



UNC
COLLEGE OF
ARTS & SCIENCES

THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

DEPARTMENT OF HISTORY

HAMILTON HALL
CAMPUS BOX 3195
CHAPEL HILL, NC 27599-3195

T 919.962.2115
F 919.962.1403

July 12, 2022

Dean Mike Smith, Chair
Chancellor's Ad-Hoc Committee to Review Recommendations
for the Removal of Names from Campus Facilities and Spaces
Via electronic delivery

Dear Mike:

Thank you for the opportunity to address questions raised by members of your committee as part of their review of the recommendation to remove Thomas Ruffin Jr.'s name from Ruffin Residence Hall, submitted by the Commission on History, Race, and a Way Forward in April 2021. We hope that the material presented here will be helpful in the committee's ongoing deliberations.

As we researched answers to the committee's questions, we discovered another significant incident in Ruffin's life that has not been recorded in standard biographies. During Reconstruction, Ruffin was a staunch white supremacist who opposed the biracial alliance that gave birth to the state's Republican Party. The intensity of his feeling was on full display in late 1869, when he physically attacked Robert P. Dick, an associate justice on the state Supreme Court. To preserve a clear sense of chronology, we have recounted this incident first in the report that follows.

We also found family correspondence that implicates Thomas Ruffin Jr. in the Klan's campaign of terror in Alamance, Orange, Caswell, and other Piedmont counties in 1869 and 1870. That correspondence is referenced on p. 6 below.

We believe it important to emphasize again the central observation the commission offered in the dossier it prepared on Thomas Ruffin Jr. Principles of white supremacy and steady determination to enforce them shaped the broad arc of Ruffin's life. This conviction led him to volunteer for service as a commissioned officer in the Confederate army, to kill other men on the battlefield in defense of racial slavery, and to excuse murder as an instrument of racial terror and subjugation. Such acts are reprehensible by any moral or ethical standard, whether in Ruffin's time or our own. Critics urged Ruffin to seek peace and reconciliation through contrition and repair, but at no point in his life did he heed that plea. In the commission's judgment, it would be unconscionable for our university to continue its celebration of Thomas Ruffin Jr. as a figure worthy of honor and emulation. The values he stood for are antithetical to an institution committed to the pursuit of truth and service to all humanity.

Sincerely,

Patricia Parker, Co-chair
Ruel W. Tyson Distinguished Professor
Director, The Institute for the Arts and Humanities

James Leloudis, Co-chair
Professor of History
Peter T. Grauer Associate Dean for Honors Carolina

Thomas Ruffin Jr.'s assault on North Carolina Supreme Court Justice Robert P. Dick, 1869

In a sketch published in 1906, an admiring biographer noted that Thomas Ruffin Jr., along with other self-styled Conservatives (who also called themselves Democrats), "steadfastly opposed . . . Reconstruction." Their animosity was on full display in 1868-69, when a biracial alliance within the state's Republican Party wrote equal citizenship into North Carolina's constitution and won nearly two-thirds of the 170 seats in the General Assembly. Twenty-one of the Republican lawmakers were Black. Together with their white allies, they passed legislation that instituted universal male suffrage, financed a statewide system of public schools, and provided enlarged public support for the poor.¹

Ruffin and like-minded Conservative lawyers were particularly incensed that state Supreme Court justices Robert P. Dick, Edwin G. Reade, Richmond M. Pearson, William B. Rodman, and Thomas Settle Jr. had made their Republican sympathies known during the 1868 election campaign, and that Dick and Settle had also urged immediate ratification of the Fourteenth Amendment, which would grant formerly enslaved Blacks birthright citizenship and afford them "equal protection of the laws." Ruffin joined a group of more than one hundred lawyers who, in April 1869, published a public protest that excoriated the justices for "active and open participation in the strife of political contests." For their part, the lawyers claimed to be motivated "solely by a spirit of love and veneration for the past purity" of the high court. The protest first appeared in the Raleigh *Sentinel*, a paper published by Klan apologist and, according to some accounts, state-level leader Josiah Turner Jr.²

In early June, the justices ordered that the men who signed the protest "should be disabled from hereafter appearing as attorneys and counsellors in the Court" and demanded that they appear at a later hearing "to purge themselves of contempt." On the 19th, the court restored the privileges of three of the offending lawyers and gave notice that it would do the same for others who made "a disavowal, on oath, of any intention, in signing and publishing the

¹ "Thomas Ruffin Jr.," in Samuel A. Ashe, vol. 5, *Biographical History of North Carolina* (Greensboro: Charles L. Van Noppen, 1906), 363; Elizabeth Balanoff, "Negro Legislators in the North Carolina General Assembly, July, 1868 - February, 1872," *North Carolina Historical Review* 49 (January 1972), 23; John L. Cheney, ed., *North Carolina Government, 1585-1974: A Narrative and Statistical History* (Raleigh: North Carolina Department of Secretary of State, 1975), 447-48. A total of 126 men – 87 Republicans and 39 Conservatives (later, they would call themselves Democrats) – won election to the state House of Representatives; six served only partial terms because of resignation, death, or replacement. Eighteen Black men served in the House; three, in the state Senate. See Alan W. Trelease, "Republican Reconstruction in North Carolina: A Roll-Call Analysis of the State House of Representatives, 1868-1870," *Journal of Southern History* 42 (August 1976), 319 n2, 320.

² "A Solemn Protest of the Bar of North Carolina Against Judicial Interference in Political Affairs," *Tarborough Southerner*, April 22, 1869; untitled article, *The Plaindealer* (Wilson, N. C.) June 15, 1869. On the justices and their political views, see "Robert Paine Dick," in William S. Powell, ed., *Dictionary of North Carolina Biography*, vol. 2 (Chapel Hill: University of North Carolina Press, 1986), 63; "Richard Mumford Pearson," "Edwin Godwin Reade," "William Blount Rodman," and "Thomas Settle Jr.," in William S. Powell, ed., *Dictionary of North Carolina Biography*, vol. 5 (Chapel Hill: University of North Carolina Press, 1994), 49-51, 183-84, 243-44, 316-17. The legislature elected in 1868 ratified the Fourteenth Amendment, in accordance with the views of Justices Dick and Settle.

[protest], to commit a contempt of the Supreme Court." Pointedly, the court added that the lawyers would be "excused," but "not acquitted."³

Ruffin appears to have declined that opportunity. In December, he visited Justice Dick in chambers and asked to speak with him about a case that was pending before the high court. Dick refused, reminding Ruffin that he was still under the contempt order. Ruffin grew angry. He accused Dick of being a partisan stooge and charged that "his conduct was contemptible, amounting to infamy." Then he struck the judge, "giving him two heavy pops . . . one in the mouth and the other between the eyes." Conservative newspapers celebrated the assault as a "full, complete, and satisfactory answer" to the state Supreme Court's attempt to discipline the critics who called it into disrepute. Justice Dick did not press charges, and Ruffin, fearful of potential legal and professional consequences, refused to speak of the incident in public.⁴

In 1870, during its June term, the court pardoned all signatories to the Conservative protest.⁵

Thomas Ruffin Jr. and Klan⁶ amnesty, 1871-1874

Q: Is there any additional information available about the circumstances surrounding Ruffin Jr.'s support for the amendment adding murder to the list of crimes covered by the amnesty law? Was he lobbying on behalf of friends or clients?

This part of Ruffin's story begins in December 1871, when a grand jury returned true bills of indictment for fourteen Klansmen who had been arrested nearly two years earlier for the murder of Wyatt Outlaw, a Black town commissioner and constable in Graham, the seat of Alamance County. Charges were filed with presiding Superior Court judge Albion W. Tourgée in North Carolina's Seventh Judicial District. The indicted men were young – on average, twenty-four years of age – and all made a living with their hands, either on the land or in the county's railroad repair shops.⁷ The group included:

³ Untitled article, *The Plaindealer* (Wilson, N. C.) June 15, 1869; *In the Matter of B. F. Moore, Esq., Thomas Bragg, Esq., E. G. Haywood, Esq., and Others, North Carolina Reports*, vol. 63, June term, 1869 (Raleigh: State of North Carolina, 1971), 397-409.

⁴ "The Rule Answered," *Sentinel* (Raleigh, N. C.), December 11, 1869. For an account of the assault from within Ruffin's family circle, see Paul Cameron to Thomas Ruffin Roulhac, December 20, 1869, folder 112, Ruffin, Roulhac, and Hamilton Family Papers, #643, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill.

⁵ North Carolina Supreme Court, Minute Docket, vol. 282, January Term 1869 to January Term 1871, 320, State Archives of North Carolina, Raleigh, North Carolina.

⁶ The word 'Klan' is used here to refer to the Ku Klux Klan, specifically, and to other affiliated white supremacist organizations, such as the White Brotherhood, Constitutional Union Guard, and the Invisible Empire. This usage was common in Ruffin's time and remains so in scholarly works today.

⁷ "From Graham, Tourgée's Ku-Klux Court," *Daily Carolinian* (Raleigh, N. C.), December 28, 1871. Jacob A. Long, a twenty-four-year-old attorney, was also arrested for aiding and abetting the murder, but the grand jury did not return a true bill for his indictment. See "Bill of Indictment for Murder Which the Ku Klux of the Legislature Are Endeavoring to Quash," *New North State*, (Greensboro, N. C.), February 19, 1873. Most historical accounts of

James Bradshaw, 28 years old, farmer
John S. Dixon, 22 years old, cabinet maker
Van Buren Holt, 22 years old, laborer in railway repair shops
Curry Johnson, no traceable census record
David, 25, and James Johnson, 23 years old, farm laborers who lived in their
mother's household
Henry Robinson⁸, perhaps 23 years old, occupation unknown
George Rogers, 19 years old, laborer who lived in his parents' household
Thomas Tate, 30 years old, "engine builder," railway repair shops, and George
Mebane, 23 years old, also an "engine builder," who lived in Tate's household
Michael Teer, 20 years old, farm laborer who lived in his parents' household
Jesse Thompson, 28 years old, farm laborer who lived in his parents' household
Michael Thompson, no traceable census record
Walter Thornton, no traceable census record

This social profile fits the pattern of Klan activity across North Carolina; older men in positions of power and influence orchestrated vigilante violence but ordinarily kept themselves at a safe distance from the legal, economic, and political consequences of arrest for criminal acts. Only one of the indicted men, James Bradshaw, had a traceable connection to Ruffin. He fought for the Confederacy under Ruffin's command in Company E of the 13th Regiment, North Carolina Infantry. Ruffin held the rank of lieutenant colonel; Bradshaw was a private. After the war, Bradshaw led an Alamance County camp of the White Brotherhood, a white supremacist organization allied with the Ku Klux Klan.⁹

Ruffin left no collection of personal or professional papers, so it is difficult, if not impossible, to determine whether he had a relationship with others in the group as either a friend or client. But we do know that he was enmeshed in a broad network of Klansmen, all of whom were at risk if the investigation of Wyatt Outlaw's murder remained open and the men charged with that crime were given a public trial. The danger was that when compelled to testify, they might surrender information about the entire Klan organization in Alamance and surrounding counties.

Outlaw's murder report that eighteen Klansmen were indicted. That figure appears to have been a misprint in contemporary reporting (see the *Daily Carolinian* article above) that has since been repeated in the scholarly literature. The certified copy of the grand jury's report that was printed by multiple newspapers (including the *New North State*, above) is the basis for the account offered here. Ages and occupations of the indicted men are from the 1870 Federal Census, Alamance County, North Carolina, Ancestry.com.

⁸ Robinson's surname was rendered incorrectly as 'Robison' in some contemporary news reports. For the correct spelling, see "Alamance Ku Klux, Further Particulars," *Wilmington Post*, January 4, 1872. There is no record of Robinson in the 1870 Federal Census; he was most likely the son of Thomas Robertson, who appears in the 1860 census as a railroad engineer living in Graham. The surname of all family members other than Thomas was rendered as 'Robinson.'

⁹ Soldiers and Sailors Database, The Civil War, National Park Service, <https://cutt.ly/YLdXbHs>; *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*, vol. 2 (Raleigh: Sentinel Printing Office, 1871), 1591.

Ruffin's brother, John, was almost certainly a member of the Klan. Our best evidence is a letter dated July 8, 1869, in which Thomas Ruffin Sr. urged John to end his association with the organization. There were moral principles to consider. "To do evil that good may come of it, is a horrible heresy in Religion, morals, and public polity," the elder Ruffin advised. "Evil almost certainly always follows evil and what was begun in good faith for useful ends, almost ever terminates in gross personal and private injuries." There was also the practical concern that John, by virtue of his social standing, would be an attractive target for criminal prosecution. Ruffin Sr. was particularly wary of Judge Tourgée, who was both loathed and admired for his efforts to suppress the Klan. The father spelled out the peril that awaited his son:

You are aware, I presume, that the Legislature at its late session, passed a law making it highly penal and infamous for any person to disguise himself as these persons notoriously do – and you know further, that the Judicial personage [Tourgée], who holds your Court, and would have or presume jurisdiction of any accusation against you, would gladly enforce that enactment when the evidence afforded a plausible pretext, against one who had by birth and education, the connections and character of a gentleman.

The elderly judge ended with a dire warning. "Let me tell you," he wrote, "that there is no reliance on the supposition that the difficulty or want of proof of your participation in the association and conspiracy would afford an assurance of [your] safety or acquittal."¹⁰

We also have evidence that other relatives were members of the Klan, or at least had close Klan connections. For instance, Ruffin's nephew, Thomas Ruffin Roulhac, kept in touch with H. A. Chambers, a fellow Confederate veteran. Both were contemptuous of what they described as North Carolina's "negro legislature," and it seems that they regularly shared news of Klan activities. In June 1868, Chambers wrote, "Tell me of the organization, and if you can[,] give me the member[']s names in Iredell, Rowan, and Mecklenburg Counties." That same year, as Klansmen terrorized residents of Orange County (including Chapel Hill), Roulhac abruptly left the state. He first went to California, and then in late 1870 settled in Greensboro, Alabama. Letters to his sister, Annie, reveal his concern that Halcott Pride Jones – a former Confederate officer, Orange resident, and fellow Conservative – might expose his and other men's Klan connections. "Keep silent, hear what you can and post me continually," Roulhac wrote. "Whatever occurs don't you or any member of our family utter one word." Roulhac's fear turned out to be well-founded. After Wyatt Outlaw's lynching, Republican Governor William Holden appointed Jones captain of the county militia and instructed him to seek peaceful means of "disbanding the Ku Klux." "You are thoroughly acquainted with the people of the

¹⁰ Thomas Ruffin Sr. to John K. Ruffin, July 8, 1869, J. G. de Roulhac Hamilton, ed., *The Papers of Thomas Ruffin*, vol. 4 (Raleigh: Edwards and Broughton, 1920), 225-27. John Ruffin, a physician, served on the coroner's jury in the initial investigation of Wyatt Outlaw's murder. Later, during Governor William Holden's impeachment trial, one his allies attempted to introduce the jurors' names, for the purpose of determining whether any of them "were members of the KuKlux [sic]." When he spoke Ruffin's name, John Graham, Thomas Ruffin Jr.'s law partner and lead interrogator for the prosecution, cut him off. The questioning ended there, after the chief justice of the state Supreme Court, who presided over the trial, agreed to Graham's demand for a written copy of the coroner's report, which the witness could not produce. Graham's intervention effectively shut down a line of inquiry that might have exposed John Ruffin's Klan connections. See *Trial of William W. Holden*, vol. 2, 1942.

county," Holden explained in a widely publicized letter. "You know their peculiar sentiments, their habits, and their modes of thought." For Roulhac and like-minded men of "respectable position," those must have been chilling words; they threatened betrayal from within one's own social and political circle.¹¹

Roulhac's brother, William, also devoted himself to restoring white supremacy. He lived in Richmond, Virginia, where he served on a "Volunteer Police" force that terrorized Black residents. In late March 1870, William boasted to his mother that "one negro was killed & several wounded" in a recent confrontation. He urged her not to worry for his safety; he and his friends "were thoroughly armed and organized." Richmond's Republican paper referred to the white volunteers' rampages "as the new Rebellion and the reorganization of the Rebel Army." "Would to God it was," William declared, "for I am a strong Rebel every day alive."¹²

William followed events back home in North Carolina with indignation and concern for the safety of his uncle, Ruffin Jr. Days after Wyatt Outlaw's murder, he wrote to his mother: "I see that the County of Alamance is in a state of insurrection, when will our troubles cease under Radical [Republican] rule? I only wish that where there is one K[u] K[lux] there were two thousand and that instead of hanging negroes they would give Holden and [Lieutenant Governor] Tod Caldwell the benefit of a hemp cravat." William was even angrier months later, when Holden ordered the state militia, under the command of George W. Kirk, to round up Klansmen in Alamance, Caswell, and Orange Counties. He wrote a long letter addressed simply to "Major" – either Major John W. Graham, Ruffin Jr.'s law partner and a frequent family

¹¹ H. A. Chambers to Thomas Ruffin Roulhac, June 25, 1868, folder 109, Thomas Ruffin Roulhac to Annie K. Roulhac, August 14 and September 12, 1869, folder 112, Ruffin, Roulhac, and Hamilton Family Papers; "Governor Holden, Law and Order," and "A Letter of Instructions from Gov. Holden to Capt. Pride Jones," *Daily Standard* (Raleigh, N. C.), April 8, 1870; testimony of Pride Jones, *The Joint Select Committee to Inquire Into the Condition of Affairs of the Late Insurrectionary States*, vol. 12, *North Carolina* (Washington, D. C.: Government Printing Office, 1872), 12. Thomas Ruffin Roulhac left school at the age of thirteen to volunteer for the Confederate army. After the Civil War, he studied law with Thomas Ruffin Sr. and practiced briefly in Hillsborough. He moved to California in 1868, and in 1870, settled in Greensboro, Alabama, where he resided until his death in 1907. As mayor of Greensboro, Roulhac was an early advocate of the notorious convict lease system that forced Black men to labor in Alabama coal mines and on what historian Sydney Nathans has described as "neo-slave plantations." See *The Papers of William Alexander Graham*, J. G. de Roulhac Hamilton and Max R. Williams, eds., vol. 5 (Raleigh: State Department of Archives and History, 1973) 96-97 n25; "Thomas Ruffin Roulhac," obituary, *Report of the Thirty-First Annual Meeting of the American Bar Association* (Baltimore: The Lord Baltimore Press, 1908), 622-23; Sydney Nathans, *A Mind to Stay: White Plantation, Black Homeland* (Cambridge, Massachusetts: Harvard University Press, 2017), 143. Pride Jones ultimately refused to name members of the Orange County Klan. From the outset, he believed that Klan violence would not be fully suppressed without a pardon for racially targeted crimes. To that end, he supported an 1873 law that pardoned all crimes committed by members of secret organizations, with exceptions for rape, murder, arson, and burglary. See his testimony above, 1-12, and *Journal of the House of Representatives of the General Assembly of North Carolina, At Its Session of 1872-73* (Raleigh, N. C.: Stone and Uzzell, 1873), 552. In the 1873-74 legislative session, Jones backed a failed attempt to remove the exception for murder. See *Journal of the House of Representatives of the General Assembly of the State of North Carolina, At Its Session of 1873-74* (Raleigh, N. C.: Josiah Turner Jr.), 518. He did not serve in the 1874-75 legislative session, when a second attempt succeeded.

¹² William S. Roulhac to Catherine Roane Ruffin Roulhac, March 26, 1870, folder 113, Ruffin, Roulhac, and Hamilton Family Papers.

correspondent, or Major Daniel H. Hamilton Jr., a relative who had served with Ruffin in the 13th Regiment. "The rule of Holden & Kirk has gone far enough," William howled. "I trust that the next telegram may be that they have been Stephenized [a reference to St. Stephen, who was stoned to death] or hung from the highest tree in the state." Then he directly implicated Ruffin in the Klan's terror campaign. "You must excuse [my hand]writing," William pleaded, "but I am very nervous. . . . *I hear many arrests will be made . . . is there any danger of Uncle Tom* (emphasis added)?" The significance of that question is clear. It made sense only if William and his correspondent knew that Ruffin was closely involved with the Klan, either as a member of the organization or as a trusted adviser and ally.¹³

Ruffin's Klan connections were not limited to his family circle. His law partner, John Graham, was widely suspected of Klan membership, and both men were close associates of Frederick N. Strudwick, an Orange County attorney, district solicitor, and Klan chieftain who led a failed attempt in 1870 to assassinate Republican state senator T. M. Shoffner.¹⁴ In addition, several veterans of Company E (including James Bradshaw, above) and Company H of Ruffin's regiment were exposed as vigilantes by James E. Boyd, a Graham attorney and one-time Klansman who had served as a private under Ruffin's command. In 1870, Boyd testified for the defense in Governor William Holden's impeachment trial, providing details of Klan organization and membership. The men he named included:

Ruffin Andrews, Company E, private
William Andrews, Company E, second lieutenant
Jacob A. Long, Company E, private, Alamance County chief of the White
Brotherhood
A.J. Patterson, Company E, corporal, Alamance County chief of the Constitutional
Union Guard, another Klan-affiliated white supremacist organization
Eli S. Euliss, Company H, captain

¹³ William S. Roulhac to Catherine Roane Ruffin Roulhac, March 10, 1870, and William S. Roulhac to Major, July 20, 1870, folders 113 and 114, Ruffin, Roulhac, and Hamilton Family Papers; D. H. Hamilton Confederate service record, Fold3.com, <https://cutt.ly/CLTBQOg>.

¹⁴ There is credible evidence that Graham was an active member of the Klan. In August 1870, his brother, James, tried to squelch claims to that effect made by political opponents. The challenge was that the information came from a reliable source: John A. Moore, an Alamance County physician and former state legislator. Moore was himself a Klansman but would not countenance political assassination. Earlier in the year, he had foiled an attempt on the life of T. M. Shoffner, a state senator from Alamance County and sponsor of the Shoffner Act, which authorized Republican Governor William Holden to call out the state militia to suppress the Klan. See James A. Graham to William A. Graham, August 2, 1870, in Max R. Williams and Mary Reynolds Peacock, eds., vol. 8, *The Papers of William Alexander Graham* (Raleigh: North Carolina Department of Cultural Resources, Division of Archives and History, 1992), 117-18. On Moore and Shoffner, see Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (Westport, Conn.: Greenwood Press, 1971), 203. On the connection to Strudwick, see John W. Graham, "Some Events in My Life," *Proceedings of the Twentieth Annual Session of the North Carolina Bar Association* (Raleigh: Edwards and Broughton, 1918), 90, and "Frederick Nash Strudwick," in William S. Powell, ed., vol. 5, *Dictionary of North Carolina Biography*, (Chapel Hill: University of North Carolina Press, 1994), 472.

During the trial, other witnesses identified three more veterans of Company E as Alamance Klansmen. They were James Tate, who had served as a private, and Henry C. Hurdle and John Rich Ireland, both third lieutenants.¹⁵

All these men surely felt the threat of imprisonment, or the gallows, if convicted of violent crimes. And Boyd's testimony made it clear that oaths of silence might not ensure their safety. Thomas Ruffin Sr., drawing on his long experience as a jurist, had cautioned his son, John, on that very point. In secret organizations, he warned, "there will almost always be one ready to betray – someone, probably, who would join it for the purpose of betraying. But [even] if not . . . the same consequence may follow; for men may be compelled to testify and . . . make implicating disclosures."¹⁶

When read in this context, Ruffin Jr.'s claim to have "divest[ed] my mind of every feeling of partiality" in the heated debate over Klan amnesty rings hollow. He knew that men close to him – that perhaps he, himself – would remain in jeopardy so long as the Klan was under investigation, and he understood that the surest way to end the inquiry was to decriminalize acts of racial violence – not excluding political assassination and premeditated murder. Ruffin must also have felt a need for urgent action. James Bradshaw, his comrade in arms, left Alamance County soon after being indicted for Wyatt Outlaw's lynching, but by early 1873, he had returned home and announced that he was prepared to turn state's witness, "unless something [was] shortly done for his relief." In public, Ruffin denied these concerns by presenting himself as a peacemaker. But contemporary critics saw through that guise. Support for the amnesty law, they declared, was "a test and evidence" of one's fealty to "Ku Kluxism." Rather than advance "peace and reconciliation," amnesty would give favor to "criminals whose hands [were] dyed with the blood of innocent people."¹⁷

History demands similar ethical clarity from us. We must not forget that Ruffin's so-called peace sentenced Black North Carolinians to a century of Jim Crow subjugation, with all its attendant atrocities – not least of which was the terror of lynching. His critics would not have

¹⁵ *Trial of William W. Holden*, vol. 2, 1222, 1226, 1574, 1581-1643, 1880, 1927-28, 1994, 1997, 2254; Soldiers and Sailors Database.

¹⁶ Thomas Ruffin Sr. to John K. Ruffin, July 8, 1869. On widespread fear among Alamance County Klansmen and the decision by many to flee, see "Alamance County, Startling Revelations," *Weekly Era* (Raleigh, N. C.), December 28, 1871; "From Graham, Tourgée's Ku-Klux Court," *Daily Carolinian* (Raleigh, N. C.), December 28, 1871; "Ku Klux Investigation," *Rutherford Star*, July 22, 1871. James Boyd later served as a judge on the U. S. District Court for the Western District of North Carolina, 1880-1885, and as U. S. Attorney General, from 1897 to 1900. See "James Edmund Boyd," History of the Federal Judiciary, Federal Justice Center, <https://cutt.ly/WLEkk0A>.

¹⁷ "Amnesty," *Raleigh News*, January 15, 1874; "The Ku Klux Amnesty Bill, Startling State of Facts," *Weekly Era* (Raleigh, N. C.), February 20, 1873; "Bill of Indictment for Murder Which the Ku Klux of the Legislature Are Endeavoring to Quash," *New North State*, (Greensboro, N. C.), February 19, 1873; "The Amnesty Bill," *Daily Era* (Raleigh, N. C.), February 20, 1873. On related efforts to characterize the amnesty law as a peacemaking gesture, see "The Spirit of Peace," and "Will North Carolina Be Less Merciful," *Raleigh News*, February 12, 1873.

been surprised by that legacy; they understood that there can be no peace without justice, contrition, and repair.¹⁸

Thomas Ruffin Jr.'s honorary degree, 1881

Q: Is there anything in the historical record that indicates why the trustees gave Ruffin Jr. an honorary degree?

On Commencement Day, June 2, 1881, the University of North Carolina awarded Thomas Ruffin Jr. (B.A., 1844) an honorary Doctor of Laws degree (L.L.D.). The university faculty had recommended the tribute on March 4, less than a month after Governor Thomas J. Jarvis appointed Ruffin to the state Supreme Court. The Board of Trustees recorded its formal approval on June 1. In keeping with standard practice at the time, university officials prepared no citation to accompany the degree. The university archives and newspaper coverage of the June commencement exercises are also silent on the reasons for Ruffin's selection, though the timing of the award suggests an obvious explanation. University leaders routinely used honorary degrees both to celebrate accomplished alumni and to strengthen ties to influential men who could promote and safeguard the institution's political and economic interests.¹⁹

Thomas Ruffin Jr.'s Jim Crow jurisprudence, 1883-1888

Q: A member of the committee identified Ruffin Jr.'s involvement in the case of *Riggsbee v. Town of Durham* as a possible example of positive behavior by Ruffin Jr. Can you provide any information about the case?

Thomas Ruffin Jr. was involved in the Riggsbee case as plaintiff's counsel, not as a sitting justice on the state Supreme Court. This is a point of confusion in some accounts. We provide details below, framed within a broader look at Ruffin's Jim Crow jurisprudence.

¹⁸ "Amnesty," *Raleigh News*, January 15, 1874; "The Ku Klux Amnesty Bill, Startling State of Facts," *Weekly Era* (Raleigh, N. C.), February 20, 1873; "Bill of Indictment for Murder Which the Ku Klux of the Legislature Are Endeavoring to Quash," *New North State*, (Greensboro, N. C.), February 19, 1873; "The Amnesty Bill," *Daily Era* (Raleigh, N. C.), February 20, 1873. Historian Carol Watterson Troxler describes the amnesty law as a means of annulling Klan indictments. See "'To Look More Closely at the Man': Wyatt Outlaw, a Nexus of National, Local, and Personal History," *North Carolina Historical Review* 77 (October 2000), 403. On related efforts to characterize the amnesty law as a peacemaking gesture, see "The Spirit of Peace," and "Will North Carolina Be Less Merciful," *Raleigh News*, February 12, 1873.

¹⁹ Minutes of faculty meetings, 1856-1885, vol. 1:6, March 4, 1881, June 2, 1881, Minutes of the General Faculty and of the Faculty Council, 1799-2011, General Faculty and Faculty Council of the University of North Carolina at Chapel Hill Records, 1799-2015, #40106; Minutes Board of Trustees meetings, 1789-1932, vol. 7, June 1, 1881, Board of Trustees of the University of North Carolina Records, 1789-1932, #40001, University Archives, Wilson Library, University of North Carolina at Chapel Hill. Governor Jarvis appointed Ruffin Jr. to the high court on February 11, 1881; see "Judge Ruffin," *Tobacco Plant* (Durham, N. C.), February 15, 1881.

Ruffin authored 226 judgments during his brief tenure as an associate justice on the North Carolina Supreme Court (1881-1883). Only one judgment addressed questions of race and equal citizenship; in that instance, Ruffin affirmed the legitimacy of Jim Crow segregation.²⁰

The case, *Elsie L. Britton v. Atlanta & Charlotte Air-Line Railway Co.* (1883), was brought to the court on appeal by a Black woman who had traveled on a train from Greenville, South Carolina, to Charlotte on July 23, 1878. When she and two companions boarded the train, they took seats in a carriage that had been reserved, without signage, as a "smoking car" for "white male passengers." Soon after leaving the Greenville station, white men who also had found seats in the carriage began to protest the Black travelers' presence. They "sang vulgar songs," "whooped and hallooed at the top of their voices," and insisted that "'d ____d niggers had no business'" sitting among them. Britton and her friends repeatedly asked the train's conductor to intervene, but he replied in each instance that he could not help them. Soon, the situation turned violent. When the train stopped at King's Mountain, North Carolina, white passengers "seized hold of the plaintiff [and] beat and badly bruised her." Britton subsequently sued the railroad company for compensation for her injuries, but the jurymen who heard her case in Mecklenburg County Superior Court denied her claim. Justice Ruffin found fault with that verdict. He ruled that the conductor, acting in an official capacity as the railway company's agent, had been "grossly and unpardonably negligent" in fulfilling "the duty of common carriers . . . to convey their passengers safely." On account of that failure, Ruffin remanded the case for retrial.²¹

Justice Ruffin seems to have recognized that some observers might interpret his ruling as a challenge to the underlying practice of racial segregation. He cut that reasoning off at the root. It was a "well settled" matter of law, Ruffin wrote, "that amongst those reasonable regulations which [railroad companies] have a right to adopt, is the one of classifying their passengers and assigning them to separate, though not unequal accommodations. This right, as regards the separation of the races in public places, has been expressly and fully recognized in

²⁰ Court Listener, opinions of Thomas Ruffin Jr., <https://cutt.ly/4I4n66D>.

²¹ *Elsie L. Britton v. Atlanta & Charlotte Air-Line Railway Co.* (1883), *North Carolina Reports*, vol. 88, February term, 1883 (Raleigh: Ashe and Gatling, 1883), 536-46. This account of the case and the quotations therein are taken from Justice Ruffin's judgment. D. W. Culp, one of Britton's traveling companions, also sued the Atlanta and Charlotte Air-Line Railway, lost his case in Mecklenburg County Superior Court, and appealed to the North Carolina Supreme Court. Newspaper evidence indicates that the high court remanded Culp's case for retrial, but that action is not documented in the published record of the court's judgments. See "The Special Term of Court," *Charlotte Observer*, January 22, 1882; "Supreme Court – Sixth District," *Charlotte Observer*, April 29, 1882; "N. C. Supreme Court," *Charlotte Observer*, May 19, 1882; "Supreme Court," *Charlotte Observer*, October 18, 1882; "Supreme Court," *Charlotte Observer*, November 17, 1882; "N. C. Supreme Court," *Charlotte Democrat*, March 23, 1883; "N. C. Supreme Court Decisions," *Charlotte Democrat*, April 13, 1883; "Not a Case of Murder," *Daily Journal-Observer* (Charlotte, N. C.), September 1, 1883. A second Mecklenburg County jury, empaneled in March 1884, affirmed the judgment of the first. They concluded that the injuries suffered by Britton and Culp were not attributable to "the negligence of the defendant." See Minute Book of Mecklenburg Superior Court, vol. 8, 1882-1885, 435, 440-41, State Archives of North Carolina, Raleigh, North Carolina.

many of the courts, both state and national." Ruffin's authorities for that assertion included no North Carolina judgments.²²

Two observations are worthy of consideration here. First, Ruffin overstated his claim. Legally codified segregation was not uniformly enforced in North Carolina (or elsewhere in the South) until the turn of the 20th century, after the U. S. Supreme Court blessed the doctrine of separate but equal in *Plessy v. Ferguson* (1896). North Carolina lawmakers did not require that common carriers – railway and steamship companies – provide separate accommodations for white and Black passengers until 1899. At the time of the attack on Elsie Britton nearly two decades earlier, the etiquette of public interaction across the race line varied from one locale to the next and was both unsettled and oftentimes sharply contested.²³ Ruffin acknowledged as much in his judgment, noting that the Atlanta and Charlotte railway company had advertised that it provided "separate cars . . . for white and colored passengers" but otherwise left compliance to travelers' discretion. In that context, his pronouncement that segregation was an established legal standard appears to have been as much an avowal of personal conviction as a dispassionate statement of legal fact.²⁴

Second, Ruffin's defense of racial segregation silenced any consideration of the essential cause of the injuries inflicted on Elsie Britton and countless other Black North Carolinians who suffered insults and cruelty – even death – at the hands of white offenders. Ruffin blamed Britton's injuries on negligent railway officials, a feckless conductor, and a band of rowdies – "wild young men from Atlanta, on a spree."²⁵ Fair enough, but to focus solely on those actors was to name symptoms while ignoring a malignant disease. Britton's assailants battered and bruised her to enforce the inherently violent principles of white supremacy – principles that Ruffin and other former Confederates had joined an armed insurrection to defend, and to which, in civilian life, they continued to pledge their allegiance. That was the essential truth the high court justice would not speak.

Soon after stepping down from the state Supreme Court, Ruffin served as plaintiff's counsel in *A[tlas]. M. Riggsbee v. The Town of Durham* (1886), another high-profile lawsuit that spoke to questions of race and equal citizenship. The facts of the case were these: In 1881, the General Assembly authorized Durham officials to levy new poll and property taxes that would be "raised by separate and distinct assessments upon the races" and expended in similar fashion. The law specified that taxes "collected from property and polls of white persons" were to be budgeted for establishing a modern graded school for white children, and that those paid

²² *Elsie L. Britton v. Atlanta & Charlotte Air-Line Railway Co.* (1883), 542.

²³ *Public Law and Resolutions of the State of North Carolina, Passed by the General Assembly at Its Session of 1899*, chapt. 384 (Raleigh: Edwards and Broughton, and E. M. Uzzell, 1899), 539. On the history of Jim Crow segregation, see C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1955); Joel R. Williamson, *The Crucible of Race: Black-White Relations in the American South Since Emancipation* (New York: Oxford University Press, 1984); Richard A. Paschal, *Jim Crow in North Carolina: The Legislative Program from 1865 to 1920* (Durham: Carolina Academic Press, 2021), 23-41, 78-101, 189-94.

²⁴ *Elsie L. Britton v. Atlanta & Charlotte Air-Line Railway Co.* (1883), 543.

²⁵ *Ibid.*, 539.

by "colored persons" were to be allocated "for the benefit of the colored schools for the colored children." These provisions were patently inequitable. Most of Durham's Black residents labored for subsistence wages in the city's tobacco warehouses and stemmeries; they owned no property; they could not afford to pay a poll tax; and, for these reasons, they had little or no capacity to fund improvements in their children's education.²⁶

A majority of Durham voters approved the new taxes in late 1885, but as town officials prepared to collect payment, Atlas Riggsbee, a wealthy Durham merchant, went to court to plead for an injunction. His lawyers – Ruffin, John Graham (Ruffin's partner), and William W. Fuller (counsel for the W. Duke and Sons Tobacco Company) – argued that the racial distinctions made in the Durham school law violated the state constitution, which required that taxes should be "uniform" in their implementation and that in matters of education "there [should] be no discrimination in favor of or to the prejudice of either race." The Durham County Superior Court denied Riggsbee's petition, even though it conceded his constitutional claim. The presiding judge allowed the taxes to be collected but blocked their expenditure until the constitutional issue was resolved. On appeal, the state Supreme Court vacated the Durham school law in its entirety. This ruling confirmed the court's judgment in another case, *J. C. Puitt, Eli Pasour, and Others v. Commissioners of Gaston County* (1886), heard during the same term.²⁷

What are we to make of Ruffin's role in the Riggsbee case? Had this former Confederate officer and Klan exponent undergone a dramatic change of heart? Perhaps, but the particulars of the Durham conflict over school taxes give cause for skepticism.

Atlas Riggsbee belonged to an organized group of wealthy tobacco merchants and manufacturers (including Washington Duke), other industrialists, and corporate lawyers who mounted an aggressive anti-tax campaign. In the run-up to the vote on the new poll and property taxes, they published a broadside that laid out their objections, "firmly, and without reserve":

- First, the broadside argued that there was no need for a publicly funded white graded school. Durham already had flourishing private institutions, "two first-class Male Academies" and "two Female Seminaries." All were sustained by private wealth, and they had a proven record of satisfying the educational needs of elite white families. Based on this evidence, the broadside warned readers not to make the mistake of "turning loose 'a bird in the hand for one in the bush.'"
- Second, the broadside claimed that poor white children were served adequately by "two or three small [public] schools," at a cost of just \$860 a year. If parents found those schools inadequate, they had the option to "educate their children at home." Under this

²⁶ *A. M. Riggsbee v. The Town of Durham* (1886), *North Carolina Reports*, vol. 94, February term, 1886 (Raleigh: Reprinted by Bynum Printing Company, 1956), 669-74.

²⁷ *A. M. Riggsbee v. The Town of Durham* (1886); *J. C. Puitt, Eli Pasour, and Others v. Commissioners of Gaston County* (1886), *North Carolina Reports*, vol. 94, February term, 1886 (Raleigh: Reprinted by Bynum Printing Company, 1956), 596-605.

arrangement, the broadside concluded, "each and every child in [Durham], however poor or rich," could be properly schooled.

- Third, the broadside reminded readers that "high taxes make high rents; and high rents and low wages bring poverty to the working man, and . . . drive him to seek employment elsewhere." In other words, new school levies would make Durham unaffordable for the working poor, both white and Black, and, by doing so, would cut off the supply of cheap labor that produced Durham tobacco barons' great wealth.
- Finally, the broadside pointed out the obvious fact that the new school taxes would not "do full justice to the colored people." The enabling legislation said to "the poor negro, stand aside . . . you can only have that portion of taxes that comes from your property for the education of your children." For Black parents, most of whom were renters rather than property owners, that was a particularly cruel proposition.

Based on these claims, the broadside urged Durham voters to reject the new school taxes. "Then will the white people . . . say well done," its authors declared, "while the colored . . . will proclaim . . . that 'our people'" – that is, powerful whites – "would do them right."²⁸

The broadside suggests that concern for Durham's Black children was as much a ruse as a principled conviction. In *B[rodie] L. Duke v. Paul A. Brown* (1887), a case filed in conjunction with *Riggsbee* by Washington Duke's oldest son, the state Supreme Court effectively confirmed that reading. It blocked Durham officials' efforts to sell school bonds to private investors, as authorized by the legislature in 1885. In his written opinion, Chief Justice William N. H. Smith noted that the plaintiff was motivated, in part, by opposition to "heavy and oppressive taxation."²⁹

The high court's rulings in the *Riggsbee* and *Duke* cases did not end the fight over school taxes in Durham. Town leaders immediately regrouped. They lobbied lawmakers to remove race-specific provisions from the town's school law; established a Black graded school similar to the school provided for whites; and, with these changes in place, scheduled an election in which voters again affirmed their support for special school levies. *Riggsbee* returned to court in 1888 to contest that outcome. Faced with the fact that an appeal to racial equity – whether genuine, contrived, or some mixture of the two – was no longer of use in opposing the taxes, he and his lawyers pivoted to an argument that provided less cover for economic self-interest. They petitioned to have the election results annulled because the tax scheme had won a

²⁸ "As We See It," [1882], Broadside and Ephemera Collection, David M. Rubenstein Rare Book and Manuscript Library, Duke University, Durham, North Carolina. The broadside was signed by general merchants Atlas M. Riggsbee, G. C. Farthing, J. C. Angier, and M. A. Angier; tobacco merchants Jno. S. Lockhart, R. E. Lyon, Edward J. Parrish, Thomas L. Peay, I. M. Reams, Alvis K. Umstead, and J. N. Umstead; attorney W. W. Feller; manufacturers J. Ed. Lyon and William Mangum; and the W. Duke and Sons Tobacco Company. See 1880 Federal Census, Orange County, North Carolina, Ancestry.com, and E. F. Turner and Company, *Turner's Durham Directory, 1889-90* (Winston, N. C.: Stewart's Job Office, 1889).

²⁹ *B. L. Duke v. Paul A. Brown* (1887), *North Carolina Reports*, vol. 96, February term, 1887 (Raleigh: Reprint Published by State of North Carolina, 1971), 131. B. L. Duke was the eldest son of Durham tobacco baron Washington Duke.

majority of ballots cast rather than the votes of *a majority of qualified electors*, as required by Article 7, Section 7 of the state constitution. Both the Durham County Superior Court and the North Carolina Supreme Court rejected that claim. They found that Durham officials had made an accurate count of qualified voters on the registration rolls and, on that basis, had properly certified the election results. With the courts' blessing, collection of the town's special school taxes proceeded as planned.³⁰

Riggsbee's chief objective – from the outset, it seems – was not so much to promote racial equality in education as to oppose increased taxation for support of Durham's public schools, white as well as Black. The editor of the *Tobacco Plant*, a Durham newspaper, made this point in response to the state Supreme Court's ruling in the 1888 lawsuit. He denounced Riggsbee and his allies for their "cold and callous selfishness," and for "devot[ing] all [their] energy" to thwarting the will of "progressive Durhamites, white and colored." Of course, that proclamation was, in its own fashion, as disingenuous as assertions made by Durham's anti-taxers. In the decades that followed, officials collected taxes without racial distinction but funded the town's segregated schools in ways that were both separate and flagrantly unequal.³¹

What Thomas Ruffin Jr. thought of the final Riggsbee judgment remains a mystery. By 1888, his health was "precarious," and he had withdrawn from Riggsbee's legal team. He died in May 1889.³²

³⁰ *A. M. Riggsbee v. The Board of Commissioners of the Town of Durham* (1888), *North Carolina Reports*, vol. 99, February term, 1888 (Raleigh: Reprinted by Bynum Printing Company, 1930), 278-86; "The Graded School," February 23, 1887, and "One Word at Parting," March 30, 1887, *Tobacco Plant* (Durham, N. C.); "Whitted School Building," *History Beneath Our Feet*, Museum of Durham History, <https://cutt.ly/aLYrFVs>.

³¹ "Mr. Riggsbee Again," *Tobacco Plant* (Durham, N. C.), February 8, 1888.

³² "Thomas Ruffin, Jr.," in Ashe, ed., vol. 5, *Biographical History of North Carolina*, 366.