North Carolina's Not So "Public" and Not So "First" and Not So "University"

UNIVERSITY

Some Things Considered

The First 100 Years

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This focus of this monograph is on the branding of the University of North Carolina at Chapel Hill as *The Nation's First Public University* (by charter or open door re the University of Georgia) and its continuous meritorious service to the people of North Carolina since 1795. One can argue that, at best, this branding strategy represents a naive misrepresentation of the facts and at worst, a premeditated misrepresentation of the facts for institutional branding advantage. To give pause to the veracity of this branding, this monograph considers some specific facts of the institution's first hundred years as *"To Seem Rather Than to Be."*

North Carolina's First Public Institution of Higher Education

The University of North Carolina at Chapel Hill brands itself as "the nation's first public university." What is the truth of this statement? Is this designation similar to that of "The Holy Roman Empire?" Historians joke that "The Holy Roman Empire" was neither Holy nor Roman nor an Empire.

In 1771 the Reverend Joseph Alexander and a number of his colleagues near Charlotte Town expanded an existing classical academy into a college and named it Queen's College in honor of the German-born queen Charlotte of Mecklenburg-Strelitz. Like Alexander many of the leaders of the Charlotte Town community had studied at the College of New Jersey in Princeton, were imbued with Presbyterian values and the need for promulgation of those values to the young. Each established church near Charlotte Town had a seminary of learning which one might today call a high school. However, there was no provision for "advanced learning" beyond these church-based "seminaries of learning." Advanced learning for local boys required travel to New Jersey to attend the College of New Jersey or to attend the Anglican College of William and Mary in Virginia. Thus, Queen's College satisfied a great need for the Charlotte Town community. As a crossroads town with an abundance of merchants frequenting taverns, the Fathers of Charlotte Town made Queen's College *the first public institution of higher education in North Carolina.* It did so by taxing at the rate of sixpence a gallon any rum or liquors brought into the county.

While paying lip service to the education approach used at Oxford, Cambridge or other Colleges in America, Queen's College was from its inception to be an extension of the Presbyterian values promulgated at the College of New Jersey. As one might expect King George III was not going to accept any college not under the Church of England such as that at William and Mary in Virginia. As well he might fear, the college could be, and was, used as a hot-bed of revolutionary political activity. The college was said to offer excellent advanced education from mostly Presbyterian ministers who composed most of the faculty and the halls of the college were made available to literary societies and political clubs. In general Queen's College acting under the names of Queen's Museum and Liberty Hall was active as North Carolina's first public institution of higher education in Charlotte until it was closed during the Revolutionary War from whence it never recovered. The State Legislature transferred to Salisbury in 1784 where it met an early demise.

The concept of Queen's College as Queen's Museum or Liberty Hall was carried to the Halifax Convention (1776) by the Fathers of this institution. Hezekiah Alexander and Waightstill Avery, among others, are given credit for their efforts in the first Constitutional Convention of North Carolina in support of the Queen's College concept for the instruction of youth through direct public support of the State. Here it was Waightstill Avery, the state's first Attorney General, who has been given major credit for successfully sponsoring Article Forty-one in the 1776 Constitution of North Carolina, providing for the establishment of a public supported State University. The State's General Assembly that met in May of 1777 approved the on-going concept FOR Liberty Hall as a public institution of higher learning with agreements to provide broad-based public state funding. **Thus, Liberty Hall, on paper and fact, was the first public institution of higher learning, by charter and fact, in North Carolina within the state's 1776 Constitution.**

The trustees of Liberty Hall first met in Charlotte on January 3, 1778. Five had served as trustees of the earlier Queen's College. These included Thomas Polk, Abraham Alexander, Thomas Neal, John McKnitt Alexander and Waightstill Avery. Robert Brownfield was elected the first president for a term of one year with a salary set at £195. During 1779 Alexander MacWhorter relocated from New Jersey to serve as pastor of Sugar

Creek Church and president of Liberty Hall. During the hard times of the Revolution Liberty Hall provided education for boys too young for war service and for older men whose service was no longer required. In addition to the state's inability to provide funding for public education during the War, the arrival of Cornwallis in September 1780 marked the death knell of North Carolina's first public funded institution of higher education, *Liberty Hall.*

Article Forty-one of the 1776 Constitution of North Carolina

In the University Memorial Hall on the Chapel Hill campus of the present University of North Carolina, a plaque to the memory of Col. Waightstill Avery credits him as the author of the clause in the constitution of 1776 that ordains the University.

"that a School or Schools shall be established by the Legislature for the convenient Instruction of Youth, with such Salaries to the Masters paid by the Public, as may enable them to instruct at low Prices; and all useful Learning shall be duly encouraged and promoted in one or more Universities."

[Note: this passage in the constitution of 1776 was originally intended in support of Liberty Hall]

Launched Out of the Impulse of True Liberalism

With the closing of Liberty Hall a number of years passed before the North Carolina Legislature would again consider public funded higher education in North Carolina. The new nation was trying to define itself and how it should govern itself. At the same time a violent political expression was breaking forth in France as Monarchy was overthrown for some, yet to be determined, concept of "democracy." In America groups of bankers, merchants, manufacturers, professional people and certain wealthy farmers saw strong national government as the path to economic development and as a restraint to the excesses of democracy for the new nation. These political Federalists favored the British model of government in the hands of a meritocracy elite of wealthy, educated and well born citizens, an earlier form of what today would be referred to as a Plutocracy. This class was identified by commoners as a group that aspired to turn the new nation into a nation run by an aristocracy of wealth and privilege. Higher education was seen as a tool to meet this end. The Anti-Federalist fears of an attempt by the Federalist to form an "old world" aristocracy in America resonated just below the surface of day-to-day politics of the early Union, and profoundly influenced most of the new nation's social, economic and political institutions, and their interplay one upon another. One way it manifested itself in states other than New England was in reticence to support public education, particularly public higher education. While many recognized with Thomas Jefferson that democracy required educated leaders, opposition to tax-supported educated was based in the belief that education should be more of a private good as opposed to a social good. This resistance to public education was not isolated to the state of North Carolina. In general, except for the states of New England, the concept of public education in American did not reach a state of critical mass until about the middle point of the 19th century.

It would be a stretch to attribute to the voting majority of North Carolina citizens an in-depth understanding of political, economic and social forces at play in the Anti-Federalist controlled North Carolina legislature of 1784. This was the legislature that refused to establish any public institution of higher education as called for in the North Carolina 1776 Constitution. Most likely little additional insight about these issues had been added to voter knowledge when five years later the state legislature agreed to charter a university for North Carolina in its 1789 session. This chartering was under the political leadership of William R. Davie; a former student of Liberty Hall and the College of New Jersey, a Revolutionary War hero and future governor of the state. Davie was an ardent Federalist. He had little-to-no sympathy for giving political power to North Carolina's pioneer class of farmers and hunters. Davie was of the opinion that the Anti-Federalist "Jacobins"

(using a French Revolution term) would bring ruin to the new nation for which he had risked his life and property. Over strong Anti-Federalist opposition Davie, in the 1789 legislature, was able to use his influence with enough Federalist and Anti-Federalist political advocates to charter a university *in name if not in fact* as called for in the state's Constitution of1776.

Wagstaff's seminal work, *Impressions of Men and Movements at the University of North Carolina* speaks to the inception of the institution as:

Launched out of the impulse of true liberalism, nevertheless the elements that had founded it came to be the political conservatives of its early period of life.

Today the term "liberalism" takes on many different variants of meaning in the communication process. Here, Wagstaff is communicating a political ideology and branch of liberalism which advocates civil liberties and political freedom with representative democracy, under the rule of law, and emphasizes economic freedom. Today it is referred to as the form of "classical liberalism" that was developed in 19th century Europe and the United States." Classical liberalism" advocates for private property, unhampered (laissez-faire) market economy, the rule of law, constitutional guarantees of freedom of religion and press, and international peace based on free trade. Starting with Greek and Roman ideas, evolving through the Protestant Reformation, the Scottish Enlightenment and the French Enlightenment, the fragments of classical liberalism tenets had actually existed for centuries as part of the Western World's ongoing dialogue of ideas. Following the works of John Locke (1632-1704) the founding fathers of the United States of America were, in the main, "classical liberals." Within the boundaries of this definition the University of North Carolina was "launched out of the impulse of true liberalism." Wagstaff continues with:

nevertheless the elements that had founded it came to be the political conservatives of its early period of life.

While the founding fathers were imbued with the theory of "classical liberalism" their concepts of application of "classical liberalism" differed across political philosophical lines. One might illustrate these differences by contrasting Hamiltonian Federalism with Jeffersonian Republicanism. Jeffersonian democracy advocated for an agrarian economy for the new Union; an economy of self -sufficiency, self-government and individual responsibility. Anti-Federalist saw unlimited expansion of commerce and industry leading to workers that would no longer be independent but be vulnerable to political subjugation and economic manipulation. For North Carolina the Jeffersonian democracy of keeping power in local hands fit well with the wishes of Eastern North Carolina slave-owning planters as well as the large numbers of small farm pioneers and hunters that populated the state. Thus, by 1800 the political Federalist Party had, except in *conservative spirit*, ceased to exist, while North Carolina and the Union were under the control of Anti-Federalist Jeffersonian democracy principles at least until the 1830s.

During the first third of the nineteenth century the state of North Carolina was often referred to as the "Rip Van Winkle" state. The name called attention to the backward, undeveloped, condition of the state and the, seemingly, indifferent attitude of its people to its condition. Except for a relatively small number of privileged families, the great mass of people of North Carolina had little interest, collectively, in private or public education. Visitors to the state were often shocked at the massive ignorance and intellectual degradation of its people. On a random walk through the state, of all the people one would encounter, more than half would be illiterate. Most visible to the North Carolina traveler during the early part of the nineteenth century was the relative lack of wealth of the state compared to its South Carolina and Virginia neighbors. Almost entirely rural, agriculture was the predominant occupation of the North Carolina people. With little-to-no means of transportation for farm output or for communication and information flow, this agriculture represented a small-farm, subsistence economy based on free, white, family labor. Much of the state's wealth-based aristocracy derived their position from slave-based agriculture in Eastern North Carolina, in the counties bordering Virginia, and along the rivers of the Piedmont. This slave-based agriculture of larger and more land-rich farms existed in concert with the small-farm subsistence economy of, in the main, poorer productivity lands. For both free white and slave labor based farming, agriculture was based in primitive methods of cultivation that maximized the use of crude tools, little fertilization and an ignorance of methods of soil conservation. With poor tools and a lack of knowledge about scientific farming, crop productivity was low and the soil became poorer year by year. While the State had much in the way of forest and mineral resources, ignorance of how to

utilize those resources, effectively, was near to non-existent. The state's collective ignorance about land management and scientific methods for agriculture forced the poorer family farmers into a continuous search for new lands to cultivate and provide for the subsistence of the family. Ignorance of scientific methods for resource development and farming, and a lack of transportation infrastructure, precluded the ability to accumulate wealth from natural resources or from surplus agriculture for much of the state's economy. The problems of transportation infrastructure cut across the total economy of the State, tending to sectionalize and isolate the people of the state from economic progress. North Carolina contained no large trading city and not many merchants. Merchants bought their goods in South Carolina, Virginia and in the northern cities. Capital for manufacturing in the state was little to non-existent. Little-to-no money was available to purchase manufactured goods by the common people of the State. One of the major state characteristics during the 1800-1835 period was the out-migration of its people to states that offered greater opportunities. The bulk of the state's out-migration contained the state's "have-nots." These included three who later became Presidents of the United States – Andrew Jackson, James K. Polk, and Andrew Johnson. By 1850 nearly one of every three persons born in North Carolina was living outside the state. These conditions did not bode well for the nascent University of North Carolina in its quest to be "public" or to be a "university."

The 1789 Act that chartered the University shirked direct financial responsibility by the State for the first life of the institution. It was understood in 1789 that if the chartered University were to survive and prosper it must do so on its own! For the life of the first iteration of a State University, from the day its doors opened in 1795 until its doors were, effectively, closed in 1868, the University acted as a private institution under the hand of State political control. Its financial needs were met from monies received from student and family obligations and from philanthropy. The direction of the activities of the University was always under the watchful eye of the State Legislature. The institution that appeared was in no way a "university" as viewed via the definition of America's late 1800s. It was, at best, an advanced academy that gave its students the basic fundamentals for the pursuit of advanced training in the professions of law, teaching, or the ministry. Likewise, during its early days before 1835, for the University, in few ways of quality and prestige could one describe the institution as being on a par with other institutions only calling themselves *colleges* such as Harvard College, Yale College and the College of New Jersey. However, whatever the motivation to do so, the 1789 legislature chartered a "university" for North Carolina. To carry out the charter the Assembly established a board of forty trustees to bring the new university into being and to nurture it. The members of the first board consisted of men who had been supportive of the 1776 article in the Constitution that called for a public state university. In the main, these men were Federalist. [One might add, following Wagstaff, the *spirit* of the University would remain Federalist under a Whig designation through its post-Civil War closing.] Thus, with the aid of these forty trustees, acting in a superheated political atmosphere, the trustees established the campus and surrounding town in 1792 on Chapel Hill land donated by local planters and opened its doors to students in 1795 (although opened in 1795 it was three years before its courses were well organized). Here, the organization of the curriculum for the institution's first fifty-one students that arrived in 1795 bore the imprint of a recent revolution and the resulting politics.

As the primary advocate for a public university for the state, William Davie had specific ideas as to the nature of the institution. He and others perceived a need for public institutions of higher education that would not be tied to religious denominations, but would address the secular needs of a new republic. While the tradition of higher education was grounded in the classics of ancient Greece and Rome, Davie envisioned the new nation's need for education in the sciences, modern literature and politics. Thus, the traditional Latin diploma would be supplemented by the more English-based non-classical topics. Davie's direction for the university was opposed by trustees who argued that an emphasis on the contemporary world and elective studies would cultivate a rabble of students with disrespect for tradition and the accepted forms of established authority. This opinion carried the day and by 1804 Davie's curriculum concept was abandoned and the classical education model of Greek and Latin were given as the twin pillars of the institution's instruction. The architects of these pillars represented a body of conservative thinkers who distrusted popular democracy. They defended the authority of an "educated elite" of men to govern. As the new institution calling itself a "university" moved through the next half century into the state's destruction during the Civil War, these views of governance by an "educated elite" shaped the political sensibilities of successive generations of the institution's students who would take North Carolina into that War.

The first twenty years of the life of the University, using patronage as the yardstick of measurement, could not be described as successful. Dr. Joseph Caldwell, a twenty-three year old Presbyterian minister and trusted Federalist was appointed the first president of the state's new University in 1804. He was a Federalist who had studied for the ministry at the College of New Jersey (Princeton). His model by which he hoped to shape his university was that of his alma mater and its theological seminary as mother of a host of Presbyterian ministers. Acting without a President, the young Caldwell became presiding professor in the midst of semi-chaos at the University in 1799, largely because he possessed the confidence of William R. Davie, who was governor of the State in 1799. Caldwell, as a protégé of Davie had a capacity for adjustment that enabled him to weather the transition of the State's control from Federalist to Republican at the turn of the century. With this ability to adjust, he was made president in 1804. Except for a two-year absence, Caldwell remained the president of the institution until he died in office in 1835.

With his goal to shape his university as his alma mater and its theological seminary as mother of a host of Presbyterian ministers, he was early disappointed. He wrote a friend, "the state appears to be swarming with lawyers and religion is little in vogue." The university was lacking in books, faculty resources for the faculty of Caldwell, William Bingham, and a tutor, Richard Henderson, were poor to poverty level. From his first day in a leadership role for the institution Joseph Caldwell was faced with a passive-aggressive opposition from the state's Anti-Federalist. These Republicans were suspicious of the potential for the new institution to give direction to the minds of students on political subjects that were favorable to an aristocratic government where excessive power over the many would reside in the hands of the few. The passive-aggressive opposition manifested itself in a willingness to allow the institution to survive as long as it did so without the use of state funds. Survival for the University was to be predicated on finding enough private funds through student tuition, fees, and private grants to do so. In general, this was the case with the institution's funding throughout the history of the University from the opening of its doors in 1795 to the effective closing of the doors in 1868. This condition required the institution to "do whatever was necessary" from an academic, political and economic point of view to sustain itself in the face of an uncertain environment.

In an 1817 Report on Education given to the North Carolina legislature Archibald Murphey had the following to say about the progress of the state's University during its first twenty years:

When this institution was first founded it was fondly hoped that it would be cherished with pride by the legislature. But unfortunately the nature of the funds with which it was endowed, in a short time rendered it odious to some, and cooled the ardor of others. The torrent of prejudice could not be stemmed; the fostering protection of the legislature was withheld and the institution left dependent upon private munificence. This institution has uniformly labored under the double disadvantages of a want of funds, and the want of subsidiary institutions, in which youth could be instructed preparatory to their entering upon a course of higher branches of science in the University.

It would be many scores of years before, in fact, the University of North Carolina would be a true "public university." One could argue that the very existence of the University in the 1795-1861 period as an expensive, private institution, which by few exceptions catered to the North Carolina and slave-holding elite of the South that championed the on-coming destruction of North Carolina and the South, confirmed the coming of the early Anti-Federalist's greatest fears. In the absence of affordable preparatory and higher education for North Carolina's common people, the slaving-holding elite of the State, with their private academies and their University, had a degree of monopoly on higher education in pre-Civil War North Carolina. This degree of monopoly power of higher education with its formal and informal "certification" for status and professions in North Carolina contributed to the development of an education-based aristocracy. Thus, the State's University became a tool for the political dominance of the state by the one group that could most benefit from the institution, the slave-holding elite of North Carolina.

Launched out of the impulse of true liberalism, nevertheless the elements that had founded it came to be the political conservatives of its early period of life. This carried over into its middle period, when slavery and sectional interests still made conservatives out of those who still bore responsibility for the life of the institution. In all these years the political security of their control was nil, and hence it is not to be wondered at that the child they had produced remained a creature of chance. Whether and how it would grow, depended largely upon the shifting winds of politics. (Wagstaff)

David Swain's University

In 1860 one can argue that the center of academy and higher learning for the North Carolina gentry and its value system was perceived to reside at the Chapel Hill institution that called itself a university The University of 1860 was, to a significant extent, the product of former governor David Swain who took a fledgling institution on the verge of collapse in 1835 and grew it into an important hub for higher education as defined by the Old South. Here, the institution hosted the sons of a slave-holding elite that came from every corner of the South. Out of an 1860 student body of 430 students, 245 were from North Carolina and 185 were spread across Alabama, Mississippi, Louisiana, Texas, South Carolina, Georgia, Tennessee, Virginia, Arkansas, Kentucky and five additional states. In an 1860 world where Southern values were on trial, the patrons of the David Swain's university sought an education for their sons consistent with a position that defended human inequality and affirmed the correctness of Southern values. They sought an education for their sons that would prepare them to take their place in directing estates, communities, and governments in the "Southern Way."

James L. Leloudis in his work, *Student Life and Learning,* gives keen insight into the learning atmosphere at the Chapel Hill institution during the David Swain years. In his work he speaks to the perception that the children of the North Carolina Gentry and Southern elite did not come to Chapel Hill to learn how the world works or how to remake that world; they came to Chapel Hill to affirm their leadership role in the maintenance and protection of Southern society. In a 19th century age where the concept of natural human rights was spreading across the western world Southern society was in harm's way. From the early decision of the trustees to define the institution as one of "classical" studies, in many respects, the institution at Chapel Hill followed the model of a typical 12th century classical university. It was typical in the European classical university of the 12th century to present knowledge as a fixed set of truths, earlier defined by authorities, as opposed to knowledge from investigation and discovery. Classical education was primarily based in the Aristotelian logic and rhetoric used for debates of the views of accepted authorities in a given subject area. Derived from early universities such as the 12th century, Roman Catholic, University of Paris, this approach was defended on the theory it offered admission to the mind of God. Through the study of God's authorities, God's truths and laws by which the works of an all wise Creator are governed might be revealed. From the Greeks and the Romans the Chapel Hill students affirmed the immutability of human inequality. In the Greeks and Romans they found a society much like their own where slavery and political democracy of an educated elite could coexist in a balance of order and harmony. Thus, by the time of graduation, the men of Chapel Hill had been exposed to the poetry of Horace, the orations of Cicero and Demosthenes as well as the epic tales of Homer and Virgil. They had learned the classical way of seeking knowledge from authorities rather than from their own research into how the world works. Through the use of Aristotelian logic and rhetoric they had attempted to master the use of the spoken word. In a Southern world where it was not so much what one says but how one says it, be it in the court room, in the pulpit or in the legislative hall, graduates of the Chapel Hill institution had, in the main, practiced the art.

Kemp Plummer Battle, a graduate of 1849 and later president of the University remembered that in his day the study of Mathematics was for an understanding of theory and not application of the subject. He spoke to the defense of this approach by his teachers as it offered insight into the works of an all wise Creator and in doing led students to a more perfect conception of God's plans. A similar rule governed the classics. The faculty offered no instruction in Latin or Greek composition. Nor did they give much notice to the capacity of literature to illuminate the historical workings of society and mind. Instead, the professors demanded a minute acquaintance with the meanings and derivations of words, the cases and gender of nouns, the tenses of verbs, and the rules of grammar and prosody. Battle and his classmates mastered the dead languages in order to translate the wisdom of the ancients, not that they might give voice to their own thoughts.

Most of the Chapel Hill professors during the David Swain years were clergymen with little to no specialized training in the subjects they taught. God and His Will were, in theory, at the center of the universe for these men. Thus, the University's trustees evaluated faculty primarily on their perceived quality of church and family connection, degree and moral character. While academic competence was not ignored, it was not a first consideration. Like the patrons and students of the Chapel Hill University, the institution's faculty sought

refuge in tradition. By the time of the Civil War, the institution's governance under David Swain was more than a quarter of a century old. The identities of the faculty had been long defined in the classical curriculum that had evolved over a multi-generation period. They were too old and too set in their ways to accept radical innovation defined by a rapidly changing 19th century world. They could only pray that their form of classical education had God's approval and depend on God's guidance.

For many years North Carolina was known for the seemingly love of ignorance for the masses as the "Rip Van Winkle" state. However, imbedded in the lining of the "Rip Van Winkle" state was a seed of potential enlightenment, a fledgling institution that, in name, was called the "University." In 1860 the institution calling itself a university was hardly more than an academy for the purpose of grounding the sons of gentry in the basics of Latin, Greek, Chemistry, Mathematics and the Classics, or providing a gate-way for entrance into reading for the Law, the university did not address the problems of land use depletion, it did not address the cultivation of the forestry and mineral resources of the state, it did not address the state's illiteracy rate or the health care needs of its people. It did not address the use of science as a tool for the general improvement of the quality of life for all of the state's people. The university did not address the moral or the negative economic aspects of slavery. It did not address the concepts of liberalism that were currently sweeping over Europe as a path for the improvement of its people. In 1860 the university at Chapel Hill in no way represented the future welfare of the common people of North Carolina. It was not a seed that offered potential for the future enlightenment of the State. It did not represent a repository of knowledge that offered North Carolina the opportunity to educate the ignorant rather than to exploit them. How well it had done in these regards was showed itself in the state's post-war ashes of 1865.

Wagstaff's seminal work, *Impressions of Men and Movements at the University of North Carolina,* makes the argument that David Swain's University was a neutral player in the conflagration to come. His argument appears to be an attempt to absolve Swain and his Faculty from any culpability regarding the events that led to May of 1861. Wagstaff starts his argument by saying that David Swain's University "never became a hotbed of sectional feeling and expression as the tide of national disunion arose." He says, "the University was never filled with young cavaliers ready to mount and ride away in a slash of arms." He attributes this condition to three inter-acting actors. First, the spirit of the management of the University was Whig (the *spirit* of Federalism). Its President, its Faculty, its Board of Trustees, the State Legislature and the State Administration were Whig in spirit. Second, the student body was composed of sons of families who were equally divided along Whig and Democrat lines. Thirdly, a factor given great importance by Wagstaff was the fact ***the students of the University were not prepared to do advanced thinking about the complex issues of the times.*** Here, Wagstaff points to the lack of advanced standards of instruction in the University.

"Boys came there without preparation, the State as yet having no system of secondary education and not until the forties moving toward a popular demand for a public school system. Hence the young men in the University were as little prepared as high school boys are to absorb or reflect the currents of political forces moving on the face of the waters. Some sudden cataclysm or upheaval, demanding the application of youth's physical strength, was the only condition upon which spiritual maturity could be wrought."

Given that in 1860 the university at Chapel Hill was the center of gentrified learning and applied political power in North Carolina, if not a hub for Southern classical education, Wagstaff's third factor is a profound one. It leaves to the reader to determine whether it is a damning factor. However, one cannot help but arrive at an impression that points to an all-pervasive ignorance in North Carolina concerning an understanding of *currents of political forces moving on the face of the waters,* an ignorance not only of the common man in North Carolina but ignorance of the students turned out by its university as future state and national leaders. It is the blind leading the blind into a conflagration; Onward Christian Soldiers marching as to war with the cross of Jesus going on before.

On May 20, 1861 one hundred and forty-seven men severed North Carolina's ties with the Union and sent the State to war with the United States of America. Virginia had made a prior decision to secede from the Union and in April of 1861 President Lincoln had asked Governor Ellis of North Carolina for twenty thousand volunteers that might be used, within a united force, to bring the secession states back into the Union. These events were, for a majority of the one hundred and forty seven, an excuse to carry out their long-held desire to take North Carolina from the Union. For the remaining part of the one hundred and forty-seven, these events

left them with, what North Carolina history records as, "*no choice*" but to follow the will of the majority. Were there outside-the-box thinking alternatives considered at the convention, or was the *"no choice"* a sign of God's divine revelation?

The one hundred and forty seven men were assembled at a convention that was called by the General Assembly without submitting the question of calling for assembly of a convention to the voters of North Carolina. The Convention of May 1861 in North Carolina was generated by a process that began with Governor Ellis calling for a special session of the General Assembly. This special session was for the purpose of calling for a convention that would take North Carolina from the Union to join the other secession states. The people of North Carolina had previously turned down, by a popular vote, the question of calling a convention for the purpose of even discussing secession. At the Convention there was no effective opposition to the fact that North Carolina would leave the Union and join the Confederacy. The only opposition among the convention delegates was as to the process that would be followed. Thus, one hundred and forty-seven men spoke for the nearly two-thirds of one million, non-slave, population of North Carolina as their actions, or non-actions, declared war on the United State of America. Kemp Plummer Battle, a delegate to the Convention from Wake County and future president of the university at Chapel Hill described the decision body as follows:

"It was one of the most, if not the most, able body of men assembled in the State." "In its ranks there were an unusually large number of college men. Out of the total enrollment – one hundred and forty-seven, principle officers included, sixty-seven had had the advantage either in whole or in part of a college education. If we add sixteen physicians who had taken a professional, but not a literary, college course, the total number will reach eighty-three."

Battle, with seeming pride, pointed to the fact that of the number, fifty-one claimed his Alma Mater, the university at Chapel Hill, as their Alma Mater. The others were divided among fourteen colleges, with the highest number of the fourteen being shared by Princeton and Randolph-Macon at three, each. An analysis of the fifty-one attendees claiming the university at Chapel Hill as their Alma Mater shows that about two-thirds were former students of David Swain's leadership and the remaining one-third attended the University under the prior 1835 leadership of President Joseph Caldwell.

Catastrophe and the Train to Find Sherman

On the morning of April 12, 1865 at ten o'clock two former governors of North Carolina and products of higher education at Chapel Hill, William A. Graham and David L. Swain, carried a communication from a third product of The University, Governor Zebulon B. Vance, to General Sherman. In panic mode the two old men boarded a special train traveling east from Raleigh in search of the General. As Sherman approached Raleigh as the last standing state capital of the Confederacy, one may picture two of North Carolina's finest in their long-tailed coats and beaver hats going with hats in hand to ask for quarter from the General. Much on their minds must have been the recent fate of their sister capital, Columbia, in South Carolina, which had been recently set to the torch. Might Raleigh and its institutions meet with a similar fate?

Governors Graham and Swain were quintessential representatives of North Carolina's Whig governing elite of the pre-Civil War era. Both spoke for Union before secession. But, both gave full measure to the Confederacy when, in their view, it came time to leave the Union. This was also the case for the current Governor Vance. Could it be that the General might take kindly to the old former Unionist in dealing with North Carolina's Capital and surrounding areas?

William Alexander Graham graduated from the university at Chapel Hill in 1824, became a lawyer and entered upon public life as a member of the North Carolina General Assembly where he served many terms. He served the state as governor on two occasions, elected as United States Senator in 1840, was appointed Secretary of the Navy in 1850 and ran for Vice President on the ticket with General Scott in 1852. Following the North Carolina Whig Party line in 1860 he spoke against secession and for the Union. However, he was a

member of the May, 1861 convention which unanimously voted to secede from the United State of America and join the nation of the Confederacy. He then became a member of the Confederate Government as a member of the Confederate Senate. Five of Governor Graham's sons fought within the ranks for the Confederacy.

In 1835 the Whig party in North Carolina made David L. Swain president of the university at Chapel Hill, a position that he held until 1868. Swain had been Whig governor of the State for three successive, annual terms. With the Whig party firmly in control of the State the party sought to extend that power by, without much regard for his academic credentials, making him president of the state's only, at the time, viable institution of higher education. In his youth David learned to choose what he perceived to be good society and to aim at excellence in whatever pursuit he followed in that direction. David learned early in life the concept that "you are who you associate with." As a young man Swain had studied with great care the genealogy of the "best" families of the Southern Atlantic States. Later, in his position as president of the State's University, he was known for his ability to know much about the families who might wish their sons to attend his University before they came for his approval. By 1865 David Swain had headed the university at Chapel Hill for thirty years. The University had in some sense become David Swain's University and a breeding ground for confederate leaders. As an old man he did not want to have the structures he had labored so hard to build in Chapel Hill to meet the flame of Sherman's torch.

Zebulon B. Vance was elected governor of the Confederated State of North Carolina in 1862 and ruled the state during the rest of the war. Vance had been a Unionist until Lincoln's call for troops. However, after secession, he raised a company of soldiers and distinguished himself in battles in eastern North Carolina. Later, when in 1862 he was elected governor, he had gained notoriety as a Confederate Colonel leading a regiment fighting in Virginia. As governor Vance opposed all attempts by opposition state leaders to negotiate terms for taking North Carolina out of the war and the Confederacy. After Lee's defeat at Gettysburg, peace negotiations became a political issue in the 1864 election for governor. In the face of continuing suffering of the people, in the face of thousands of troop desertions where men were seeking places to hide in the mountains and swamps, Vance urged North Carolina to continue the war and stay with the Confederacy until the end-game was determined. In a letter from Vance to Graham dated January 2, 1864 Governor Vance put forth his position in clear terms.

"Still, no great political or moral blessing ever has been or can be attained without suffering. Such is our moral constitution that liberty and independence can only be gathered of blood and misery, sustained and fostered by devoted patriotism and heroic manhood. This requires a deep hold on the popular heart; and whether our people are willing to pay this price for Southern independence, I am somewhat inclined to doubt. But sir, in tracing the sad story of the backing down, the self-imposed degradation of a great people, the historian shall not say it was due to the weakness of their Governor."

Governor Vance's persona among North Carolina voters was so strong that the voters defeated the peace candidate and returned Vance to office in 1864. However, fifteen months of suffering and destruction later, Graham and Swain, the aging peacemakers, clad in their long-tailed coats and beaver hats boarded their special train for the event and went with their letter of surrender from Governor Vance in search of Sherman, in an attempt to save Raleigh and the buildings that housed David Swain's University. Could it be that men such as Graham, Swain and Vance who had politically advocated for Union before secession, but had been leaders in driving the state to destruction, might have more gravity and respect with Sherman than, say, a set of secession politicians might have? Were men like Graham, Swain and Vance victims of political circumstance and history should judge them as honored patriots? Is this a relevant question for one to ask?

As the two men raced to find General Sherman the State lay prostrate. A catastrophic war had worked massive hardship and destruction on the State that would require many decades to overcome. Across all classes, massive wealth and savings had been destroyed and poverty had visited both rich and poor. Wealthy families, who prospered with relative lives of plenty before 1860 were little-better off after the war than the state's small subsistent farmers. The stock price wealth of slaves had been reduced to zero. Real property had been destroyed in battles and raids. Land, railroads, factories, public and private buildings, bridges, and roads were either destroyed, worn out or in critical need of repair. Money raised by loans and taxes in support of the Confederate mission was exhausted. Individuals and institutions who had lent funds to the "cause" would never be paid back and were ill prepared to face maintenance requirements for upkeep of what property that remained. Little to no gold or silver remained in either public or private hands and Confederate paper money had no value. In the absence of slaves, tools, and other productive inputs, the value of even workable land and other real property was significantly reduced. More than 40,000 of North Carolina's white population had given their lives in the War. Other multiple thousands had been injured or damaged by disease, lack of food and/or unspeakable living conditions. There was great fear among the white population as to the future release of about 350,000 former slaves on a poverty stricken land. A good number of the white population believed that they were about to be punished by God for sins of bad judgment. Fear for the future of North Carolina was all pervasive. Was the condition that North Carolina found itself on the morning of April 12, 1865 God's Judgment? Why did the state arrive at this point? Did this outcome have to be? What went wrong? Across all these questions it was understood that the Old North State had become the victim of a great catastrophe and its recovery would be a long and painful process.

The Resurrection of David Swain's University

While, in effect, David Swain's University had been marginalized from the start of the Civil War it was officially shut down in 1868. The fact that David Swain kept the "doors open" during this time obscures the fact that for somewhere between 10 and 15 years there was, effectively, no operating university in Chapel Hill. Its resurrection was controversial and involved some subterfuge in the funding used for that resurrection.

In 1850 the state constitution of Michigan provided for the founding of a school of agriculture where scientific agriculture could be studied and practiced. The Pennsylvania legislature in 1854 authorized the creation of "an institution for the education of youth in the various branches of science, learning, and practical agriculture." These were followed by the creation of agricultural colleges in Iowa and Maryland before 1860. In 1862 the most significant development in U.S. agricultural education occurred. The First Morrill Act, signed by President Lincoln in 1862 granted to each state and territory 30,000 acres of public lands for each senator and representative in Congress. The law provided that the proceeds from these lands should constitute an endowment fund to be used for the establishment of colleges where learning would be related to agriculture and the mechanic arts. The stated reason for the establishment of these colleges was to promote the liberal and practical education of the under-classes in the pursuits and professions of life. North Carolina's Reconstruction Constitution of 1868 had provided for the State to take advantage of these monies for the advancement of the common people of the State. As early as 1872 L.L. Polk, author of *The Ansonian* and *The Progressive Farmer* had advocated, while David Swain's University stood dormant, the establishment of a new agricultural college by the State, making use of the funds provided to the State by the First Morrill Act. Texas had established a "Land-Grant" college in 1871. Alabama and Virginia established one in 1872, and Arkansas in 1873. The establishment of each of these institutions was an act of liberalism devoted to improving the opportunities for the common people of each state. Polk argued for the same treatment for the common people of North Carolina. However, the common people of North Carolina had lost control of state government to the Redeemers by 1872 and unlike the more progressive states of Alabama and Arkansas; Polk's arguments fell on deaf ears in the "Rip Van Winkle" state of North Carolina.

In 1875 the Democrats were in control of the State legislature. However, the steady flow of Whig and Democrat leaders of the State coming out of the university at Chapel Hill had been interrupted for about fourteen years. The aging gentry needed young university educated lawyers to carry their party into the future,

to finish the redeeming process. They found a way with the use of the First Morrill Act funds. With these funds the Democrats could reopen David Swain's University! To carry out their long term goals of redeeming the State, to meet their aims of states' rights, white supremacy and honor, the Democrats must first redeem their University. It was considered a matter of honor by the remaining pre-war aristocracy to reopen the University whose doors had been shut by black Republican troops; to redeem the University. While one cannot know with certainty the intent of those who championed the reopening of the University at the time, after the fact, one can see strategy at work. In effect, one only had to list the existence of departments of agriculture and mechanic studies in the catalogue of the reopened University, to make the use of the "Land-Grant" funds legal. The University President could then use the funds as "seed" money to return the University to its pre-war mission of providing government leaders for the State; Democratic Party government leaders. As deft as the strategy was, the Morrill Act funds did not automatically flow to the Chapel Hill champions. The liberal Republicans and a number of yeoman Democrats voiced the opinion that using funds designated for the uplifting of the common people of the State, to reopen the University with its history of elitism, was a blatantly inappropriate use of the funds. Wagstaff describes the activities around the legislative Bill to use the funds to reopen the University in the following way:

"This bill became the tensest issue in the legislature of 1875. It ultimately passed the lower house by one vote. In the Senate it had easier sledding."

This action taken, the old Democrats and Whigs had redeemed the State University, for most, their Alma Mater, David Swain's University.

The new president of the reopened University was Kemp Plummer Battle, student of David Swain, lawyer, member of the May Convention of 1861, which took the State out of the Union, and former trustee of the University. Wagstaff describes him as the *"spiritual heir to President Swain."* Reopened through the use of Morrill Act funds, Battle's first major use of these funds was to reestablish the University program for the study of Law. The Law School was reopened in 1877 under Battle's father, Judge W.H. Battle. Like Swain, Battle was not considered a scholar. Like Swain, his imprint on curricula and academic standards of instruction was less important than his work of reestablishing the presence of the University and its role as the principle provider of state leaders (Democratic Party leaders) to North Carolina.

During in the period between 1868 and 1902, political, class warfare existed within North Carolina. During the Battle presidency, for the ruling Democrats, North Carolina had yet to reach a state of completion with its post-Civil War aims. During the Battle presidency, the State had not yet been "redeemed." It had not attained its total goals of white supremacy, states' rights and honor. It was a total goal that would be accomplished under the leadership of Battle University men such as Josephus Daniels, Charles B. Aycock and others in the post Battle years of 1898-1902. Battle's University would aid these men in the accomplishment of their task by providing the education venue and credentials required to assume their leadership role in the State. Through the leadership of these Battle University educated men black voters were disenfranchised in North Carolina. The Farmer's Movement to improve the lot of North Carolina's under classes was defeated, and its weakened remains absorbed into the Democratic Party. To accomplish this "redemption" of North Carolina, Daniels, Aycock and other alumni of the Battle University revived the guerrilla tactics of the Ku Klux Klan, with a new terrorist group called "Red Shirts."

Having control of the State's University was critical to the ultimate Democratic victory in 1900 -1902 when the old Whig/Democrat gentry-coalition came to dominant political power in North Carolina. It would hold that power for most of the 20th century as it maintained voter control of the State's under classes. It is the ultimate irony in North Carolina history that it was the Morrill Act funds, intended for improvement of the under classes of North Carolina, that generated the certification for the rise of a young group of political activist that would lead the State to the political control and exploitation of those same common people. Among these and other venerated North Carolina leaders were included Josephus Daniels and Charles B. Aycock. Wagstaff describes the University of Kemp Plummer Battle in the following way:

"*Not to labor this point, it still must be noted that up to the turn of the century there was not to be found in the faculty a member who openly advertised other than Democratic party principles."*

Following his mandate to provide a presence for the reopened University, Battle's main contribution to his University was in the areas of funding and marketing. Using the Morrill Act funds as "seed" money, Battle was able for the first time in the history of the University to obtain state funds for the operations of the University. After twelve years of use, when the Morrill Act funds were, finally, taken from the University in 1887 to support a new college of agriculture and mechanic arts, those funds had diminished as a percent of the University's total operating budget. As of 1887 the Morrill Act funds represented only about thirty percent on the operating budget of the University. The remaining seventy per cent were state appropriated funds. Thus, for the first time in its history, in state funding, the State University was truly a *State* institution under the control of the Democratic Party. For the funding of the University's physical plant, Battle appealed to those "Sons of the South," who venerated the tradition and the men who had passed through the University, for their philanthropy. A major accomplishment of the opened University was perpetuating this veneration of the University's past. For example, at the Charter Centennial celebration for the University held in 1889, two years before Battle's retirement, Judge R.P. Dick gave the following toast:

"If I was requested to designate the greatest period of North Carolina's moral and intellectual greatness, I would select the period 1840-1860. In those days there were many men of exalted intellects, refined culture, ardent patriotism, broad sympathies and noble virtues, whose achievements contributed greatly to our State progress and renown. I will not enumerate them, as their names are familiar to this audience and most of them were Trustees of this University."

[To be fair here, Judge Dick probably had forgotten about the war catastrophe and the events that followed it. He probably had forgotten the pain and suffering brought to the State by the decisions of the illustrious "classically educated" graduates of his university. He might have viewed those events as less important than the exalted intellects, refined culture, ardent patriotism, broad sympathies and noble virtues of his university friends. Or maybe it was as simple as *"to seem rather than to be."*]

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