

Defending President Lee; Debunking Recent Criticism

By Alfred E. Eckes, Jr., PhD, W&L Class of 1964

In 1907, the centennial of Robert E. Lee's birth, public figures in America praised the general for promoting national harmony after the Civil War. They lauded his innovative contributions to college education in his native war-ravaged Virginia. "Once the war was over," President Theodore Roosevelt said, "he instantly undertook the task of healing and binding up the wounds of his countrymen, in the true spirit of those who feel malice toward none and charity toward all...." Roosevelt added that General Lee devoted all of his power "to the reconciliation of all his countrymen with one another, and to fitting the youth of the South for the duties of a lofty and broad-minded citizenship." (1)

Another supporter was Charles Francis Adams, Jr., the grandson of one president and the great grandson of another. He served as a colonel in the Union army and fought against Lee's forces at Gettysburg and elsewhere. In 1907 he travelled to Lexington, Va., and offered a superb tribute at the centennial. He applauded Lee's service during the Reconstruction period for helping to heal the Union. He said that "to overestimate it would be difficult." (2)

During the Reconstruction era prominent Northerners, who had led the opposition to slavery, endorsed Lee's efforts to promote education in the South and good will between North and South. One articulate backer was the Reverend Henry Ward Beecher. His sister, Harriet Beecher Stowe, had written *Uncle Tom's Cabin*, the anti-slavery book that President Lincoln said: "Started this great war!" Beecher, himself an ardent abolitionist, reportedly hailed General Lee as "the very man to take charge of a great educational institution in the South." Beecher urged generous financial assistance for Washington College under Lee's leadership "in behalf of the common education of the whole people, for the sake of reconstruction, reunion, peace and love...." (3)

In light of this long-standing, positive reputation of General Lee in the minds of men who were anything but die-hard Southern sympathizers, it saddens one to hear certain criticisms from present-day writers and former students at Washington and Lee University. How are we to assess the claims of those who discount Lee's accomplishments as president of Washington College and who judge him by the concerns of the present age? "Presentism" is usually cruel and superficial. It encourages self-congratulation and moral complacency. It often leads to a feeling

of moral superiority over flawed personalities of any given era. Presentism flows from an imperfect understanding of the past. At its worst, it is venomous virtue-signaling. It appeals to zealots eager to smash icons and promote ill-considered radical change. (4)

Many of the criticisms thrown at General Lee lack scholarly merit. Recently a Washington and Lee University journalism professor, Toni Locy, asserted that “Lee is undeserving of recognition in the university’s name because he was a racist and a traitor.” (5) It is true that during and immediately after the Civil War many Northerners considered Lee a traitor for leaving the U.S. Army in 1861 and accepting command of the Confederate Army of Northern Virginia. After Virginia seceded from the Union, Lee made his painful personal decision to place commitment to family and state ahead of that to the Union. Many other army officers from the South made the same decision at a time when the legality of states seceding from the Union was an unsettled question. The American Revolution, involving the secession of the thirteen original colonies from imperial Britain, was a model for the Confederate states. (6)

During Reconstruction some continued to regard Lee as a traitor. But leaders from all sections of the country lauded him for his surrender at Appomattox, and his prominent role in discouraging disruptive guerrilla warfare. Indeed, Lee’s decision to end the war early gained him respect from military veterans in the North, like Charles Francis Adams, Jr., who were appalled at the carnage.

Lee signed an Amnesty Oath in October 1865. It was done pursuant to requirements set forth in President Andrew Johnson’s offer of amnesty and pardon to persons who had participated in the rebellion against the United States. In doing so, he swore to protect and defend the Constitution of the United States and the Union of the States thereunder.

Apparently, Lee’s oath was lost, but in 1975 a researcher in the National Archives discovered the document. As a result, his full rights of citizenship were posthumously restored, effective June 13, 1865. The joint resolution passed the Senate unanimously and the House of Representatives overwhelmingly 407-10. President Gerald Ford said that “General Lee’s character” was “an example to succeeding generations....” In light of this action by Congress and the Executive to restore Lee’s citizenship, it is difficult to take seriously Ms. Locy’s argument that Lee should be treated today as an unworthy traitor. (7)

Consider her assertion that Lee was a racist, and as such does not deserve recognition. According to Locy:

In an interview with the *New York Herald* after the Civil War, Lee said he thought black people should be ‘disposed of.’ He told Congress the black man was inferior and could not be educated. ‘I do not think that he is as capable of acquiring knowledge as the white man is,’ Lee testified. (8)

This paragraph reflects poorly on Locy’s historical research and credibility as a journalist. Did Lee actually say that black people should be “disposed of”? It is not evident that the general used those words. In looking at the complete interview, not abridged versions available on the internet in which a key paragraph has been omitted, we find only that the reporter, Thomas M. Cook, used those specific words. He did not quote Lee directly. As Cook explained, he conducted the lengthy interview without taking any notes. “It will not be possible to relate the conversation that ensued with any approach to exactness.” Locy is woefully wrong about the meaning of the phrase “disposed of,” which surely is used in the interview (by Cook) not as a suggestion that black people should be eliminated, or removed, but that their wishes should be consulted, or disposed of. Lee was concerned with how emancipated black Southerners could be integrated successfully into society.

What about Locy’s statement that Lee “told Congress the black man was inferior and could not be educated”? Here the journalism professor is also mistaken. She attributes words to Lee that reinforce the “presentism” point of view.

In light of such assertions, readers may wish to review carefully General Lee’s actual colloquy with members of the congressional Joint Committee on Reconstruction: (9)

Senator Jacob Howard (R-MI) asked: “How do they [the people in Virginia] feel in regard to the education of the blacks? Is there a general willingness or a general unwillingness to have them educated?”

General Lee: “Where I am, and have been, the people have exhibited a willingness that the blacks should be educated, and they express an opinion that that would be better for the blacks and better for the whites.”

Senator Howard: “General, you are very competent to judge of the capacity of black men for acquiring knowledge: I want your opinion on that capacity, as compared with the capacity of white men?”

General Lee: “I do not know that I am particularly qualified to speak on that subject, as you seem to intimate; but I do not think that he is as capable of acquiring knowledge as the white man is. There are some more apt than others. I have known

some to acquire knowledge and skill in their trade or profession. I have had servants of my own who learned to read and write very well.”

Senator Howard: “Do they show a capacity to obtain knowledge of mathematics and the exact sciences?”

General Lee: “I have no knowledge on that subject. I am merely acquainted with those who have learned the common rudiments of education.”

From the transcript it is apparent that Lee was favorably disposed to efforts to educate blacks and to reunify the nation. He said that Southerners favored educating blacks. He emphasized that he was not “particularly qualified” to speak on the capacity of black men to acquire knowledge. He knew some blacks to be more “apt” than others, and he generally favored greater education.

Was Lee a great educator, an effective president of Washington College? Locy thinks not. She claims it is “a myth that has been perpetuated since 1870 by my employer, Washington and Lee University, which bears responsibility for the miseducation of thousands of students....” In critiquing Lee, the educator, Locy focuses on racial conflict in Lexington and on student misbehavior. Her present-day interpretation is at variance with the memories of Lee’s contemporaries who insisted that he maintained the policy of expelling any students who might participate in attempts to punish negroes. When Lee heard a report that students might attempt to lynch a black, involved in a shooting, the general urged students “to abstain from any violation of the law.”⁽¹⁰⁾

A student who knew Lee well, because they shared a common interest in good horses, later wrote that Lee did not treat lightly “disorderly orgies” of college students. The general would caution students who “became remiss, or careless, or dissipated,” and if they did not change their behavior, he would write to the parent. “And the student would disappear, not to be seen again.”⁽¹¹⁾

Locy downplays conventional measures of college leadership such as enrollments, fund-raising, and curriculum innovations. A better way to evaluate Lee’s performance is to compare his stewardship of Washington College with another troubled private college in the Old Dominion in the same period, the College of William and Mary. It was the second-oldest college in the country, one attended by George Washington, Thomas Jefferson, and John Marshall.

At the end of the Civil War both colleges were nearly bankrupt, and both selected as presidents two graduates of West Point. W&M chose Benjamin Stoddert Ewell, who had held the position before the war, and during the conflict served as a colonel in the Confederate Army. At W&M the college struggled to find students.

Enrollment fell from 65 in 1865-66 to 20 in 1867-68 before the college shut down in 1869-70. During Ewell's presidency, W&M never recruited more than 20 percent of its student body from outside Virginia. (12)

Meanwhile, Washington College flourished under President Lee, who had pre-war experience as superintendent of the U.S. Military Academy at West Point. Enrollment had averaged 88 students in the five years before the war. It quadrupled under Lee's leadership reaching 410 in 1867-68. And nearly 80 percent of the students came from out-of-state in 1870-71. These 24 states included California, Idaho, New York, and Texas. There also were two international students.

Where buildings and finances were concerned the story was similar. The W&M campus had been devastated by the war and the school was broke. The college was resurrected but closed again in 1881. President Ewell turned to the state for aid, and in 1888 W&M resumed operations with a state charter as a normal school.

In Lexington the charismatic Lee proved a successful fundraiser. According to two modern-day William and Mary historians, L. Neal Holly and Jeremy P. Martin, President Lee presided over a "fundraising juggernaut." In two years, Lee doubled the endowment. His fundraising attracted significant benefactors from among Northern cultural and business leaders, including international financier George Peabody; Tom Scott of the Pennsylvania Railroad; Rev. Beecher; Peter Cooper, the industrialist and inventor; newspaper editor Horace Greeley; Warren Newcomb, the sugar merchant; banker W. W. Corcoran; and Samuel J. Tilden, the Democratic presidential candidate in 1876. (13)

Whereas President Ewell sought to attract interest in William and Mary's traditional classical curriculum, Lee transformed the quality of instruction at Washington College. When Lee arrived in Lexington in 1865, the curriculum, as at W&M, focused heavily on a classical education. Each student was required to study four years of Latin and Greek. He perceived the need to teach subjects that would prepare leaders for the new South. He added a journalism program and a law school, strengthened the natural sciences and engineering, and recruited faculty from major colleges in the North. (14)

In 1869 Lee's college advertised professional programs in engineering intended to meet the South's need for high grade scientific instruction. There were programs in civil and mining engineering, and the college announced plans to add mechanical engineering, applied chemistry, agriculture, and commerce. (15)

No wonder Holly and Martin regard President Lee an "innovative college leader" and observe that the "curricular advances and exposure during Lee's administration secured the college's future...." They say that "Washington College

gambled on Lee's celebrity.... and was greatly rewarded." He mobilized institutional resources to modernize the physical plant as well as the curriculum. He attracted out-of-state students and significantly increased enrollments. "Washington College under Lee's leadership was progressive, embodying a vision of a new South." (16)

This thoughtful assessment of Lee's leadership, published in 2012, comports with earlier positive assessments of Lee's presidency offered by the general's contemporaries.

Lee also impressed his students, many of whom were the sons of those who had served with him in the military. Sidney Dyer McCormick, a Kentucky student who enrolled at Washington College in 1866, recalled that no student could forget his first meeting with President Lee, the "feeling of awe in his presence" that was soon replaced by one of confidence. Lee projected dignity, grace, and courtly manners. "His face was an index of the nobility of character...." What particularly impressed young McCormick was Lee's memory. He never forgot a name or a face. Lee said that he had never been introduced to a soldier of the Army of Virginia whose face and name he could not instantly recall. (17)

In reflecting on Robert E. Lee's contributions as an educator and leader in the post-Civil War period, it is worth emphasizing that the Southern economy was in ruins. The rail system was shattered and agriculture in shambles. Farmers lacked work animals for plowing fields. Many former soldiers had few marketable skills. Some needed remedial education. Under Lee's direction Washington College provided learning opportunities. For the benefit of young men who had been prevented by the war from obtaining adequate preparation for college, the college even offered elementary instruction in Latin, Greek, mathematics and English. (18)

At Washington College Lee drew on his experiences at West Point and adapted education to the needs of the South as a whole. By helping to educate a new generation of leaders, Lee did much to facilitate recovery and help the South rejoin the national economy. Progress was slow. But repair to the transportation network and infrastructure gradually attracted northern investment. Graduates of programs set up under Robert E. Lee became leaders in the professions of law and medicine, and as businessmen they created jobs and employment opportunities for individuals of all races. No wonder then that Robert E. Lee was widely admired for his post-Civil War contributions to education. In November 1870, immediately after his death, the trustees of Washington College honored him by changing the name to Washington and Lee University.

Should the university continue to honor Robert E. Lee and George Washington, as it has for nearly 150 years? Or should the name be changed in response to contemporary concerns about race and slavery?

On the one hand, both generals were products of a different era, when personal property included slaves. Over time Washington became uneasy with slavery, and provided for the emancipation of his slaves upon his death. Lee also expressed misgivings about the “peculiar institution,” the term that many white southerners employed for slavery. Lee deplored the agitation of Northern abolitionists for aggravating tensions between North and South. But, according to a son, he liberated three or four slaves that he inherited from his mother several years before the Civil War on his own volition. In 1857, as the executor of George Washington Parke Custis’ estate (his father-in-law), Lee took charge of a more complicated situation involving an indebted estate and a large number of slaves. Custis’ will stipulated that the slaves were to be manumitted within five years of his death. Despite the disruption of war, and his commanding Confederate forces, Lee apparently succeeded in emancipating all of the slaves by January 1863. (19)

On the other hand, in seeking to demote Lee and Washington for their views and actions on racial issues, the critics gloss over an important point. Their acceptance of slavery was widely shared in both North and South in their day. Pockets of slavery remained in the North until the Civil War, and many of the states in that region provided for gradual, not immediate, emancipation. The census of 1860 showed some 451,021 slaves outside the Confederacy mostly in Kentucky, Missouri, Maryland, Delaware, and the District of Columbia, but also New Jersey. (20)

As a result, many colleges and universities across the eastern U.S. have discovered unpleasant ties to slavery and the slave economy among their leaders and benefactors. Ephraim Williams, the New England businessman, for whom Williams College is named, owned slaves. Benjamin Bates (Bates College) bought cotton grown by slave labor for his textile mill. Elihu Yale (Yale University) was a British imperialist and slave-trader. The family for whom Brown University is named, were slave traders. John Hancock, the Boston merchant, who helped fund the American Revolution, and signed the Declaration of Independence in large letters, owned slaves. One could compile a long list of educational leaders and benefactors who had ties to slavery, and/or the opium trade in East Asia. Dartmouth, Harvard, Columbia, and Princeton would be high on that list. Also, the list would include the Jesuit leaders of Georgetown University who have admitted that their institution owned slaves until 1862. (21)

Regrettably, “great” institutions and “great” people show all forms of frailties in their ascent to eminence.

So, do we tear down statues and rename institutions because of the perceived sins of our forebears? That is presentism in its worst form. Does this mean that every generation has the right to obliterate the past? Are we a healthier nation to ignore the past and race into the future blindly? And who should make these decisions? The ones who yell the loudest or strike the most fear into their fellow citizens?

A better approach is to encourage greater discussion of these people and their times. Washington and Lee University is uniquely qualified to lead that discussion, having distinctive ties to our country’s first president and to Robert E. Lee, the general and educator who married Washington’s step great-granddaughter. The Civil War offers a prism through which to view complex issues of race and slavery, war and peace, political compromise and partisanship, gender, disease, education, ethics, law, finance, and economic development. Such an approach accommodates multiple points of view. It allows us to move forward without succumbing to the false god of presentism. And it permits us to explore the strengths and shortcomings of our past in ways that befit a serious college education.

Footnotes

(1) Theodore Roosevelt, "Robert E. Lee and the Nation," *Sewanee Review* 15:2 (April 1907) 173-76.

(2) *Baltimore Sun*, January 20, 1907, p. 8.

(3) "Education at the South," *New York Observer and Chronicle* 46:10 (March 5, 1868, 78; *Brooklyn Union*, March 3, 1868, p. 2.

(4) Lynn Hunt, "Against Presentism," *Perspectives on History* (American Historical Association), May 1, 2002. See: <https://historians.org/publications-and-directories/perspectives-on-history/may2002/against-presentism>.

(5) Toni Locy, "Letting Go of Robert E. Lee at Washington and Lee University," *The Nation* (June 5, 2020).

(6) Arguably the illegality of secession was resolved when the Union won the Civil War. In *Texas v. White* (1869), the U.S. Supreme Court ruled that the secession of Texas was illegal.

(7) Archives.gov/publications/prologue/2005/spring/piece-lee; *Indianapolis Star*, July 23, 1975, p. 1

(8) *New York Herald*, April 29, 1865.

(9) Robert E. Lee, testimony to U.S. Congress, Joint Committee on Reconstruction, Feb. 17, 1866, 39th Cong, 1st Sess., House Report No. 30, Pt. II, 129-30.

(10) Locy, "Letting Go;" Edwin Mims, "Five Years of Robert E. Lee's Life," *Outlook*, Nov. 26, 1904, p. 784; Captain Robert E. Lee, *Recollections and Letters of General Lee* (Doubleday, 1904), pp. 2998-301; Robert E. Lee on student behavior, March 30, 1869, Lee Family Digital Archive.

(11) Sidney Dyer McCormick, "Robert E. Lee as College President," *Outlook*, July 17, 1897, p. 684.

(12) L. Neal Holly and Jeremy P. Martin, "Leadership in Crisis: A Historical Analysis of Two College Presidencies in Reconstruction Virginia," *Higher Education in Review* 9 (2012), 37-64.

(13) Holly and Martin, "Leadership in Crisis," pp. 56-57.

(14) *Memphis Daily Commercial*, June 23, 1866, p. 3.

(15) *Abingdon Virginian*, April 1, 1870, p. 4.

(16) Holly and Martin, "Leadership in Crisis", pp. 60-61.

(17) McCormick, "Robert E. Lee as College President."

(18) *Abingdon Virginian*, April 1, 1870, p. 4.

(19) See generally Elizabeth Brown Pryor, *Reading the Man: A Portrait of Robert E. Lee Through His Private Letters* (Viking Penguin, 2007), 260-75, 452-54; Robert E. Lee, Jr., to Thomas Nelson Page, Dec. 14, 1908, and Robert E. Lee to Mary Anna Randolph Custis Lee, Jan. 8, 1863, both Lee Family Digital Archive.

(20) See www.civildiscourse-historyblog.com/blog/2017/1/3when-did-slavery-really-end-in-the-north. Also, James J. Gigantino II, "The Whole North is Not Abolitionized": Slavery's Slow Death in New Jersey, 1830-1860, *Journal of the Early Republic* 34:3 (Fall 2014), 411-37.

(21) Craig Steven Wilder, *Ebony and Ivy: Race, Slavery, and the Troubled History of America's Universities* (Bloomsbury, 2013); *Baltimore Sun*, September 2, 2016, p. A11.

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Addendum

By

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Dr. Eckes had neither the time nor space to address all of the issues raised by Professor Locy in her article on Lee in *The Nation*. I will address some additional issues in the order in which they appeared in her article.

1) Her first claim is that Lee "broke up families of slaves, selling them off, in violation of the wishes of their original owners." She offers no evidence for this assertion. There are no records of Robert E. Lee ever having bought or sold any slaves. He had no need to do so. Upon the death of his mother, Anne Carter Lee, he inherited some slaves. When he married Mary Custis, she brought some of her father's slaves into the marriage. Lee was often on military assignment where he had no need of slaves except, perhaps, as a personal attendant. The only "owners" of these slaves were Robert E. Lee's mother and Mary Custis Lee's father. Lee freed all of his personal slaves several years before the Civil War. [Robert E. Lee Jr. to Thomas Nelson Page, December 14, 1908, Lee Family Digital Archives] Lee and his wife did lease or "hire out" slaves from time to time, but all of them were reunited with their families and ultimately emancipated by the Lees.

2) Regarding Professor Locy's claim that Lee "looked the other way" when students participated in violent or harassing acts, this can be disproven by simply consulting the Washington and Lee Archives. From her article, it does not appear that Professor Locy took the trouble to research the archives of the University which employs her. Had she done so, she might have discovered the following:

a) In the period from 1866-1869, there were two major incidents in which it has been definitely confirmed that Washington College students were engaged with the Freedman's Bureau and black citizens. The first occurred on Washington's Birthday in February, 1867. There was a confrontation at the Freedman's Bureau in which five students were said to have been involved. Lee interviewed them and expelled one of them, who took sole responsibility for the incident. Even though the

other four were not found guilty of any offense either by the federal, local, or college authorities, Lee reprimanded and punished them. [David Coffey, "Reconstruction and Redemption," *Proceedings of the Rockbridge Historical Society, XII (1999)*, 281; Letter to J.W. Sharp, Assistant Superintendent of the Freedman's Bureau, April 13, 1867, Letters of General Robert E. Lee, November 6, 1866-September 23, 1870, Special Collections, Washington and Lee.]

b) The second incident occurred on February 4, 1868 and involved Erastus C. Johnson, former Freedman's Bureau teacher, and some town folks and students. Apparently, the initial confrontation was between the town folks and Mr. Johnson. Mr. Johnson then, allegedly, pulled out a gun, and some students attacked him and threatened to kill him. Lee conducted an investigation of the suspected students whose names were provided to him by the Freedman's Bureau. He interviewed six of them, expelled two, and a third was given the option of voluntarily withdrawing, which he did. [David Coffey, 288, 292-3; Washington College Faculty Minutes, February 17, 1868, Special Collections, Washington and Lee]. It was Lee's policy to deal directly and swiftly with any charges brought to him by the Freedmen's Bureau. Whenever charges were brought to his attention, Lee would investigate the situation, remedies would be proposed, and penalties would be assessed. [David Coffey, 281] On numerous occasions during his tenure as President, particularly during the period from 1867-69 when tensions seem to have been high, Lee implored the students not to take part in demonstrations, disturbances, etc. For example, on May 10, 1868, following the above described incident, Lee instructed the head of the college Y.M.C.A. to report that "I [Lee] earnestly invoke all students to abstain from any violation of law and to unite in preserving quiet and order on this or any other occasion." [R.E. Lee transcribed letter book II, Special Collections, Washington and Lee] Even John McClure, whose article Locy cites in support of her claims, says that on numerous occasions, Lee sent "out advisories forbidding his students to take part in these activities." [John McClure, "The Freedman's Bureau of Lexington versus 'General Lee's Boys', paper delivered at Virginia Civil War Conference, in 2002, *Virginia's Civil War*, University of Virginia Press, 2009, 191]

3) Locy then states that "For Years, W&L has credited Lee with creating the school's fabled student-run honor system. He did not." There was indeed an honor system at Washington College before the Civil War but it was erratically enforced, and was generally controlled by the school faculty. When Lee arrived at the college in 1865, it was in abeyance. When Lee stated that "All students will behave as gentlemen," he was saying that students are expected to behave with honor and practice self-governance. As Washington and Lee's website states, "Lee also endorsed a lasting tradition of student self-governance, putting the students in charge of the honor system the faculty had previously overseen." Self-governance is one of

the distinguishing features today, not only of the honor system but of all student life. Another distinguishing aspect of the honor system was also undoubtedly introduced by Lee, i.e. the "single sanction," whereby there is only one punishment for an honor violation- expulsion. Lee was familiar with the single sanction from his time at the United States Military Academy, where he was a student and later served as Superintendent in the 1840's. The Washington and Lee maxim that "A gentleman [or gentlewoman] does not lie, cheat, or steal, or tolerate those who do" was also a part of the heritage of West Point. [Michael Starz, "The Non-Toleration Clause; The Bedrock of the U.S.M.A. Honor Code," isme.tamu.edu] Ultimately, Lee epitomized for students the ideal of honor is his character, words, and actions. Truly, the honor system practiced at W&L today is the legacy of Robert E. Lee.

4) Finally, Professor Locy takes Lee to task for his "I don't recollect" defense about when he took an oath of allegiance to the Confederacy. His testimony was before the U.S. Congress on February 17, 1866. The reason that Lee did not recollect taking an oath to the Confederacy at the beginning of the war is because he most likely didn't. When Lee resigned his commission in the U.S. Army in April, 1861, he became a private citizen. He was then offered command of the Virginia troops, not Confederate troops, by Governor John Letcher. Lee became a Confederate General in late May, 1861. He may have taken the oath of allegiance to the Confederacy then or even later as he continued to command Virginia troops until September, 1861, when he became a military advisor to Jefferson Davis. Lee was not placed in charge of a Confederate army until June, 1862. Even the most basic research on Professor Locy's part would have revealed this information.

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