

University of Denver

Digital Commons @ DU

Sturm College of Law: Faculty Scholarship

University of Denver Sturm College of Law

7-12-2010

Professor's Paper Targets Klan Reference on University of Texas Dorm... And Gets Action

Thomas D. Russell

Follow this and additional works at: https://digitalcommons.du.edu/law_facpub



Part of the [Legal Education Commons](#), and the [Legal History Commons](#)

Professor's Paper Targets Klan Reference on University of Texas Dorm... And Gets Action

Publication Statement

Copyright is held by the author. User is responsible for all copyright compliance.

Originally published as Thomas D. Russell, *Professor's Paper Targets Klan Reference on University of Texas Dorm... And Gets Action*, THE HUFFINGTON POST (July 12, 2012), https://www.huffpost.com/entry/professors-paper-targets_b_643347

Professor's Paper Targets Klan Reference on U. of Texas Dorm ... And Gets Action

Ten weeks ago, my 48-page legal history paper started a Texas-sized controversy about a University of Texas dormitory named for a Klan leader.

In her diary in 1916, Virginia Woolf referred to legal history as "something that matters to no one; & will never be used, seen, or read."

Ten weeks ago, my [48-page legal history paper](#) started a Texas-sized controversy about a University of Texas dormitory named for a Klan leader.

UT first admitted African-American students in 1950 after the NAACP's Legal Defense Fund lawyers beat Texas before the US Supreme Court in *Sweatt v. Painter*. Four years later, the great NAACP lawyers won *Brown v. Board of Education*.

Just a few weeks after the *Brown* decision, UT put a Klansman's name on a brand-new dormitory for law and graduate students.

The Klan issue is not really the greatest challenge my paper poses. The first part of my title -- "Keep the Negroes Out of Most Classes Where There Are a Large Number of Girls" -- is from a memo the UT registrar wrote a few days after the *Brown* decision. Post-*Brown*, UT's administrators developed a standardized admissions exam they knew would exclude most black applicants. Publicly, they presented the test as race-neutral and began to emphasize the idea of merit. There is no simple remedy for the legacy of exclusion based upon the unseen power of the entrance exam.

Since a university professor gave my paper to a television reporter in early May, a controversy has raged on the easier issue of the dorm's name. Initially, UT administrators resisted renaming, but last Friday, UT President William Powers announced that he will ask the regents to rename the dorm.

Who was Simkins?

After the Civil War ended, William Stewart Simkins dishonored himself by becoming a criminal and terrorist. In late 1860s Florida, Simkins and his brother Eldred were Klan leaders. A masked, armed nightrider who admitted terrorizing freed slaves, William Stewart Simkins proudly spoke of beating a "darkey" with a

barrel stove. He robbed a train of rifles intended for the state militia, and the Klan used these guns to terrorize African Americans. Simkins threatened an African-American legislator and kept blacks from the polls. In just one of the Florida counties under his command, Klansmen murdered 25 freed slaves during a three-year period.

Lessons

Without blogs and social media, Virginia Woolf may have been right about legal history. However, Twitter, Facebook, HuffPost, CNN.com, television and print newspapers such as the *Wall Street Journal* have generated exactly the public conversation for which I had hoped.

The reach of the conversation astonishes me. One letter: "I am a Lifer at Avenal prison in California and saw the article and reference to you in a WSJ which a prison guard had discarded."

Twitter feeds and the comments of blogs and newspapers make clear that we historians need to do a better job teaching about the Klan. Many romanticize the Reconstruction-era Klan as the good, righteous KKK that kept order and was not racist. That claim -- to use the technical jargon of legal history -- is poppycock.

We historians need to stop the confusion between the Klan and confederate soldiers. I regard military service -- whether for the Union or the Confederacy -- as honorable. Joining the Klan never was.

Still others claim that "everyone thought that way" and accuse me of applying today's standards to the past. Many southern states had a black majority in the 1860s; blacks did not support the KKK. Nor did all the whites. That's why, when criminal prosecutions backed by Congressional authority started after 1871, the Simkins brothers were gone to Texas. They fled as outlaws and became Texas lawyers.

Smugly dismissing UT, the state of Texas, or the entire South is also an easy -- and ignorant -- response. Issues of race are central to the history of the entire U.S. UT is a great and important American university. And Texans understand honor and will look you in the eye and apologize when they have done wrong.

Anonymous commenters bring up all the things named for Sen. Byrd -- I call them Byrdies. The late senator repented and apologized again and again for his KKK membership in the first part of his life. Professor Simkins never repented.

Whether the Byrdies hate the Klan, are angry with Sen. Byrd for leaving the Klan or simply hate Democrats is unclear.

Renaming Simkins Hall is not about erasing or forgetting history. For years, Simkins's Klan past has been hidden in plain sight. Renaming takes away an undeserved honor. We should add paragraphs about Simkins to Texas's history textbooks.

I've also concluded that professional historians -- from the history department not the alumni association or public relations office -- should have responsibility for their universities' histories.

The university is the most racially diverse environment many students have or ever will be part of. History offers a great, relatively safe opportunity for students to explore issues of race, and there is no lesson closer to home than the history of the university. When the fall semester begins, I'd like students to raise their hands and ask their professors about the names on the buildings, and I'd like professors to be able to answer honestly, critically and without shame.

Professor Tom Russell teaches torts at the University of Denver Sturm College of Law. He earned his law degree and Ph.D. in history at Stanford University. He is online at <http://www.houseofrussell.com>