for the Confederacy as a colonel in the North Carolina infantry; served as a Confederate military judge and, after the Civil War, as a state solicitor; and from 1881 to 1883 sat on the state supreme court as an associate justice. The Board of Trustees named Ruffin Residence Hall for him and for his father in 1922.

Ruffin Jr.'s peers regarded him as a capable and accomplished attorney, but he otherwise left no distinctive mark on his profession. One biographer – a contemporary and fellow Confederate veteran – noted that he was often “compared favorably with his father, the great chief justice . . . but was on the bench too short a time” to distinguish himself “as a writer of jurisprudence.”¹

Ruffin Jr. had no record of service to the University of North Carolina. He appears only occasionally in Kemp P. Battle's exhaustive history of the institution: as a graduate in the bottom rank of his class, as a lawyer who helped to convict and impose a death sentence on a group of Black men and a white accomplice who were charged with burglary in Chapel Hill, and as the recipient of an honorary degree in 1881, the year of his appointment to the state supreme court. Of the nine other individuals for whom campus buildings were named in 1922, only two had not served as either a university trustee or member of the faculty: Bryan Grimes, class of 1848 and Major-General in the Confederate Army of Northern Virginia, and Willie Preston Mangum, a non-graduating member of the class of 1859 killed at the first Battle of Manassas, the only son of Willie Person Mangum, who served for forty-three years as a trustee

¹ “Thomas Ruffin Jr.,” in Samuel A. Ashe, ed., *Biographical History of North Carolina, From Colonial Times to the Present*, vol. 5 (Greensboro, N.C.: Charles L. Van Noppen), 365.

and represented North Carolina as both a U.S. Senator and member of the U.S. House of Representatives. Though the trustees left no detailed account of their reasons for naming a building for the Ruffins, it seems safe to assume that the primary intent was to celebrate the father's reputation, burnished by the accomplishments of his son.²



"The Masked Sentinel," from Albion W. Tourgée, *Invisible Empire* (New York: Fords, Howard, and Hulbert, 1880)

Ruffin Jr. left behind no significant collection of personal or professional papers, and because he lived little of his life as a public figure, there are few clues that offer more than general insight into his thinking about Emancipation, Black citizenship, and post-Civil War efforts by men of his class to restore white rule. But one incident does stand out. It is rooted in the Ku Klux Klan's campaign of terror, which between 1868 and 1870 was most intense in Caswell County and in neighboring Alamance County, where Ruffin Jr. lived until the outbreak of violence. Both counties were sites of political assassination.

On February 26, 1870, a group of hooded nightriders lynched Wyatt Outlaw, a prominent Black official in Graham, the seat of Alamance County. Outlaw was a local leader of the Republican Party, which represented an alliance of Blacks, most of them recently emancipated from slavery, and dissenting whites, many of whom had been Union sympathizers during the Civil War. Both groups were committed to building a multiracial democracy from the ashes of the Confederacy. Mike Scott, a North Carolina attorney, told the story of Outlaw's life and horrific death in a recent open letter to county commissioners who have pledged to defend the Alamance Confederate monument against calls for its removal. The monument stands at the unmarked site of Outlaw's murder. Scott's account is worthy of quotation at length.³

Wyatt Outlaw was the child of a slave and a slave owner. In the five years between his Union Army service and his murder, he became a small business owner, founding

² Kemp P. Battle, *History of the University of North Carolina*, vol. 1 (Raleigh: Edwards and Broughton Printing Company, 1907), 485, 812, and vol. 2 (Raleigh: Edwards and Broughton Printing Company, 1912), 150-51, 238; Minutes, June 13, 1922, oversize volume 12, Board of Trustees of the University of North Carolina Records, 1789-1932, #40001, University Archives, Wilson Library, University of North Carolina at Chapel Hill. The trustees named Mangum Hall for Willie Person Mangum, Willie Preston Mangum, and Rev. Adolphus Williamson Mangum (Willie Person's second cousin). The naming citation in the trustees' minutes describes Willie Preston Mangum incorrectly as a member of the class of 1860. He, in fact, matriculated with the class of 1859. See Battle, *History of the University of North Carolina*, vol. 1, 651, 812.

³ Mike Scott, "The Confederate Monument Standing Where the Klan Killed Wyatt Outlaw," Medium, June 5, 2020, <https://bit.ly/314j8Cs>.

church trustee, school builder, community leader, police officer, and commissioner for the Town of Graham who “stood at the head of a political organization of hundreds of assertive and well-organized [Black] men with resources [who] stood poised to directly influence municipal and county politics in Alamance County.” A Klansman testified that “Outlaw was hung because he was a politician. He had been appointed commissioner by [Republican] Gov. [William] Holden. He had been a leader of the negroes, and had been elected once. There was no other crime alleged.”⁴



Alamance County Courthouse, the site of Wyatt Outlaw's murder, postcard, ca. 1912, North Carolina State Archives, Raleigh

*Outlaw was a widower and lived with his mother and sons on the ground floor of his woodworking shop just north of Courthouse Square, where the First Baptist Church of Graham stands today. He was asleep in his home on a Saturday night . . . when twenty Klansmen broke down his door carrying pistols, swords, and torches. They gave Outlaw only enough time to put on pants before forcing him outside, his young boys screaming, men stomping the head and breast of his seventy-three-year-old mother while threatening to shoot her, decapitate her, and burn down the house. As many as a hundred men in hoods surrounded Outlaw in the street. His mother later testified that they were shouting “like geese” and carrying so many torches that “it was all bright” at midnight.*⁵

The Klan marched Outlaw four hundred yards from his home to an elm tree next to the old County Courthouse, where they tied a bed cord to a branch pointing to the courthouse door. Some claim the men sliced Outlaw’s mouth at the corners. They pinned a

⁴ Scott Reynolds Nelson, *Iron Confederacies: Southern Railways, Klan Violence, and Reconstruction* (Chapel Hill: University of North Carolina Press, 1999), 100; *Trial of William W. Holden, Governor of North Carolina, Before the Senate of North Carolina, on Impeachment by the House of Representatives for High Crimes and Misdemeanors* (Raleigh: Sentinel Printing Office, 1871), 1333; Carole Watterson Troxler, “To Look More Closely at the Man’: Wyatt Outlaw, a Nexus of National, Local, and Personal History,” *North Carolina Historical Review* 77 (October 2000), 417.

⁵ Nelson, *Iron Confederacies*, 100; Troxler, “To Look More Closely at the Man,” 417; *Report on the Alleged Outrages in the Southern States by the Select Committee of the Senate* (Washington, D.C.: Government Printing Office, 1871), 32, 259; *Trial of William W. Holden*, 1133, 1333, 1363–69.

*sign to his body for those who would pass it Sunday morning: "Beware ye guilty, both white and black." Outlaw's corpse was still hanging two and a half feet from the ground at 11:00 a.m. People feared the Klan's punishment if they cut it down.*⁶

Three months later, on May 21, Klansmen in nearby Caswell County carried out a similar assassination. Their victim was John Walter Stephens, a white Republican state senator. Stephens had been observing a Democratic Party meeting at the county courthouse. Frank Wiley, a former sheriff whom Stephens had been urging to defect and become a Republican, lured him into the building's basement. There, a group of Klansmen stabbed Stephens to death and left his body atop a pile of firewood. The details of the murder and names of the conspirators came to light only in 1935, when state officials made public a sealed confession by former Confederate army captain John Lea.⁷

In response to these outrages, Governor Holden declared martial law in Alamance and Caswell Counties and mobilized the state militia under the command of George W. Kirk, a former Union cavalry officer, to suppress the Klan. Kirk and his troops arrested more than one hundred Klansmen, but when federal officials withdrew their support, most of the prisoners were released. In the 1870 election, white supremacist Democrats vilified Holden as a tyrant intent of establishing Black rule, used "terror and coercion" to suppress the Republican vote, and won control of the state legislature. Then, in early 1871, they impeached Holden and removed him from office. But in Alamance County, a superior court judge, determined that Wyatt Outlaw's murderers not go unpunished, secured grand jury indictments of eighteen Klansmen. They were never brought to trial. In 1873, state lawmakers approved a bill that granted amnesty for criminal acts committed by members of secret societies and political organizations during the time of the Klan insurgency, with exceptions for "rape, deliberate and willful murder, arson, and burglary." The law made specific reference to the "White Brotherhood, Invisible Empire, and Ku Klux Klan." A year later, in a second amnesty bill, lawmakers lifted the exceptions for burglary, arson, and – most significantly – murder.⁸

⁶ *Trial of William W. Holden*, 1133, 1187; Nelson, *Iron Confederacies*, 113; *Report on the Alleged Outrages in the Southern States*, CXII, 6, 32; U.S. Army Lieutenant Paul Hambrick reported that on "the morning after [Outlaw's] murder (Sunday) his body was cut down by Sheriff Murray, taken to the court-house for inquest, and while there, in presence of this officer, indignities were offered the dead man by parties proffering the dead body a cigar." Sheriff Murray was a member of the Klan and made no attempt to find Outlaw's killers. See Mark L. Bradley, *Bluecoats and Tar Heels: Soldiers and Civilians in Reconstruction North Carolina* (Lexington: University of Kentucky Press, 2009), chap. 9.

⁷ Luther M. Carlton, "The Assassination of John Walter Stephens," in Historical Society of Trinity College, *Historical Papers*, Series II (Durham, N.C.: Trinity College, 1898), 1-12; Allen W. Trelease, "John Walter Stephens," in William S. Powell, ed., vol. 5, *Dictionary of North Carolina Biography* (Chapel Hill: University of North Carolina Press, 1994), 439-40.

⁸ Horace W. Raper, *William Woods Holden: North Carolina's Political Enigma* (Chapel Hill: University of North Carolina Press, 1985), chap. 9; "The North Carolina Troubles," *Harper's Weekly*, August 20, 1870; Troxler, "'To Look More Closely at the Man,'" 405; Otto H. Olsen, "The Ku Klux Klan: A Study in Reconstruction Politics and Propaganda," *North Carolina Historical Review* 39 (July 1962): 361-62; "Amnesty," *Wilmington Journal*, January 23, 1874; Otto H. Olsen, *Carpetbagger's Crusade: The Life of Albion Winegar Tourgée* (Baltimore: Johns Hopkins University Press, 1965), 185-88; *Public Laws and Resolutions, Together with the Private Laws, of the State of North Carolina, Passed by the General Assembly at Its Session of 1872-73* (Raleigh: Stone and Uzzell, 1873), chap. 181;

Ruffin Jr. played a prominent role in advancing the 1874 amnesty law. In December 1873, he helped to orchestrate a chain of correspondence that was published in Democratic newspapers statewide. Editors urged “favorable consideration” of the letters by local authorities and, most especially, the state legislature in Raleigh. In his own missive, Ruffin argued that “prosecutions now pending . . . against parties for acts committed during the Ku Klux excitement should be stopped.” He noted that he had been “for a long time a neighbor and friend” of the indicted Klansmen but claimed not to be swayed by that familiarity. “My solemn conviction,” he declared, “is that the humane policy of putting an end to all prosecutions . . . will have the effect, not only to quiet the public mind, but to make good, law-abiding citizens of the parties themselves, all of whom are young men, and may therefore be expected, according to the course of nature, to have many years to spend either conducing to the public good or wasting them as fugitives from our State.” James E. Boyd, a former Klansman and Graham attorney, concurred. He noted in his letter that “the utmost quietness and peace” had settled upon Alamance County since the 1870 troubles, and he advised the victims of Klan violence to abandon their demands for justice and “*Let the dead past bury its dead*” (emphasis in the original). The message from Ruffin and Boyd – that a settlement on white men’s terms offered the only path to “peace and good order” – could not have been less humane or more at odds with principles of democratic governance and constitutional guarantees of equal citizenship and equal protection of the laws. Even so, Democratic legislators enshrined it in the amnesty bills.⁹

In this purposefully public act, Thomas Ruffin Jr. declared his allegiance to white supremacy, even when it was enforced by murder and other terrorist acts. This he did on the strength of his family name and despite his sworn duty as an attorney to serve as an officer of the court and guardian of the law. At no time in his later life did Ruffin Jr. indicate a change of heart.

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Laws and Resolutions of the State of North Carolina, Passed by the General Assembly at the Session of 1874-75 (Raleigh: Josiah Turner, 1875), chap. 20. See also, “Bill of Indictment for Murder Which, the Ku Klux of This Legislature are Endeavoring to Quash!” *Daily Era* (Raleigh, N.C.), February 27, 1873. Shortly before passage of the 1873 amnesty act, the *Daily Era*, a Republican newspaper, reported “fresh Ku Klux outrages in Alamance County.” The paper noted that Klansmen continued to “go about to people’s houses in the dead hour of the night,” threatening “the lives of the men and alarm[ing] the women, and children . . . [T]his state of things has gone to the extent, that, in portions of the county no one feels safe at night, unless they be Democrats. The old Ku Klux leaders of Alamance are as lawless, defiant and bold as ever, under the stimulus of the Amnesty and Pardon Bill introduced by Col. W. A. Allen [state senator representing Wayne and Duplin Counties], and advocated and passed by well known Ku Klux members in the Senate. Verily, Democracy has degenerated into a most infamous thing.” “Fresh Ku Klux Outrages in Alamance,” February 27, 1873.

⁹ “Amnesty,” *Wilmington Journal*, January 23, 1874. See also “Amnesty – Full and Complete,” *Raleigh News*, January 20, 1874; “Amnesty for North Carolinians,” *Charlotte Democrat*, January 27, 1874; “Judge A. W. Tourgée,” *Weekly Era and Examiner* (Raleigh, N.C.), February 12, 1874. On Ruffin’s role in advancing the 1874 amnesty bill, see Raper, *William Woods Holden*, 317 n73.