

Avery Residence Hall

This building opened in 1958. University officials named it for William Waightstill Avery, class of 1837.¹ Avery made his living as a lawyer and from investments in slaves and gold mining. In politics, he was an ardent secessionist who served in the state legislature and represented North Carolina in the Provisional Congress of the Confederate States of America. Avery held a seat on the University of North Carolina's Board of Trustees from 1850 until his death in 1864. His name is absent from the minutes of trustees' meetings, suggesting that he treated his appointment to the board as little more than a sinecure. Avery's sole post-graduate contribution to the life of the university appears to have been a commencement address he delivered to the student debating societies in June 1851. His topic was state pride.²

Avery:

- Enriched himself by enslaving Black children, women, and men
- Practiced law in Burke County, where he killed an adversary in an open session of superior court
- Devoted his political career and ultimately sacrificed his life to the defense of racial slavery and white men's right to own Black people as chattel
- Committed treason against the United States by his service in the Provisional Congress of the Confederate States of America³

Avery was one of four self-avowed opponents of Black freedom and equal citizenship honored by the university's trustees amid the protests of the modern civil rights movement. The others were: Cameron Morrison (Morrison Residence Hall, 1964), governor from 1921 to 1925, who began his political career as an organizer of vigilantes known as Red Shirts during the state white supremacy campaigns of 1898 and 1900; Josephus Daniels (Daniels Student Stores Building, 1967), editor of the *Raleigh News and Observer* and lead propagandist in the white supremacy campaigns; and J. G. de Roulhac Hamilton (Hamilton Hall, 1972), a historian of North Carolina and the American South whose scholarship lauded white opposition to Black political, economic, and social equality in the post-Emancipation era.⁴

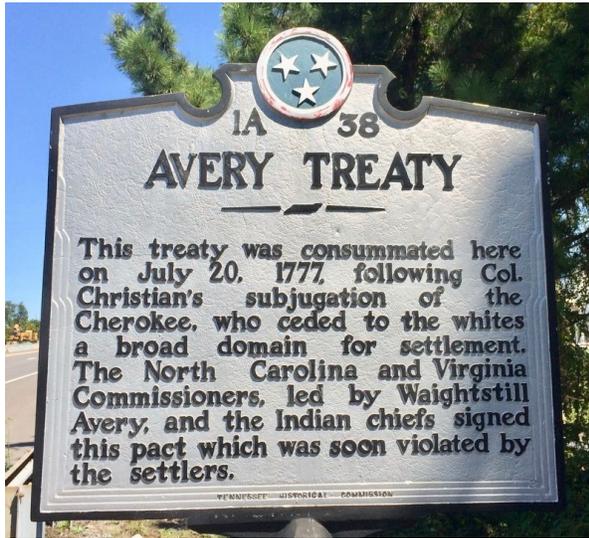
¹ Report of the Committee on Naming Buildings, May 26, 1958, Board of Trustees minutes, vol. 5, 342, series 1, Board of Trustees of the University of North Carolina (System) Records, 1932-1972, #40002, University Archives, Wilson Library, University of North Carolina at Chapel Hill.

² Kemp P. Battle, vol. 1, *History of the University of North Carolina, 1789-1868* (Raleigh: Edwards and Broughton, 1907), 825; W. W. Avery, Esq., *An Address Delivered Before the Two Literary Societies of the University of North Carolina, June 4, 1851* (Raleigh: William W. Holden, 1851). Battle incorrectly dates the commencement address to 1850; see above, 615.

³ Article 3, section 3 of the U.S. Constitution defines treason as the act of "levying War against [the United States]" or giving "Aid and Comfort" to the nation's enemies.

⁴ See Daniels, Hamilton, and Morrison dossiers prepared by the Commission on History, Race, and a Way Forward.

William Waightstill Avery was born on May 25, 1816, the oldest surviving child of Isaac Thomas and Harriet Eloise Avery. His parents called him by his middle name, which he shared with his paternal grandfather, a founding trustee of the University of North Carolina who had served as a provincial lawmaker during the American Revolution and participated in drafting the state's first constitution. The Averys were one of western North Carolina's wealthiest families. They derived their fortune from stolen land and stolen labor.⁵



Tennessee Historical Commission highway marker, Kingsport, Tennessee

Early in the Revolutionary War, provincial governments in Virginia, North Carolina, and South Carolina mounted a military campaign to crush Cherokee resistance to white settlers' encroachment on their lands. Militiamen, six-thousand strong, executed orders to "carry fire and Sword into the very bowels of [Indian] country." They burned fifty-two towns, destroyed crops and food stores, and killed as many as two thousand Cherokees – women and children as well as men.⁶

In July 1777, the elder Waightstill, who had helped to coordinate the assault, led negotiations that produced the Avery Treaty (formally known as the Treaty of Long Island of Holston), an agreement under duress by which

the Cherokee ceded their lands east of the Blue Ridge Mountains. After the American colonies won independence from Great Britain, North Carolina officials subdivided the expropriated territory and transferred ownership to private hands. Between 1788 and 1818, Avery received

⁵ Isaac Thomas Avery Jr., "Waightstill Avery," and Elgiva D. Watson, "William Waightstill Avery," in Williams S. Powell, ed., vol. 1, *Dictionary of North Carolina Biography* (Chapel Hill: University of North Carolina Press, 1979), 70-72; A. C. Avery, "William Waightstill Avery," in Samuel A. Ashe and Stephen B. Weeks, eds., vol. 7, *Biographical History of North Carolina: From Colonial Times to the Present* (Greensboro, N.C.: Charles L. Van Noppen, 1908), 9; Isaac Thomas "Ike" Avery, Geni.com, <https://bit.ly/3bwAD4m>; Battle, vol. 1, *History of the University of North Carolina*, 2, 15, 822. 'Waightstill' was a concatenated form of the elder Avery's given name, 'Wait Still Upon the Lord,' a Biblical phrase taken from Isaiah 2:31 and Psalms 27:14. See "Homes of the Signers of the Mecklenburg Declaration of Independence," *Southern Home* (Charlotte, N.C.), August 23, 1878; "Carolina Cavalcade," *News and Observer* (Raleigh, N.C.), February 24, 1954. For a comprehensive biography of William Waightstill Avery, see Russell Edwin Dancy, *Blood and Honor: The Life of William Waightstill Avery* (Victoria, B.C., Canada: Friesen Press, 2015).

⁶ Robert L. Ganyard, "Threat from the West: North Carolina and the Cherokee, 1776-1778," *North Carolina Historical Review* 45 (January 1968), 47-66; letter from William Hooper, Joseph Hewes, and John Penn to the North Carolina Council of Safety, August 7, 1776, in William L. Saunders, ed., vol. 10, *Colonial Records of North Carolina* (Raleigh: Josephus Daniels, 1890), 732; "Cherokee War (1776)," *South Carolina Encyclopedia*, <https://bit.ly/3wgCliV>; Roy S. Dickens Jr., "The Route of Rutherford's Expedition Against the North Carolina Cherokees," *Southern Indian Studies* 19 (October 1967), 3-24. Nadia Dean offers a comprehensive account of the campaign against the Cherokee in *A Demand of Blood: The Cherokee War of 1776* (Cherokee, N.C.: Valley River Press, 2012).

172 land grants from the state, totaling 36,555 acres. He retained roughly a third of that allotment and sold much of the rest. When Avery died in 1821, his son, Isaac, inherited his Swan Ponds estate in Burke County, and in subsequent years added new acquisitions. By the time of the Civil War, Isaac's holdings sprawled across more than fifty thousand acres of cultivated fields, forests, and grazing lands in Burke and adjacent western counties.⁷

Isaac depended on forced labor to produce the bounty of those possessions. By 1850, he enslaved 135 Black men, women, and children. They tended his crops, raised livestock, and harvested timber from his forests. Many of the men and older boys also toiled in the mines that were dug across Burke County after the discovery of gold there in 1828. Isaac, and later his son, Waightstill, were heavily invested in those operations. In the early 1830s, a traveler from Kentucky noted the harsh conditions under which enslaved Black miners labored. Hundreds were sent into the earth by "Cruel Masters who had a Great thirst for filthy Lucre," the visitor noted in his diary, and violent deaths in cave-ins, explosions, and flooded mine shafts were commonplace. Before the California Gold Rush of 1848, North Carolina was the nation's leading gold producer, and great fortunes were dug from the ground in the state's western counties. For investors like the Averys, the loss of Black lives became an acceptable expense in an otherwise lucrative venture.⁸

Young Waightstill came of age in elite circles. In 1837, he graduated from the University of North Carolina as valedictorian in a senior class of just nine students. He then read law with Judge William Gaston, one of the state's most distinguished jurists, and was licensed to practice in 1839. Avery made his home in Morganton, the seat of Burke County. There, he and Mary Corrina Morehead Avery raised five surviving children. Corrina belonged to a family of great wealth and power. She was the daughter of John Motley Morehead, governor of North Carolina from 1841 to 1845 and president of the North Carolina Railroad from 1850 to 1855. Morehead owned extensive investments in banks, railway companies, and textile mills, along with land

⁷ Edward W. Phifer, "Saga of a Burke County Family, Part I: The Grandparents," *North Carolina Historical Review* 39 (Winter 1962), 9, 15-16; Archibald Henderson, "The Treaty of Long Island of Holston, July 1777," *North Carolina Historical Review* 8 (January 1931), 55-57; Avery's Treaty/Treaty of Holston, *Envisioning the West: Thomas Jefferson and the Roots of Lewis and Clark*, <https://bit.ly/3wLIG6Z>; Charles R. Haller, *Pushing the Indians Out: Early Movers and Shakers in Western North Carolina and the Tennessee Territory* (Charlotte: Money Tree Imprints, 2014), 43; Edward W. Phifer, "Saga of a Burke County Family, Part II: The Parents," *North Carolina Historical Review* 39 (April 1962), 141, n. 57. On Avery's role in coordinating militia movements, and in organizing the defense of white settlers, see Saunders, ed., vol. 10, *Colonial Records of North Carolina*, 745-48, 830, 922-23. Under the terms of the Avery Treaty, the Cherokee also ceded a corridor that allowed white settlers from North Carolina and Virginia to reach Kentucky through the Cumberland Gap.

⁸ 1850 Federal Census, Slave Schedules, Burke and Yancey Counties, North Carolina, Ancestry.com; 1850 Federal Census, Manufacturing Schedule, Burke County, North Carolina, Ancestry.com; Edward W. Phifer, "Champagne at Brindletown: The Story of the Burke County Gold Rush, 1829-1833," *North Carolina Historical Review* 40 (October 1963), 492; John C. Inscoe, "Mountain Masters: Slaveholding in Western North Carolina," *North Carolina Historical Review* 61 (April 1984), 152, 159-60; Wilma A. Dunaway, *Slavery in the American Mountain South* (New York: Cambridge University Press, 2003), 120; Edward W. Phifer, "Slavery in Microcosm: Burke County, North Carolina," *Journal of Southern History* 28 (May 1962), 164-65. For an overview of gold mining in North Carolina, see Fletcher Melvin Green, "Gold Mining: A Forgotten Industry of Ante-Bellum North Carolina," *North Carolina Historical Review* 14 (January 1937), 1-19.

and slaves. In 1850, he held thirty-seven souls in bondage at Blandwood, his home in Guilford County, and another twenty-seven on a large farm in Rockingham County.⁹



W. Waightstill Avery
Samuel A. Ashe and Stephen B.
Weeks, eds., vol. 7, *Biographical
History of North Carolina*

Avery represented Burke County in the state House of Commons from 1842 to 1843, and again from 1850 to 1852. During the latter period, he served on a special legislative Committee on Negro Slavery, convened during the national debate over what became known as the Compromise of 1850. That term referred to a group of five bills passed by Congress in an attempt to defuse the conflict over slavery in western territories added to the United States after the Mexican-American War (1846-1848). In a report submitted to fellow lawmakers, Avery spoke as a firebrand secessionist, cast in the mold of South Carolina senator John C. Calhoun. "Among the few subjects which could possibly induce a State to withdraw from the Union," he declared, "negro slavery stands pre-eminent. This institution forms the substratum of southern society. It is so intimately connected with our social and domestic relations, that its destruction, or material injury,

would not only produce universal poverty, but also overthrow [all forms of civil government]." By that reasoning, Avery demanded that northern states agree to amend the Constitution with an explicit defense of racial slavery; otherwise, the white South would have no alternative but to exercise its right to secede. Anything less, Avery exclaimed, would make white enslavers into slaves by subjecting them to "intolerable tyranny and oppression."¹⁰

In 1851, Avery committed a brazen act that won him notoriety throughout the state. On the afternoon of Tuesday, November 11, he murdered Samuel Fleming, an adversary, in an open session of the Burke County Superior Court. The two men had grown to dislike one another while serving in the state legislature, and in mid-October, weeks before the murder, they were embroiled in a legal dispute in neighboring McDowell County over Fleming's claim to property owned by his deceased father-in-law. Avery represented a challenger who questioned the claim, and in a caustic address to the court, accused Fleming of fraud. Later in the day,

⁹ Watson, "William Waightstill Avery"; Battle, vol. 1, *History of the University of North Carolina*, 432-33, 796; Burton Alva Konkle, *John Motley Morehead and the Development of North Carolina* (Philadelphia: William J. Campbell, 1922); 1850 Federal Census, Slave Schedules, Guilford and Rockingham Counties, North Carolina, Ancestry.com. Because Blandwood was not a farm, it is likely that Morehead hired out the labor of many of the people he enslaved there.

¹⁰ Watson, "William Waightstill Avery"; Compromise of 1850: Primary Documents in American History, Library of Congress, <https://bit.ly/2RDZahh>; Edward W. Phifer, "Saga of a Burke County Family, Conclusion: The Sons," *North Carolina Historical Review* 39 (July 1962), 307; *Report and Resolutions of the Minority of the Committee on Negro Slavery* (Raleigh: T. J. Lemay, 1850), and *Resolutions on the Subject of Slavery* (Raleigh: Thomas J. Lemay, 1850), both bound in *House and Senate Documents, Printed for the General Assembly of North Carolina at the Session of 1850-51*, vol. 2 (Raleigh: T. J. Lemay, 1851), 245-60. Calhoun died amid congressional debate over the Compromise of 1850. See Robert Elder, *Calhoun: American Heretic* (New York: Basic Books, 2021), 512-19.

Fleming followed Avery out of the courthouse and, in public view, lashed him with a whip and pummeled him about the face and head. After bystanders broke up the fight, Avery – badly bruised and bleeding profusely from a head wound – took refuge in a nearby hotel, where a physician attended to his injuries. In the weeks that followed, Avery planned his revenge. On the fateful day in November, he and Fleming crossed paths again, this time in the Burke County Courthouse, where both had cases on the trial docket. As Fleming was standing before the bar, in full sight of the presiding judge, Avery pulled a gun from beneath his coat and fired a single shot. It pierced Fleming's heart, killing him instantly.¹¹



The Burke County Courthouse, as it would have looked in 1851
North Carolina State Historic Preservation Office

Avery stood trial for murder three days later. The jury, after deliberating for little more than ten minutes, returned a verdict of not guilty. They reckoned that in the second confrontation with Fleming, humiliation and rage had rendered Avery momentarily insane. Across the state, reaction to the acquittal was sharply divided. The editor of the *Carolina Watchman* argued that the jury's decision laid "a broad axe at the root of all that renders us preeminently distinguished as a Christian people, for our love and observance of right

reason, law, and order." Other observers had no patience for such moralizing. They insisted that as a matter of personal honor, Avery "had a right to choose the course he pursued." True, his actions violated "the law laid down in books," but the law "was framed by man and like everything done by him is imperfect."¹²

Similar indictments and rebuttals captured newspaper readers' attention for weeks, but the debate did little harm to Avery's prospects. He held on to his seat in the state House of Commons; retained his appointment to the University of North Carolina's Board of Trustees,

¹¹ One of the most detailed contemporary accounts of the murder and trial is "The Trial of W. W. Avery, Esq.," *Semi-Weekly Standard* (Raleigh, N.C.), December 3, 1851. See also "Most Melancholy Occurrence," November 19, 1851, and "The Morganton Tragedy," November 26, 1851, *Raleigh Register*; Phifer, "Saga of a Burke County Family, Conclusion: The Sons," 307-10; W. Conrad Gass, "'The Misfortune of a High Minded and Honorable Gentleman': W. W. Avery and the Southern Code of Honor," *North Carolina Historical Review* 56 (July 1979), 278-97. Avery's grandfather and namesake had been involved in a similar affair of honor in 1788. While arguing a case, he insulted a brash young lawyer named Andrew Jackson, later President of the United States. Jackson replied by challenging Avery to a duel. When they met later in the day, tempers had cooled, and both men fired a shot in the air. See Phifer, "Saga of a Burke County Family, Part I: The Grandparents," 12-13; Marquis James, *The Life of Andrew Jackson, Complete in One Volume* (Indianapolis: Bobs-Merrill, 1938), 45-47.

¹² "The Morganton Murder and Trial," *Carolina Watchman* (Salisbury, N.C.), December 25, 1851; "The Trial of W. W. Avery, Esq.," untitled reprint from the *Asheville Messenger, Newbernian and North Carolina Advocate* (New Bern, N.C.), December 2, 1851; Phifer, "Saga of a Burke County Family, Conclusion: The Sons," 310-12.

which fellow lawmakers had granted him in 1850; and, in 1856, won election to the state Senate, where he served as speaker. Avery's legal practice also continued to flourish, and he profited as handsomely as ever from investments in slaves and gold mining. On the eve of the Civil War, he owned real and personal property – which, in the latter category, included twenty enslaved Black children, women, and men – valued at \$37,500, the rough equivalent of \$1.2 million today.¹³

An out of Negro his duty on the
 Lane Lane Mine worked by W. W.
 Avery Co. from 3^d July 1844 to 4th Nov. 1844
 His of hands under Westly Summit.

A. H. & E. J. Erwin hands	\$ 875. 14
Jas H Wilson Guard de hands	600. 00.
J. F. C. Hanes's hands	198. 87.
W. F. Jones's hands	350. 46.
George Conly's hands	67. 84.
Joseph Conly's hands	25. 88
Lisle hands	50
	<u>\$ 2166. 09</u>

Hands under A. Bracket	233. 24
Edmund W. Jones hands	365. 14
Lewis Lupton hands	52. 30.
J. H. Greenleaf hands	14. 00
J. Martin's hands	16. 62
Saml. Smith's hands	11. 87.
J. McEspan	44. 83
Bene dict Distal	<u>\$ 738. 00</u>
	<u>2166. 19</u>
His of hands under W. B.	219. 04 19
	<u>22. 15-</u>
J. J. Erwin hands	<u>\$ 21926. 34</u>

This financial statement from 1844 reflects the scale of Avery's gold mining operation. Between January and November, he leased an unspecified number of enslaved laborers from fifteen of his Burke County neighbors at a cost of \$2,926.34 – the rough equivalent of \$105,000 today. George Phifer Erwin Papers #00246, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill.

Avery's determination to defend the institution of racial slavery lifted him to national prominence in 1860, when Democrats gathered in Charleston, South Carolina, to choose their presidential nominee. He led the North Carolina delegation to the convention, chaired the party's platform committee, and sided with Deep South "fire eaters" who opposed the

¹³ Phifer, "Saga of a Burke County Family, Conclusion: The Sons," 312-13; Watson, "William Waightstill Avery"; 1860 Federal Census, Population and Slave Schedules, Burke County, North Carolina, Ancestry.com. In 1850, Avery had owned twenty-six slaves, eight in Burke County, where he resided, and another eighteen in McDowell County. See 1850 Federal Census, Slave Schedules, Burke and McDowell Counties, North Carolina, Ancestry.com. Today, the speaker of the senate is more commonly called the president pro tempore.

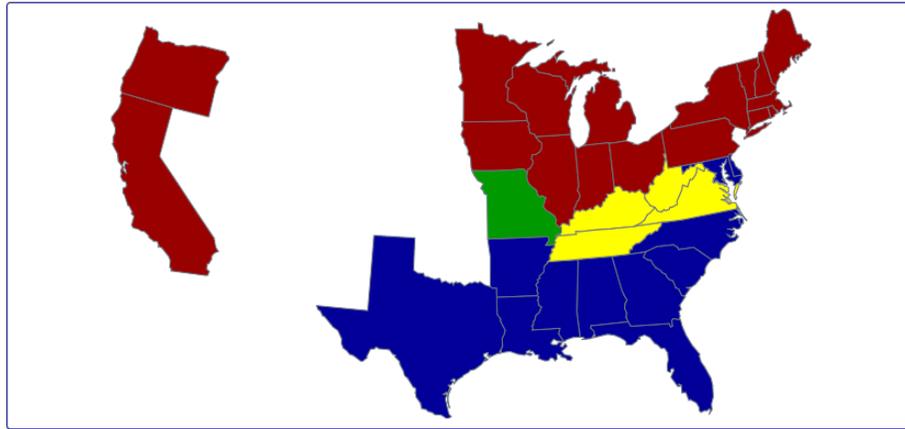
frontrunner, Illinois Senator Stephen A. Douglas. Douglas was a self-styled moderate on the slavery question; he rejected abolition but remained open to political compromise over slavery's status in new states and territories. To block Douglas's nomination, Avery and the radical majority on the platform committee drafted a document that northern delegates would not endorse, and Douglas could not run on. They demanded strict compliance with the Supreme Court's 1857 *Dred Scott* decision, which protected slaveowners' property rights in the free states and western territories, and they insisted that new states be admitted to the Union without regard to the question of whether their constitutions "prohibit[ed] or recognize[d] the institution of Slavery." That stand on white men's entitlement to own Black people as chattel squared with Avery's advocacy at home in North Carolina, where he was serving a second term in the state senate. Together with his influential father-in-law, John Morehead, he urged that the U.S. Constitution be amended to deny Congress the authority to abolish slavery or otherwise "interfere . . . with the traffic of slaves . . . from one State [or territory] to another."¹⁴

In his address to the Charleston convention, Avery placed the platform committee's majority report in the context of slaveowners' aspirations for what a contemporary described as a "vast Southern Empire." "If the bonds of the Union are to be preserved and perpetuated and we are to live in concord and harmony," Avery explained, "the flag of this great country must float over all the States of Central America, and over the whole of Mexico." But that prospect was endangered by abolitionists who sought to bar slavery from the western territories and establish "a cordon of free States on the Gulf [of Mexico], across from the Pacific to the Atlantic Ocean." If successful, that maneuver would leave "no outlet" for the South's growing enslaved population, making bloody racial strife and a civil war among white men "irrepressible." Blacks, emboldened by their "very numbers," would rebel against white authority, Avery warned, and ordinary southern whites, made "bitterly hostile" by the prospect of racial equality, would take up arms in a slaveholders' war against their countrymen to enforce and perpetuate Black subjugation.¹⁵

The platform proposal split the convention delegates along sectional lines and forced them to adjourn without naming a presidential candidate. Weeks later, the opposing factions met in separate conventions in Baltimore, where each chose a nominee: Senator Douglas, favored by northern Democrats, and Vice President John C. Breckenridge, supported by their southern rivals.

¹⁴ Phifer, "Saga of a Burke County Family, Conclusion: The Sons," 313-14; Owen W. Peterson, "W. W. Avery in the Democratic National Convention of 1860," *North Carolina Historical Review* 31 (October 1954), 464; *Proceedings of the Conventions at Charleston and Baltimore* (Washington: National Democratic Executive Committee, 1860), 91-92; *Federal Resolutions, Senate Res. No. 4* (Raleigh: John Spelman, [1861]), 2. For Avery's service on the legislative committee that proposed amendments to the U.S. Constitution, see *Journal of the Senate of the General Assembly, of the State of North Carolina, at Its Session of 1860-61* (Raleigh: John Spelman, 1861), 55. On *Dred Scott*, see *The Dred Scott Decision and Its Bitter Legacy*, Gilder Lehman Institute of American History, <https://bit.ly/3yvouXf>.

¹⁵ Letter from C. R. Fontaine, *Richmond Enquirer* (Richmond, Virginia), April 30, 1844; "Charleston Convention," *Semi-Weekly Standard* (Raleigh, N.C.), May 5, 1860. See also Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge, Massachusetts: Harvard University Press, 2016). Karp cites the date of the Fontaine letter incorrectly as April 20, 1844.



Party	Nominees		Electoral Vote	Popular Vote		
	Presidential	Vice Presidential		Percentage	Count	Percentage
 Republican <input checked="" type="checkbox"/>	Abraham Lincoln	Hannibal Hamlin	180	59.4%	1,865,908	39.9%
 Southern Democratic	John Breckenridge	Joseph Lane	72	23.8%	848,019	18.1%
 Constitutional Union	John Bell	Edward Everett	39	12.9%	590,901	12.6%
 Democratic	Stephen Douglas	Herschel Johnson	12	4.0%	1,380,202	29.5%

1860 Presidential Election
 American Presidency Project, University of California-Santa Barbara

In the November election, Breckinridge carried North Carolina, along with Alabama, Arkansas, Delaware, Florida, Georgia, Louisiana, Maryland, Mississippi, South Carolina, and Texas. He won thirty-eight percent of the Democratic vote, which spoiled Douglas's chance at defeating Republican Abraham Lincoln. In the Electoral College, Lincoln's victory was resounding. He claimed 180 votes, more than double Breckinridge and Douglas's combined total of eighty-four.¹⁶

After the 1860 election, Avery campaigned relentlessly for North Carolina's "immediate secession . . . from the Federal Union." He and Marcus Erwin, a cousin and fellow state senator,

¹⁶ 1860 statistics, The American Presidency Project, University of California-Santa Barbara, <https://bit.ly/346H0XW>. Historians John Inscoe and Gordon McKinney assign Avery considerable blame for the fracture of the Democratic Party. "As one of [western North Carolina's] largest slaveowners," they write, "Avery made Congressional protection of slavery a central part of the [proposed party] platform, defiantly claiming, 'We regard this principle as more important in its ultimate effects than any principle every discussed in the South.' As he and other committee members must have known, any platform with such a blatantly sectional stipulation could not garner a majority of convention votes, and when it failed to do so, most Lower South delegates walked out of the convention." On that account, Avery "bore important responsibility for the Democratic Party breakup and subsequent Republican victory" in the 1860 presidential election. See John C. Inscoe and Gordon B. McKinney, *The Heart of Confederate Appalachia: Western North Carolina in the Civil War* (Chapel Hill: University of North Carolina Press, 2000), 38; John C. Inscoe, *Mountain Masters: Slavery and the Sectional Crisis in Western North Carolina* (Knoxville: University of Tennessee Press, 1996), 216.

warned that the new President viewed Black slaves as white men's "social and political equal[s]," and based on that principle, was determined to "pull down the whole social fabric of the South" – to destroy slaveowners' wealth in human property and to make the white master race into "trembling victims of . . . negro insurrections." That appeal to racism, avarice, and fear swayed Burke County voters, who elected Avery to represent them in the state secession convention, which met in Raleigh in May and June 1861, first to "dissolve the union between North Carolina" and the United States, and then to ratify the constitution of the Confederate States of America.¹⁷

The war that followed brought Avery none of the laurels he anticipated. At the outset, his prospects were encouraging. The secession convention elected him as a delegate to the Confederacy's Provisional Congress, where he served as chairman of the powerful Military Affairs Committee. But when he campaigned to continue that work as a member of the Confederate senate, he was bested by a rival, William T. Dortch. Avery also suffered disappointment in his ambitions as a warrior. At the end of his congressional term, he returned to North Carolina with a commission from Confederate president Jefferson Davis to raise a regiment of troops, which he would command with the rank of colonel. But Avery was forty-six years old, well beyond the ordinary age for active service, and struggled with a heart ailment that had afflicted him since childhood. His elderly father, who already had four younger sons in uniform, also pleaded with him to remain at home and attend to family responsibilities. Avery did so dutifully until the summer of 1864, when he led a ragtag group of Burke County militiamen into a confrontation with Union loyalists and Confederate deserters who had overrun Camp Vance, a state military outpost, and destroyed the Morganton depot of the Western North Carolina Railroad. Avery was wounded in an exchange of gunfire and died three days.¹⁸

Nearly a century after his death, amid the protests of the modern civil rights movement, whites in positions of power and influence – including the university's trustees – celebrated Avery as a North Carolina hero. He lived in "high repute," biographers said, and served "the cause of the South" with courage "in abundance." One admirer asked, "Who would be so cynical as to deny that [Waightstill Avery] was moved by what we shall have to call sincere idealism?" In the aftermath of the Civil War, defeated Confederates offered a similar question-turned-assertion as an excuse for treason: they had taken up arms, they insisted, not to destroy the nation but to uphold its founding principles of individual liberty and state sovereignty. Such reasoning survived well into the twentieth century as a means of pardoning the evils of Jim

¹⁷ William W. Avery and Samuel P. Hill to Thomas Ruffin, December 7, 1860, in J. G. de Roulhac Hamilton, vol. 3, *The Papers of Thomas Ruffin* (Raleigh: Edwards and Broughton, 1920), 106; Marcus Erwin and William Waightstill Avery, *Address to the People of the 46th and 49th Senatorial Districts* (Raleigh: n.p., 1861); *Ordinances and Resolutions Passed by the State Convention of North Carolina, First Session in May and June, 1861* (Raleigh: John W. Syme, 1862), 3, 8.

¹⁸ Avery, "William Waightstill Avery," 11; Wilfred B. Yearn Jr., "North Carolina in the Confederate Congress," *North Carolina Historical Review* 29 (July 1952), 359-61; "Burke County History, What the Citizens of the County Did in the Civil War," July 17, 1890, and Isaac Erwin Avery, "Burke County History, A Chapter on the Heroes of the County Who Fought in the War Between the States," July 24, 1890, *Morganton Herald* (Morganton, N.C.); Phifer, "Saga of a Burke County Family, Conclusion: The Sons," 314.

Crow segregation, and it persists today as a rationale for normalizing racial injustice, denying people of color basic human rights, and marginalizing critics of inequality as vandals intent on desecrating comfortable claims of American exceptionalism.¹⁹

James Baldwin stated the problem succinctly in *The Fire Next Time*, published in 1963. "White people," he wrote, "are still trapped in a history which they do not understand; and until they understand it, they cannot be released from it." That is why any effort to reckon with the corrosive effects of racism in our nation, state, and university must begin with historical truth-telling. More particularly, we are obligated to ask whether Waightstill Avery – a man who devoted his political career to the defense of racial slavery – deserves the esteem of a public institution that pledges itself to light and learning, and to the betterment of all humankind. Our answer is unequivocal: No. To that end, we recommend that Avery's name be removed from the residence hall that has stood since 1958 as a monument to the man and the principles of white supremacy that he held dear.²⁰

UNC Commission on History, Race, and a Way Forward

¹⁹ Peterson, "W. W. Avery in the Democratic National Convention of 1860," 468, 478; Phifer, "Saga of a Burke County Family, Conclusion: The Sons," 339. These essays were published in 1954 and 1962, respectively.

²⁰ James Baldwin, *The Fire Next Time* (New York: Dial Press, 1963), 22.