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Beyond Black and White: Transcript of the Free People of Color Symposium Discussing Campus Approaches to Race in Twentieth Century West Coast Universities and a Racial Justice Audit Template for Universities

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PANELISTS: BETH ROSE MIDDLETON MANNING, CHARLES PETERSEN, CHARLES REICHMANN, VIRGINIA SCHARFF, AND STACEY SMITH

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Background from the Symposium Hosts

Since Brown University’s 2006 Slavery and Justice Report,² universities have wrestled openly and sometimes in agonized fashion over the relationship between their historic roots and their contemporary setting. “Why risk opening the chapters of the past that are, inevitably, controversial and painful?” the report asked. Although the 100-page report was itself an elaborate answer to that question, the report also embraced a “simpler” and compelling rationale: “Brown is a university... If an institution professing these principles cannot squarely face its own history, it is hard to imagine how any other institution, let alone our nation, might do so.”³

As Brown’s report argued, universities have engaged in this work because of the necessity of responding to shifting cultural demands and social realities. These did not primarily emerge from new discoveries about slavery, the slave trade, and racism — which had long historiographies by 2006. Rather, they derived from new cultural currents, inside the academy and out, that eventually drew attention to the enduring impact of slavery and

² Slavery and Justice: Report of the Brown University Steering Committee on Slavery and Justice (2006), available at <https://slaveryandjustice.brown.edu/report/2006-report>.

³ *Id.* at 6.

Jim Crow upon the nation, fueling and drawing energy from racial justice and reparations movements, especially the Movement for Black Lives. In many ways this is an extraordinarily heartening development for scholars like the four of us, who devote our lives to examining white supremacy in the United States and who care about the universities we work for and their impact on the students we teach.

Beyond Brown, there are many important and laudable markers: a 2005-2006 exhibit at University of North Carolina, and a 2011 conference at Emory University. Both brought the issue to southern universities and encouraged rich scholarly cross-pollination. Craig Steven Wilder's lauded 2013 study of the broader relationship between slavery and elite education, *Ebony and Ivy: Race, Slavery, and the Troubled History of America's Universities*,⁴ accelerated the reckoning in both scholarly and public circles. Projects at Columbia, Georgetown, and Harvard, among others, centered slavery and Jim Crow in the nation's elite private institutions. High Country News' illuminating 2020 report examined the "land grab" foundation of land grant universities whose endowments come directly from the seizure and sale of Native lands.⁵ In response, UC Berkeley's 2020 two-part symposium, "The University of California Land Grab: A Legacy of Profit from Indigenous Land," offered recommendations to address this legacy,⁶ and other universities have established initiatives⁷ and endowments⁸ to reckon with their land grant and land grab histories. In the especially troubled public universities of the American southeast, scholars have undertaken heroic work in the face of political opposition at universities like Alabama and Georgia. In the north, this work has been seen, and at Rutgers University. At Princeton, the Wilson Legacy Review Committee provided a model for reckoning with Jim Crow⁹ after wrestling with the legacy of

⁴ CRAIG STEVEN WILDER, *EBONY AND IVY: RACE, SLAVERY, AND THE TROUBLED HISTORY OF AMERICA'S UNIVERSITIES* (2013).

⁵ Robert Lee & Tristan Ahtone, *Land-Grab Universities: Expropriated Indigenous Land Is the Foundation of the Land-Grant University System*, HIGH COUNTRY NEWS (Mar. 30, 2020), <https://www.hcn.org/issues/52.4/indigenous-affairs-education-land-grab-universities>.

⁶ Rosalie Zdzienicka Fanshel et al., *The University of California Land Grab: A Legacy of Profit from Indigenous Land—A Report of Key Learnings and Recommendations* (2021).

⁷ E.g., *Introduction*, CORNELL UNIV. & INDIGENOUS DISPOSSESSION PROJECT, <https://blogs.cornell.edu/cornelluniversityindigenousdispossession/> (last visited June 25, 2023); *Stepping Out and Stepping Up: The Land Grant Truth and Reconciliation Project*, THE OHIO ST. UNIV. (Oct. 27, 2022), <https://landgrantpartnerships.org/land-grant-truth>.

⁸ E.g., *Wokini Initiative*, S.D. STATE UNIV., <https://www.sdstate.edu/wokini> (last visited June 25, 2023) (combining land grant revenue with philanthropic donations to provide holistic support to Native students).

⁹ For the rapidly expanding literature on slavery and universities, see STEVEN WILDER, *supra* note 4; RUTH J. SIMMONS ET AL., *SLAVERY AND THE UNIVERSITY: HISTORIES AND*

Woodrow Wilson, a prominent champion of segregation whose appointees relentlessly worked to marginalize and exclude Black federal workers at the campus he helped construct. Scholars Hilary Green, formerly at Alabama University and now at Davidson College, and Adam Domby, at Auburn University, are preparing a roundtable to discuss these efforts.¹⁰

We embrace and learn from these efforts. Yet, from our vantage between the Sierras and the Pacific Ocean, they seem to only provide motivation, not a complete set of tenable models for universities west of the Mississippi River. Without further models, we risk replicating the American exceptionalist, liberal nationalist view that the United States is a story with one original sin — slavery. Such a vision excludes much of the country, which would be heartening if it meant that issues of racism did not impact those regions.

Of course, that is not true since settler colonialism first shaped the U.S. experience, including the creation and development of U.S. universities. Without taking up the problematic nature of the word “sin,” only a combined focus on the two crimes of settler colonialism and slavery can provide a basis for understanding and narrating U.S. history. Promising work has begun on settler colonialism in the study of U.S. universities. The “Land-Grab Universities” report and digital project has already transformed classroom teaching. Scholars gathered in 2021-2022 for Southern Methodist University’s Clements Center for Southwest Studies conference on “Campuses and Colonialism,” which will produce a volume edited by

LEGACIES (Leslie M. Harris et al., eds., 2019); Janis Holder et al., *Slavery and the Making of the University*, UNIV. OF N.C., <https://exhibits.lib.unc.edu/exhibits/show/slavery> (last visited May 6, 2023); BEATRICE J. ADAMS ET AL., *SCARLET AND BLACK: SLAVERY AND DISPOSSESSION IN RUTGERS HISTORY* (Marisa J. Fuentes & Deborah Gray White eds., 1st ed. 2016); Eric Foner, *Columbia and Slavery: A Preliminary Report* (2016); CRAIG STEVEN WILDER ET AL., *FACING GEORGETOWN’S HISTORY: A READER ON SLAVERY, MEMORY, AND RECONCILIATION* (Adam Rothman & Elsa Barraza Mendoza eds., 2021); MAURIE D. MCINNIS ET AL., *EDUCATED IN TYRANNY: SLAVERY AT THOMAS JEFFERSON’S UNIVERSITY* (Maurie D. McInnis & Louis P. Nelson eds., 2019); Report of the Presidential Committee on Harvard and the Legacy of Slavery (2022), <https://legacyofslavery.harvard.edu/report>; President’s Commission on Slavery and the University, UNIV. OF VA. (2018), <https://slavery.virginia.edu/>; Hilary Green, *The Burden of the University of Alabama’s Hallowed Grounds*, 42 *PUB. HISTORIAN* 28, 28–40 (2020); Hilary Green, *Black History and the University of Alabama*, in *SEGREGATION AND THE LANDSCAPES OF THE AMERICAS* 297–323 (Eric Avila ed., 2023); Lindsay K. Walters, *Slavery and the American University: Discourses of Retrospective Justice at Harvard and Brown*, 38 *SLAVERY & ABOLITION* 719–44 (2017).

¹⁰ Hilary Green & Adam H. Domby, *Studying Slavery on Campus: Research, Reconciliation, and Public Engagement*, 13 *J. CIVIL WAR ERA* (June 2023), <https://muse.jhu.edu/article/897106/summary>.

Stephen Kantrowitz, Malinda Maynor Lowery, and Alyssa Mt. Pleasant.¹¹ The premises of that conference helped determine our approach.

Still, the emphasis on troubled nineteenth century history risks emphasizing the distance of racial exclusion on campus from the present day, narrowing multiple racial exclusions to a single story, and underplaying twentieth century patterns of exclusion that more directly shape contemporary campuses. They also risk making illegible West Coast universities' often distinct narratives of exclusion and displacement in what has always been a multi-racial society, including questions of slavery and land seizure, multi-racial segregation on twentieth century campuses, Japanese incarceration during World War II, and the cultural practices of majority-white student bodies as increasing numbers of non-white students enrolled in the post-war period.

Neither the process of settler colonialism nor the legal and (often violent) cultural struggles over multi-racialism and white supremacy concluded with emancipation, *Brown vs. Board of Education*, the Civil Rights Act of 1964, or the election of Barack Obama, to state the obvious. All endure, and this endurance is precisely what makes West Coast studies of campus history so problematic. They trace to the endurance of ongoing (sometimes celebrated) practices, not the legacy or afterlives of old practices.

From our vantage point, we work and live inside a university shaped by slavery, settler colonialism, and the less-explored history of other racial groups and the U.S. university. This is an issue present on every campus, heightened by the early history of California's legacy of anti-Asian exclusion and violence, attacks on Sonoran and Chilean miners, and massive migration. We convened this symposium to ask how West Coast universities might approach questions that emerge in a study of racism on their campuses, and how to provide models that will be useful and necessary throughout the country.

In this virtual symposium that took place on April 20, 2022, Beth Rose Middleton Manning of UC Davis, Charles Petersen of Cornell University, Charles Reichmann of UC Berkeley Law, Virginia Scharff of University of New Mexico, and Stacey Smith of Oregon State University presented remarks and answered questions. The following is the transcript of the symposium, with an introduction by Dean Kevin Johnson of UC Davis Law School and facilitation by the graduate student organizers from UC Davis, Wendy A. Garcia Nava, Khrystan Policarpio, and Yutong Zhan.

¹¹ See *Campuses & Colonialism*, S.M.U. (last visited May 9, 2023) <https://www.smu.edu/Dedman/Research/Institutes-and-Centers/SWCenter/Symposia/Past/CampusesandColonialism>.

As the speakers' remarks show, the stakes are high, and this is what makes the study of West Coast universities and the history of racism so potentially challenging and so necessary.

Introduction by Dean Kevin Johnson

Dean Johnson: I hope that time permits a discussion of the historical racism of the Davis community and at UC Davis. Sadly, the more you look at it, the more you see. There's an incredibly rich history of racism in this area, as well as the entire Central Valley. Racism against Indigenous peoples, Asian-Americans, beginning with the Chinese and including internment of the Japanese. In fact, Keith Aoki's grandparents and father were taken from Woodland during World War II and interned. And when Keith first came back to visit when we were recruiting him to UC Davis, he mentioned his father had refused to return to Davis but still had close ties to the community. And when his father came close to death, he asked to be buried in Woodland because that's where he felt his home was, a home that for a time he was ejected from.

Apart from internment generally in the valley, we had virulent racism in the town of Davis: signs in the 40's and 50's in local stores saying "no Braceros allowed." meaning "no Mexicans allowed". The city limits were redrawn to exclude the Hunt tomato plant over on Covell to avoid obligations to the Mexican workers at the plant. There are stories handed down by generations that the first African American faculty member on this campus had to live over by the dump because he couldn't get a place in town to live. We have a very sordid history with the AGR fraternity and a racist song they used to sing at initiation on campus, which became controversial when the AGR room on campus was dedicated. The most polite part of the entire song, is the title: "Lupe the Mexican Whore" which is disgusting but gets worse in the lyrics. The Chicano Studies department has a pamphlet describing the history of the song on campus.

I'm not saying we're any different, worse or better than other jurisdictions. But sometimes I think we're in denial about where we really stand in terms of our racial history.

I want to thank the sponsors of this event: the UC Davis Humanities Institute, the UC Davis Department of History, the School of Law, and the Aoki Center for Critical Race and Nation studies. For the reasons I mentioned earlier, I think Keith Aoki would be very proud that this discussion is going on and that the center named after him is co-sponsoring it.

Professor Jack Chin: Thank you, Dean Johnson. I'm Jack Chin, a professor here at the Law School. I am one of the members of the Free People of Color Working Group. The others are my colleagues, Mary

Louise Frampton from the School of Law, Greg Downs from the Department of History, and three graduate fellows: Yutong Zhan from the Department of History, and Khrystan Nicole Policarpio and Wendy Garcia-Nava from the School of Law.

We're very excited to have five researchers who've investigated the history of their own institution or an institution they're interested in. I'll confess that one of the reasons we wanted to bring all of these people here, in addition to hearing about their work, is to adopt ideas in investigating the racial history of UC Davis and Davis city. We are at the beginning of that process and we would love advice, time permitting, from people who have done this investigation.

The graduate fellows are going to introduce our distinguished speakers briefly because notwithstanding their accomplishments and research, we want to focus on specifics of their particular projects. Each speaker is going to have about fifteen minutes to share their project and then some time to answer questions individually. People on chat, can post questions and comments on chat. Now, I'm gonna turn it over to the graduate fellows.

Dr. Charles Petersen

Meritocracy and Exclusion at Stanford

Khrystan Policarpio: Hello to everyone who is joining us today. We're very excited to have such a distinguished group of individuals join us for the conversation. A few things to keep in mind: if presenters have their own PowerPoints, please feel free to screen-share.

Without further ado, we will begin with Dr. Charles Petersen, who is a Klarman Postdoctoral Fellow in the Cornell History Department. He teaches and writes about the history of the United States in the 20th century. His current research is on meritocracy with a focus on Silicon Valley. Dr. Petersen received his PhD in American Studies from Harvard University, his master's in history at Harvard University, and his bachelor's in English from Carleton College.

Dr. Charles Petersen: Thanks for that excellent introduction. To begin, Stanford was founded in 1885 and the university actually started in 1891. It was founded by California's great railroad baron, Governor, and later Senator, Leland Stanford. I recently came across a speech that Stanford gave on the day the university opened where he said he envisions the university as using education to bridge the class barrier.¹² He believed that

¹² Leland Stanford, Speech for opening day, *in* Leland Stanford papers, 1840-1896 (Stan. Univ. Libr.s) (1891).

education from Stanford and similar institutions would create a bloodless revolution. Inequality will be legitimated and will work to reconcile opposing groups. This is not quite how things turned out and what happened over the next twenty to forty years is that Stanford had a number of controversies. One of the most important ones is the Ross affair in 1904.¹³ Edward Ross, one of the most important sociologists of the early 20th century, was fired by Mrs. Stanford who was in charge of the Board of Trustees after Leland Stanford's death. Ross was a eugenicist, supported racial exclusion, and had intense anti-Asian bias. Mrs. Stanford wouldn't tolerate this and stood up for immigration because Asian immigrants had built the very railroads that had made her fortune.

As a result of Ross's firing, the American Association of University Professors was born.¹⁴ In many ways, this was the root of academic freedom in the United States. It's an interesting case where Stanford might be on the right side of history. The President of Stanford at the time was David Starr Jordan, also a eugenicist, whose legacy had not been addressed by the university until a few years ago when the school started a commission to decide whether to rename spaces on campus. For background context, on the East Coast, it's well known that college admissions in the early 20th century were influenced by anti-Semitism.¹⁵ Places like Harvard, Yale, Princeton, and Columbia wanted to reduce the number of Jewish students they were getting without compromising their commitment to liberal values and expressly saying they wanted to exclude Jews. The colleges believed that IQ tests were a test for character and since they believed Jews had bad character, Jewish students would do badly on these tests. They were shocked when these students did well on early admissions tests and so instituted another process. Thus, the use of character, personality, and sports ability in admissions to higher education was introduced starting in the 1920s to deem a person unworthy of admission.

When I went into the Stanford Archives to look at the connection between education, meritocracy, and business in Silicon Valley, I expected to see something very similar. Interestingly, the word "Jews" was written in all caps in many documents but it turns out that this was merely the abbreviation for the president of Stanford in the 1950s: J. E. Wallace

¹³ Brian Eule, *Watch Your Words, Professor*, STAN. MAG. (Feb. 2015) <https://stanfordmag.org/contents/watch-your-words-professor>.

¹⁴ *How a Stanford Speech Scandal Led to the Invention of Academic Freedom: The Case of Edward A. Ross*, STAN. HIST. SOC'Y (2023), <https://historicalsociety.stanford.edu/apr-25-how-stanford-speech-scandal-led-invention-academic-freedom-case-edward-ross>.

¹⁵ Peter Jacobs, *Harvard Is Being Accused Of Treating Asians The Same Way It Used To Treat Jews*, BUS. INSIDER (Dec. 4, 2014), <https://www.businessinsider.com/the-ivy-leagues-history-of-discriminating-against-jews-2014-12>.

Sterling. This is a story I often use to illustrate to new historians the dangers of jumping to conclusions.

Unlike schools on the East Coast, Stanford in the 1920s had little need to deliberately exclude Jewish applications, since there were so few Jewish students in California at the time. In the 1950s, the Dean of Admissions said they had never excluded Jews, and that Stanford didn't have a Jewish quota at the time. I assumed he was telling the truth, since it was in the 1950s that schools on the East Coast began dropping their old quotas from the 1920s.

Then I came across this document from 1952 where the Stanford President's personal assistant wrote about his conversation with the dean, who mentioned that new Jewish immigrants from Los Angeles, San Francisco, and Portland were applying to Stanford. He suggested that there were so many of them that the university needed to establish a quota. It's the only firm evidence I ever came across that proved there was a Jewish quota.¹⁶ This one document was able to force Stanford to create this commission in January to decide how to address this history.¹⁷ Without it, they would never have done anything.

It's very easy, with antisemitism, to treat these stories as an isolated instance, as if anti-Semitism can be separated from racism in general. But we can't just address something like this by addressing anti-Semitism — it should be part of a much larger project. When I was interviewed by a *Stanford Daily* reporter, I said that Stanford shouldn't just be looking at this. Rather, they should be taking the revelations about this quota as an occasion to look at Black exclusion, to look at what Jim Crow was like in California in this period. That said, I do appreciate that Stanford makes their documents available. At Harvard, where I've been doing research, they have a fifty or eighty-year rule on documents, requiring permission from the Harvard president's office and I don't think they're going to give documents to me.

I don't know what the rule is in the UC system, but I imagine it's much better because UCs are public institutions. But restrictions like the Family Educational Rights and Privacy Act (FERPA) create a significant issue for historical research since student records are intermixed with other

¹⁶ Lexi Kupor, *Stanford President Marc Tessier-Lavigne Assembles Advisory Task Force on History of Jewish Admissions*, THE STAN. DAILY (Jan. 25, 2022), <https://stanforddaily.com/2022/01/25/stanford-president-marc-tessier-lavigne-assembles-advisory-task-force-on-history-of-jewish-admissions/>.

¹⁷ Chris Peacock, *Task Force to Consider Past Policies on Jewish Applicants to Stanford*, THE STAN. DAILY (Jan. 11, 2022), <https://news.stanford.edu/report/2022/01/11/task-force-consider-past-policies-jewish-applicants-stanford/>.

reports.¹⁸ Having people at the institution who have permission to look at FERPA-related documents is absolutely crucial for this kind of research.

Questions for Dr. Charles Petersen

Khrystan Policarpio: Thank you, Dr. Petersen. We have a couple of questions here in the chat. The first one is: what led you to look into Stanford specifically?

Dr. Charles Petersen: As a grad student, I had an idea for this dissertation on meritocracy and was told I would never get the documents I needed. This seemed to be true on the East Coast, and I assumed it would be true at Stanford because their “Dean of Admissions” files were marked “RESTRICTED.” I didn’t feel like I should even dare to request them. Eventually, I just asked and the archivists started bringing me the documents, but because of FERPA restrictions, they could only pull up half of the folders. Also, Stanford’s president’s files only have a twenty-five-year restriction on them so I was able to get materials that I simply couldn’t get almost anywhere else.

I also chose Stanford because I wanted to tell a geographic story. There was a huge transformation in history centered in the Bay Area and Silicon Valley from the fifties to the present. The stories about education and business are often kept apart and I wanted to try to bring them together. For example, David Packard was the chairman of Hewlett Packard, was on the board of trustees at Stanford from the fifties to the eighties, and was also the Deputy Secretary of Defense for Nixon.

Khrystan Policarpio: When we began this work at UC Davis, Professor Chin said, “I don’t know if there’s anything, but there’s probably *something*.” Another question from the chat: was there any pushback from institutions, specifically Stanford, after you published your essay that had gone viral?¹⁹ If so, how did you navigate that?

Dr. Charles Petersen: I feel like I’m about to experience some pushback because the committee that Stanford set up in January is about to issue its report in the next few months.²⁰ The committee is run by Ari Kelman who is a really good historian, so I hope they’re going to do good

¹⁸ See *FERPA Summary Page: Summary Information Regarding the Family Educational Rights and Privacy Act (FERPA)*, CAL. DEP’T OF EDUC. (Dec. 29, 2022), <https://www.cde.ca.gov/ds/ed/dataprivacyferpa.asp>.

¹⁹ Charles Peterson, *How I Discovered Stanford’s Jewish Quota: Stumbling My Way Through the Admissions Archives*, MAKING HIST. (Aug. 1, 2021), <https://charlespetersen.substack.com/p/stanfords-secret-jewish-quota>.

²⁰ Marc Tessier-Lavigne, *Report of Findings on History of Jewish Admissions and Experience at Stanford*, STAN. REP. (Oct. 12, 2022), <https://news.stanford.edu/report/2022/10/12/email-text-task-force-report/>.

work. But these are often hard things to address because they involve people who were not affiliates of the university, people who were excluded in the first place, and those who didn't apply in the first place. I received emails from Zionists at Stanford and elsewhere who saw my essay as supporting their belief that they are subject to intense anti-Semitism today at institutions because of "woke culture." I can't say I support that perspective, but I also can't control how people use my findings.

Khrystan Policarpio: I think that ties into other questions we received in the chat. What was the biggest obstacle you've encountered in doing this work? And what advice do you have for folks who are interested in pursuing this work?

Dr. Charles Petersen: I feel really lucky in that I don't think I encountered serious obstacles. Stanford just kept bringing me boxes and I kept asking, "Are you actually giving this to me?" So something I learned, partly just going through grad school, is don't be afraid to ask for what you want. I often assume people would say no and only later learned that they wouldn't.

Khrystan Policarpio: We also have a question here in the room from Professor Downs.

Dr. Gregory Downs: It's been such an illuminating start. I want to make one really narrow point, then ask you a question.

The narrow point is just because there are two historians named Ari Kelman who each used to be at UC Davis, confusingly enough. The one at Stanford now is the one doing this report with the committee, not the one who recently was our dean and is now a special advisor to the provost.

My question to you is: what should Stanford's historically grounded and appropriate response be to your findings?

Dr. Charles Petersen: In some ways, I feel like my findings on this are the tip of the iceberg. When you consider what the reparations have been, I think you can reach out to people who did apply in the fifties and sixties during the Jewish quota and apologize. You could try to figure out if there are records of who applied in order to do this, and I like this specific approach because I think it was really significant for people at the time.

At the same time, if we think of this not as just about anti-Semitism but as about white supremacy, the institution should give away most of its endowment to fight inequality in America. I've written about it in the *New York Review of Books* that these institutions should be forced to educate far

more students with their endowments.²¹ They're not going to do that so there needs to be a demand for a kind of non-reformist reform that they will have to respond to in some way. This requires intimate knowledge of an institution to know how we can get them to give away something they won't *want* to give away but that they *could* give away.

Khrystan Policarpio: Thank you, Dr. Petersen. We will have time in the end for additional questions, but I will hand it over to Yutong and our next presenter.

Dr. Beth Rose Middleton Manning

Moments of Reckoning: Land Grab, Naming, and Community

Yutong Zhan: Dr. Beth Rose Middleton Manning is a professor of Native American Studies at UC Davis. Dr. Middleton Manning's research centers on Native environmental policy and Native activism for site protection using conservation tools. Her broader research interests include intergenerational trauma and healing, rural environmental justice, Indigenous analysis of climate change, Afro-Indigeneity, and qualitative GIS (geographic information systems).

Dr. Beth Rose Middleton Manning: Welcome everybody and thank you. It's an honor to be part of this distinguished panel and to delve into these important issues. I'll begin by talking about the land grab history and study of land grant institutions, and then focus in on a process I was part of from 2020 up until the present around renaming UC Davis's John Muir Institute of the Environment.

Our land acknowledgment has been developed with three Patwin Nations — Yocha Dehe Band of Wintun Indians, Colusa Indian Community, and Cachil Dehe Band of Wintun Indians. It was a very important process to develop this land acknowledgment and I'll speak a little bit more about where we can go from there.

To begin, I'd like to speak about the Morrill Act of 1862,²² which is central to the development of public land grant institutions throughout the United States. It was signed by President Lincoln in 1862 and led to the seizure of Tribal lands throughout the nation. These seized lands were deemed part of the so-called "public domain" to be sold or otherwise used, such as by building facilities to support the development of public colleges and universities. Lands were distributed on a state-by-state basis,

²¹ Charles Petersen, *Serfs of Academe*, N.Y. REV. (Mar. 12, 2020), <https://www.nybooks.com/articles/2020/03/12/adjuncts-serfs-of-academe/>.

²² Morrill Act, Pub. L. No. 37-108, 12 Stat. 503 (codified as amended at 7 U.S.C. §§ 301-305, 307, 308).

proportional to congressional delegation. Millions of acres were transferred from Tribes to the government, and then to universities, impacting at least 245 Tribes.²³ Fifty-two universities received either funds from the sale of land or lands themselves, amounting to the transfer of almost 80,000 individual parcels.²⁴ This was a stark period of removal, violence, and government-sanctioned genocide of Indigenous people throughout what is now known as the United States. It is also important to note that Native people were not citizens when land was seized and appropriated for universities.

Some of this work was revealed to the public through the land grab research project,²⁵ an investigative journalism project developed, publicized, and shared through *High Country News*. Work has built on that project going into more detail pertaining to different universities and Native nations and the lands that were impacted. I was part of some work at UC Berkeley after this came out. We had two workshops and the University of California issued a reflection on this land grab report with recommendations about where to go next.

As to the UC system, there was this ideal of democratizing education, as Dr. Petersen mentioned. Advocacy for the Morrill Act revolved around thoughts that a public university would enable upward mobility, which is still important for the University of California today. At least 41% of undergraduates in the University of California are first-generation college students. The investment in agriculture by the UC system contributed to the development of California's agricultural economy. But at what cost did this all happen and have we repaired the harms that have come as a consequence? The UC system dates back to the 1860s with UC Berkeley being the first campus. So maybe someday, it will be possible to address all this history.

Fast-forward to 2019 when Governor Newsom issued Executive Order N-15-19,²⁶ which was an apology to Indigenous peoples in California, recognizing how, despite prejudicial and violent state policies, California Indigenous peoples survived, preserved cultural and linguistic traditions, and cared for the land. The Executive Order formed the foundation for the Truth and Healing Council. Anthony Burris, one of our PhD students in

²³ *Id.*

²⁴ *Id.*

²⁵ Robert Lee & Tristan Ahtone, *Land-Grab Universities: Expropriated Indigenous Land Is the Foundation of the Land-Grant University System*, HIGH COUNTRY NEWS (Mar. 30, 2020), <https://www.hcn.org/issues/52.4/indigenous-affairs-education-land-grab-universities>.

²⁶ Cal. Exec. Order No. N-15-19 (June 18, 2019).

Native American studies, sits on the council and is doing the important work of reckoning with California's history of problematic policies and developing steps forward.

We talked through some of these opportunities that the UC system can consider through the land grab study from UC Berkeley, including UC policy and funds, and establishing free tuition for Indigenous California students and Native American students more broadly. We spoke about using endowment funds to create scholarships and opportunities for Native students and community members. We tried to push for reconsideration of who was included in the "public" part of the public university in the public service mission. We considered opportunities for land easements, co-management, land transfers, and other land-based investments to build Tribal collaboration and support for Native students.

What I want to focus on here is the names on UC buildings, UC inventions and patents, UC centers, even UCs as a whole. The John Muir Institute of the Environment ("JMIE" or "Institute"), is an organized research unit that was founded in 1997, when I was an undergraduate student here. The goal of the JMIE is to discover, research, and solve pressing environmental and human health challenges — quite a broad and inclusive environmental vision.

In 2020, the Sierra Club published this piece²⁷ in which they apologized for their founder, John Muir's, racist views and looked critically at the organization's engagement with white supremacy. The Sierra Club pledged to address this history and shortly after, concern was expressed to the JMIE Director at the time about the name of the Institute. Later in 2020, the interim director, Dr. Susan Ustin, brought together a diverse nineteen-member Naming Advisory Committee ("the Committee"). Jonathan London, Dr. Ustin, and I served on the coordinating group to develop the Committee, and then on the Committee itself. We came together seven times in the Fall and Winter of 2020 to look at the history and goals of the JMIE, as well as whether or not John Muir's legacy and relationship to the Institute resonated with the purpose of the Institute.

As part of this reflective process, we hosted a series of speakers who brought different perspectives on Muir's legacy. Dan Chu from the Sierra Club Foundation walked us through what caused the Sierra Club to publicize the organization's reckoning with John Muir and with white supremacy. Irene Vasquez from the Southern Sierra Miwuk Nation shared stories on Muir and his legacy from the perspectives of Yosemite-based

²⁷ Michael Brune, *Pulling Down Our Monuments*, SIERRA CLUB (July 22, 2020), <https://www.sierraclub.org/michael-brune/2020/07/john-muir-early-history-sierra-club>.

Indigenous people. Kim Stanley Robinson, a well-known science fiction writer and historian, considered how we could better understand Muir within the context of his era and his contemporaries. Dr. Carolyn Finney, a cultural geographer, public scholar, artist, and author of *Black Faces, White Spaces*, looked at African American history and engagement with the outdoors broadly. We asked Dr. Finney to help us consider how communities of color have experienced inclusion and exclusion in the environmental movement. And finally, the Yocha Dehe Cultural Resources Committee, composed of members from the Native nations whose homeland UC Davis resides within, spoke on how we can learn from, honor, and integrate wisdom from local Indigenous nations to rename and redirect the Institute.

There were key considerations that came out of these conversations. First, what does it mean to have views common to one's time? Muir's disparaging statements towards African Americans and Native Americans were seen as more customary then. But, to counter poor excuses like "at least Muir wasn't a eugenicist like other influential people were," we acknowledged that there were anti-racists and abolitionists active during the 1800s and early 1900s. So, how can we continue to uphold someone who used racist language and exclusionary ideals?

Second, an individual's legacy and impact are *as* important, if not *more* important, than the individual themselves. While Muir may not have actively been a violently racist individual, he believed in the removal of Indigenous people from their homelands in order to set aside wilderness for an exclusive group of people. Tribes, including the Southern Sierra Miwuk Nation, are still not federally recognized, in part due to that history of removal and disruption. His beliefs resulted in long-term consequences that are inseparable from his legacy.

Third, is Muir's legacy relevant to the *current* work and goals of the Institute? We considered whether his legacy inspired and drove the inclusion we're striving for in environmental studies and sciences. We were not out to dishonor Muir, but rather to shift focus to how we can build an inclusive, collaborative transdisciplinary vision for environmental studies and sciences.

Finally, I want to note the evolution of the land acknowledgment from a mere statement to an intent of communication, collaboration, and action. We now acknowledge, as an institution, that we are responsible to Yocha Dehe, Cachil Dehe, and Kletsel Dehe Bands of Wintun Nation because we are within their homelands. We must consider the next steps in building communication, identifying and addressing the harms here, and building respectful and reciprocal partnership going forward.

Ultimately, the Committee was unanimous in supporting renaming the Institute, recommending that researchers and scholars throughout the Institute and local Tribal members join a new committee to develop this new name. A-dae Romero-Briones from First Nations Development Institute and a member of the new committee said, “We hope the eventual process will anchor future scholars in the ability to be accountable to the land, the people, and the history [that] bear down on the little piece of Earth that the University's faculty, staff, and students have all come to occupy.”

The report cataloging all this was delivered to the UC Davis Office of Research and went through review by the UC Davis administration. They supported the name change and announced this past March 2022 that JMIE would henceforth be known as the “Institute of the Environment.” The new Director of the Institute, Dr. Isabel Montañez, reflected that the committee recognized John Muir made important environmental contributions and achievements for land conservation, but that this “provide[d] an opportunity to assign a name for the Institute that inspires a positive legacy and that conveys to the campus and external communities an inclusive call to action to address and solve the grand environmental and social challenges [we] currently face.”²⁸ This reckoning is part of addressing the legacy of moving meritocracy that Dr. Petersen spoke of, and inclusion and exclusion of certain populations by public institutions committed to research, teaching, and service for the public benefit.

We have to interrogate the meaning of “public” and make it truly inclusive by evaluating naming within colleges and universities, especially public campuses founded by the Morrill Act. We must invoke a broader process of examining our history and the context in which we live, the institutions that have been developed, and the contemporary relationships that land grant universities have with Native nations and other diverse communities. We have to commit time, labor, positions, personnel, and funds to build respectful communication and partnerships, and programs that grow from those. Thank you.

Questions for Dr. Beth Rose Middleton Manning

Yutong Zhan: Thank you very much for the wonderful presentation, Professor Middleton Manning. To start, what were some of the responses and most surprising findings for you during the renaming

²⁸ *Renaming the John Muir Institute of the Environment to Be More Inclusive*, UC DAVIS INST. OF THE ENV'T (July 22, 2020), <https://environment.ucdavis.edu/news/renaming-john-muir-institute-environment-be-more-inclusive>.

process, and why? Were there any tensions or challenges you faced during the process?

Dr. Beth Rose Middleton Manning: A couple of things come to mind for surprising findings. One of the most moving conversations we had was with Irene Vasquez from the Southern Sierra Miwuk Nation. Irene shared that while growing up near Yosemite, she saw mentions of Muir and appreciated his vision and regard for the environment, but also felt the impact of how he talked about not wanting her ancestors in Yosemite. Another finding arose from our conversations with Dr. Carolyn Finney. She spoke of dialogues happening between Muir's descendants and diverse communities, indicating interest in engaging in these difficult conversations.

There was tension during the process as well. One of our speakers was working on a biography of Muir, and seemed to be concerned that we were being dismissive in a way that threw the history away. I wanted to underscore that our purpose was not to throw the history away — there is much to appreciate about John Muir's reflections, such as to the beauty of the Sierras. However, the way Muir spoke about people of color was very damaging and doesn't set an inclusive tone for developing a more engaged and diverse environmental science space. Environmental sciences already struggle with a lack of diversity and institutions named after people who were anti-diverse hampers growth.

Yutong Zhan: Can you tell us a little bit more about your participation in other projects relating to Native American communities on campus, such as the Tribal Language Program and the Tribal Justice Project?

Dr. Beth Rose Middleton Manning: All of those projects are engaged with responding to interests, needs, and expertise in Native nations. It's really an exchange — which we sometimes call bi-directional learning — a web of reciprocal relationships. It's been wonderful within the Tribal Justice Project. One of our partners in the Yurok Tribe, Chief Judge Abinanti, is the first California Native woman to pass the bar exam in California. Her leadership to grow the Yurok Tribal court²⁹ is inspiring across Native country. The fact that we at UC Davis can be engaged in that and create opportunities for law students and graduate students in Native Studies is extremely important. It's not only beneficial for our students on campus, but also beneficial to the program directly supporting Tribes who are working on growing their Tribal courts.

²⁹ *Yurok Chief Judge Abby Abinanti North Coast Woman of the Year*, Cal. Sen. Mike McGuire (Mar. 22, 2023), <https://sd02.senate.ca.gov/news/2023-03-22-yurok-chief-judge-abby-abinanti-north-coast-woman-year>.

The Language Center, which is within the Department of Native American Studies and is headed by Professor Justin Spence, just received a significant Mellon Foundation Grant to grow its work. I think we'll be able to host speakers and residents using the grant funding. For years, the Language Center has done research that's been used to develop Tribal language programs. We hope to be able to offer some Native languages on campus, to the extent that it's appropriate, along with the range of languages already offered.

Professor Mary Louise Frampton: From the standpoint of an educational institution, a truth and reconciliation commission could be an appropriate next step to share the moving conversations from the Committee process with the larger campus community. A commission like that would also provide the opportunity to hear more stories, like about the Yuki from Eden and Round Valleys who were removed and killed by Hastings³⁰ and about California's Trail of Tears.³¹ Should UC Davis do something like that at this point?

Dr. Beth Rose Middleton Manning: I like that idea of a commission. It would also be powerful to juxtapose the history of these damaging policies and individuals with the strength of our current diverse students. The work with the Institute elicited a deep dive into Muir's legacy. I would expect we would find more layers to delve into and address if we look across campus at other names, how certain buildings were put in, or the history of the Arboretum. And I like what Dr. Petersen brought up about reaching out to individuals and communities that were impacted to determine how to repair harms.

The Morrill Act's history and land history is one layer. Research looking at individuals critically to consider where we are now is another, and then thinking about where we go from here is the next. It's exciting to see other UCs tackling these issues, too. There's a lot of opportunity and the state is, in some ways, leading the way with the Truth and Healing Council and the Reparations Task Force.

Dr. Charles Petersen: I loved this presentation and the work about the Morrill Act, especially since Cornell University was the largest

³⁰ Matt LaFever, *As the Architect of Mendocino County's Native American Genocide, Hastings' Legacy Proves Difficult to Erase from University's Name*, MENDOFEVER (Mar. 28, 2022), <https://mendofever.com/2022/03/28/as-the-architect-of-mendocino-countys-native-american-genocide-hastings-legacy-proves-difficult-to-erase-from-universitys-name/>.

³¹ Rigler Creative Staff, *When Native Americans Were Forcibly Removed From a Mendocino Indian Reservation*, KCET (Aug. 10, 2018), <https://www.kcet.org/shows/california-coastal-trail/when-native-americans-were-forcibly-removed-from-a-mendocino-indian-reservation>.

beneficiary of the land grant. I wrestle with the language of inclusion and diversity, as these are things that I value because inclusion often suggests bringing previously excluded groups into an existing institution that otherwise isn't going to change. But this is a process of decolonization — truth and reconciliation — which is much more than diversity or inclusion. Diversity and inclusion are the rhetoric we know how to speak and that university administrators know how to recognize, while decolonization isn't. Land acknowledgments are part of this, and I worry in some ways it's just virtue signaling, like Native people have said. But we're changing the language by making it more difficult to say we're going to have a diverse community, without acting on it.

Dr. Beth Rose Middleton Manning: I really appreciate that comment, thank you. I like thinking of this work as transformative within the UC institution. And I'm considering “decolonization is not a metaphor” for my next piece.

Dr. Gregory Downs: I really appreciate how you emphasized and centered the relational aspect. Can you tell us more about why this aspect is important to you? And, if it's appropriate, what were the responses to how the Patwin Nations addressed what Davis should do moving forward?

Dr. Beth Rose Middleton Manning: We need to have more conversations in terms of what UC Davis should do. The question of “if we change the name, can you give us a new name?” was part of the conversation, but it was much bigger than that. It was about a high-level engagement and communication around fundamental issues between UC Davis and Native nations. Our committee was not extremely empowered administration-wise. We wanted to have dialogues about what the Patwin Nations thought about John Muir's association and what was important to them in changing it. It grew into a larger conversation about our relationships to each other, which needs to be discussed more though I'm not sure what that looks like or what engagement is already happening. The relationships that are built, that change over time, and the agreements that are made to make sure those relationships are sustained are all essential.

Earlier in the presentation, when speaking about land acknowledgment, I showed a picture of Stebbins Cold Canyon Reserve, which is only one of many reserves and research lands associated with UC Davis and the UC System. I have been working on bringing people together out on the reserves, including cultural practitioners and reserve managers, to talk about what's happening out there, what's important to take care of, and what people would like to have access to. That conversation had not happened besides very specific legally mandated consultation about how to not impact cultural places. But there's a much bigger conversation about

why we hold these lands, how we hold these lands and steward them, whose lands they are, and how to ensure there's ability to access and care for those places.

Yutong Zhan: Thank you very much, Professor Middleton Manning.

Dr. Stacey Smith

Oregon State University's Building Renaming Process

Yutong Zhan: Dr. Stacey Smith is an Associate Professor of History at Oregon State University ("OSU"). She specializes in the history of the North American West with an emphasis on race relations, labor, and politics during the Civil War and Reconstruction eras. She teaches courses on the American West, the Civil War, and the Reconstruction, as well as the U.S. History survey. Welcome, Dr. Stacey Smith.

Dr. Stacey Smith: I am going to talk a little bit about my experience as the lead historical consultant and researcher for OSU's decision to change several building names a few years ago. But I want to start with a land acknowledgment for where I am presenting now, which is Corvallis, Oregon. This is the location of Oregon State University on the traditional homelands of the Ampinefu Band of Kalapuya. Following the Willamette Valley Treaty of 1855, also known as the Kalapuya Treaty, the Kalapuya were forcibly removed to reservations in western Oregon. Today, the living descendants are a part of the Confederated Tribes of Grande Ronde Community of Oregon and the Confederated Tribes of the Siletz Indians.³²

What happened at OSU tells us a little bit about universities on the West Coast of the United States and how the issues that we deal with and think about have been different than those in other parts of the United States. And what's interesting to me is that OSU started this process very early on. In 2015, the OSU administration created a committee³³ to study building and place names, and they came up with a really elaborate set of criteria and processes³⁴ for this to happen.

The reason the administration did this was, in part, because of growing student concerns and protests about some building names on

³² *Land Acknowledgment*, OR. ST. UNIV. (last visited Apr. 29, 2023), <https://oregonstate.edu/land-acknowledgment>.

³³ *Committees and Groups*, OR. ST. UNIV. (last visited Apr. 30, 2023), <https://leadership.oregonstate.edu/building-and-place-names/about/committees-and-groups>.

³⁴ *OSU Building Names Assessment (2016-2018) ~ SCARC Archival Resources*, OR. ST. UNIV. (Mar. 22, 2023), <https://guides.library.oregonstate.edu/osu-buildings-history/naming-committee>.

campus. In winter of 2017, there was a major student protest on campus in which the students yelled, “hey, hey, ho, ho, these racist names have gotta go.” The OSU Administration tried to listen to students and address these issues with an open-ended public meeting for everyone to air their concerns. Administrators learned very quickly that this was not the way to have this discussion. The meeting resulted in a shouting match between the Vice President of University Relations and Marketing and students who were understandably concerned about the university's lack of responsiveness to these issues. Subsequently, the university administration assembled a research team that I headed, that focused on building names. Because of the contentious nature of these debates, the university administration wanted to push the research and decision-making process through very quickly. In just six weeks, the historical research team assembled, coordinated, and put together lengthy reports on five different campus buildings. My sense is that administrators, especially the university president, wanted to get the process done as fast as possible so as not to prolong the strife on campus — a lengthy process would be “death by a thousand cuts.”

I have reservations about just how quickly it was done. I don't think we were able to do as much as we'd wanted to do. And I'll talk about that at the end of my presentation.

Before we get into OSU's process, I want to mention something that might be useful for other universities thinking about this. Because of that first really contentious meeting that negatively impacted OSU's campus climate, the university administration decided not to have free-for-all public forums to discuss these buildings. Instead, they implemented elaborate and generally effective feedback meetings for each building with small group discussions mediated at individual tables. Participants were also invited to give feedback on an online form, which helped avoid inefficient and unhelpful anger-driven situations.

Based on Dr. Middleton Manning's presentation, it might be helpful to talk about OSU's guidelines on how to evaluate individual building namesakes. Thankfully, we had a historian, my colleague Ben Mutschler, who was on the university committee that initially drafted the guidelines.³⁵ He really emphasized placing the figures and buildings in historical context, which made it into the criteria. So, our community and scholarly discussions of controversial namesakes revolved around the historical context of each individual's life. The guidelines focused on the relationship between a

³⁵ Or. St. Univ. Bldg. and Place Names Advisory Comm., Recommendations to the Architectural Naming Comm. for a Renaming Request Evaluation Process (Mar. 13, 2017), https://leadership.oregonstate.edu/sites/leadership.oregonstate.edu/files/OID/BuildingPlaceNames/buildings_and_place_names_advisory_committee_recommendations_final.pdf.

figure's actions and their viewpoint. The idea was that you could have personal viewpoints that were problematic, but if you didn't act on those viewpoints, maybe that's not as detrimental. A second criteria dealt with the individual's public versus private persona. The idea behind this was that if an individual had private discriminatory beliefs that they expressed among family and friends but not in a public space, then that was an important distinction. A third criteria dealt with the progression of an individual's viewpoints and life as a whole, and whether their views changed over time. A fourth criteria was whether an individual's actions and viewpoints corresponded to OSU's mission, and society's values at the time. This is what Dr. Middleton Manning talked about with respect to John Muir — does this person represent the racist attitudes at the time, or did they do something else that was beyond the pale even in the 19th century, which is when most of these figures lived? The final criteria focused on how the present-day OSU community engages with the context of an individual's life. This acknowledges that today's OSU's community might think about the individual in a different way according to the mission and values of the university at present.

I'll give a quick rundown of the various building names we considered and the decisions the university made about them, before delving more into one particular case.

We had the Arnold Dining Center named for Benjamin Arnold, a critical first president of the university who rescued it from financial failure. The main concern was that he served in the Confederate army for a few months before he was discharged for illness. OSU's president decided in this case that there was not enough evidence that Arnold had strongly pro-Confederate or pro-slavery views to justify changing the name.³⁶

The next building was Avery Lodge named for Joseph Avery, who was one of the founding fathers of Corvallis and rumored to have operated a pro-slavery newspaper. The research team found inconclusive evidence that he had a pro-slavery newspaper. But OSU's president decided there was enough evidence to rename the building to Champinefu Lodge, which means "at the place of the blue elderberry" in the Kalapuya Native language.³⁷

The university also considered the name of Benton Hall, named for the people of Benton County, Oregon where OSU is located, who donated the money for the first college building. But the county was originally

³⁶ Dr. Thomas Bahde, *Benjamin Lee Arnold and Arnold Dining Center*, in *Historic Reports on OSU Building Names* (2017).

³⁷ Dr. Stacey L. Smith, *Joseph C. Avery and Avery Lodge*, in *Historic Reports on OSU Building Names* (2017).

named for Missouri Senator Thomas Hart Benton, who promoted the U.S. conquest of Oregon. He was a proponent of Manifest Destiny and made white supremacist remarks. OSU's president decided to change the name of Benton Hall to Community Hall to recognize the role of the local community in ensuring OSU's early success. There was a lot of pushback from alumni and community members saying it should remain as Benton Hall because it's named after the county, not the person, but the president decided that Community Hall was a better fit. Relatedly, the Benton Annex, a building adjacent to the old Benton Hall, which served as the Women's Building and the Women and Gender Center for many years, also got a name change. It is now named after Hattie Remond, a famous African American women's voting rights activist from Oregon.³⁸

Finally, Gill Coliseum was the most controversial case because it was the basketball arena named for Amory T. "Slats" Gill, a legendary OSU basketball coach from the 1920s to the 1960s. There are unsubstantiated rumors that he refused to integrate OSU's basketball team long after other universities had ended segregation. For several reasons, including inconclusiveness of the evidence and significant alumni pressure, the building was not renamed.³⁹

All of these summaries of the building name outcomes are just to give you a sense of the scattershot approach that OSU took with this process. Any namesake rumored to have participated in racism in any time period got evaluated in one hurried process. There was not really a careful evaluation of each figure one at a time in the way that probably should have happened. The process at OSU was also interesting because there were so many different types of racist actions that we considered. The building renaming process was partly motivated by concern about pro-slavery and anti-Black segregationist views, which of course is more familiar in the southern and eastern context of the United States. But some of these namesakes, such as Thomas Hart Benton, had us evaluating racist actions that were more specific to Oregon and other western states, such as conquest and dispossession of Native people.

On this note, I want to talk about the distinctive issues that West Coast universities face with building renaming by using the example of Joseph Avery, the namesake of Avery Lodge, who I researched the most. We found evidence that Joseph Avery had endorsed a pro-slavery

³⁸ Korey Hawkins, *Harriet "Hattie" Redmond*, UNIV. OF WASH. (last visited Apr. 30, 2023), <https://uw.pressbooks.pub/badasswomxninthepnw/chapter/harriet-hattie-redmond/>.

³⁹ Dr. Marisa Chappell & Dr. Dwaine Plaza, *Amory T. "Slats" Gill and Gill Coliseum*, in *Historic Reports on OSU Building Names* (2017).

newspaper, and perhaps even owned it during the 1850s, which is why the building got renamed. What I started to realize later in light of all these conversations about decolonizing the university, is that Joseph Avery should have been investigated not just because of his discriminatory views against African Americans, but also because of his violent history in regard to Indigenous people. If we start to dig deeper into Avery's history, the more we see how this man's life intertwined with genocide, colonialism, and dispossessing Native people. This tends to be true for many of the so-called "pioneer settlers" of Oregon and California. I believe that's where the real story is.

Yes, Avery had this small pro-slavery newspaper that survived for a year, but his participation in the violent processes of settler colonialism is an even more significant reason we should take his name off of OSU buildings. Avery filed a 640-acre land claim in what's now Corvallis, at the intersection of the Marys and Willamette Rivers, under the Oregon provisional government's Oregon Donation Land Law of 1850⁴⁰ that was later affirmed by Congress. Avery surveyed his claim into smaller lots and sold them to white settlers — a common occurrence at the time. The Oregon Donation Land Law of 1850 that Avery and other settlers benefitted from ended up dispossessing the Natives of Oregon of about 2.5 million acres, yet this never really came up in OSU's process of evaluating namesakes.⁴¹

Moreover, Avery was directly involved in the Morrill Land Grant Act⁴² that Dr. Middleton Manning spoke on, as it applied to Oregon State University. He surveyed some of the federal lands that were sold under the Morrill Land Grant Act to fund Oregon State University. Though OSU mentions this within the land acknowledgment on the university's website, we haven't really reckoned with it in the ways that Dr. Middleton Manning talked about earlier.

Finally, like many of the early settlers and "founding fathers" of the West, including Leland Stanford, Joseph Avery was involved in railroad speculation. Specifically, he promoted and sought funding for the Willamette Valley and Coast Railroad, which would have connected Corvallis to Yaquina Bay on the Pacific Coast. The railroad did not get built during Avery's lifetime, but it eventually ran right through lands once

⁴⁰ *Land Records – Federal Government*, Or. Sec'y of State Shemia Fagan (last visited Apr. 30, 2023), https://sos.oregon.gov/archives/Pages/records/aids-land_federal.aspx.

⁴¹ Dane Bevan, *Oregon Land Donation Claim Notification*, OR. HIST. PROJECT (2004) <https://www.oregonhistoryproject.org/articles/historical-records/oregon-land-donation-claim-notification>.

⁴² Morrill Act, Pub. L. No. 37-108, 12 Stat. 503 (codified as amended at 7 U.S.C. §§ 301-305, 307, 308).

encompassed by the Coast Reservation that the Kalapuya People were forcibly removed to in the 1850s. The construction of the railroad was only made possible by the federal government's continued reduction and breaking up of Native land claims.

After this research, it's clear to me that we need to expand the discussion of race and racial injustice on the West Coast, to include both anti-Black racism and violence against Native people. The U.S. higher education system, particularly in the West, is very dependent on the dispossession of Native people, so we have to grapple with this legacy of conquest and ways to make reparations to Indigenous people for these stolen lands.

Questions for Dr. Stacey Smith

Yutong Zhan: Thank you very much, Dr. Smith. What do you think are the challenges or advantages, unique to universities in the West, in reckoning with institutional racism?

Dr. Stacey Smith: At OSU, it felt like we were trying to find blatant proslavery advocates who engaged in overt acts of anti-Black oppression. These people certainly existed in Oregon, but because the university wasn't founded until 1868 and only established firmly in the 1870s, it was perhaps more difficult to find those figures in the institution's past. Moreover, Joseph Avery and Benjamin Arnold were both small potatoes — minor local figures with relatively little influence — compared to someone like John C. Calhoun, a Yale building namesake,⁴³ who blatantly represents racial intolerance and exclusion.

This got me wondering whether focusing most of our investigative efforts on slavery and the oppression of African Americans is a model that works better for universities on the East Coast and the South than it does for West Coast universities. Maybe a model that would work better for West Coast public universities, especially those in smaller towns such as Corvallis, the home of Oregon State University, is to investigate the role that town or university founders played in dispossessing Native people of their homelands. This was an issue that I had completely overlooked in the case of Joseph Avery when I wrote OSU's report on him because OSU had been so intent on looking into his proslavery past, which, it turns out, was probably pretty minor compared to the devastation his actions caused Native communities.

⁴³ *John C. Calhoun*, NAT'L PARKS SERV. (Apr. 15, 2021), <https://www.nps.gov/people/john-c-calhoun.htm>.

Yutong Zhan: Did OSU receive backlash for changing building names? What was the general response to this whole process?

Dr. Stacey Smith: I did get hate mail, and there were some critical editorials in the local newspaper. One critic wrote that I should lose my job over this. Once alumni and donors come into the picture, political blowback is an obstacle. I think it was mild compared to other places because Oregon is a very polite place and Corvallis is a polite little town.

I probably got less hate than I would've gotten elsewhere, but one long-lasting impact was that one of the local families, who felt like their legacy was being dishonored by OSU's decision, started to withhold donations from local museums and history institutions in Corvallis. I had nightmares about how bad the response would be if OSU decided to rename Gill Coliseum but there was almost no way that'd happen with potential donor and alumni anger.

Dr. Gregory Downs: Thank you so much. As you noted, there's a strength and a weakness when a building name becomes a flash point of community concern — the strength is it collects momentum for examining the university's history critically, and the weakness is it can crowd out other ways of assessing how to go about the process. How would you resist that reflexive instinct that you know the way to go about the process, so that you can explore other avenues?

Dr. Stacey Smith: Considering there was a tight timeline of two months the first time around, we got the renaming done with a lot of community feedback and public engagement. But we would benefit from more time the second time around. There was respect for, but not necessarily accommodation of, the idea that good historical research takes a lot of time, thinking, and input from those outside the university itself. I try to emphasize this to university administration because I'm still on one of these renaming committees, and Linus Pauling is the next name we're looking into. Pauling, the most famous alumni from OSU, won a Nobel Prize in Chemistry in 1954 and the Nobel Peace Prize in 1962. There are so many locations on campus named after him, but we have TV footage of him expressing eugenicist ideas. This is going to be a tough process and I think giving people time to think and absorb is important, even though administrators want the quick and easy solution.

Dr. Middleton Manning: That was such a terrific presentation. Thank you. A quick comment reflecting on our process at UC Davis: it was advisers, maybe donors, who began the conversation about building names. I think a lot of us had wondered about the name, but it came from someone in a position of influence. Also, the Institute's building was not tied to a

specific donor or someone with a lot of history with UC Davis, so that made it a little easier.

How would you envision your approach being less scattershot and more measured?

Dr. Stacey Smith: I think the reason that namesakes were reconsidered was because there was activism by faculty, particularly my colleagues in the Philosophy program, and students. Part of the reason it was scattershot was because we were concerned that there were lots of examples of racism on our campus and wanted *all* of them addressed. I don't think people were advocating addressing them all at once; that was the administration's response, for reasons I've already discussed.

In the future, a more measured approach that OSU wants to take is a survey of all building names on campus, cataloging when and why they were named, and who are the namesakes. It takes more resources and personnel to do this and to be proactive in considering potentially problematic namesakes, rather than having students force the university to confront this racist past. Proactive time to research would also help prevent the spread of untrue rumors and misinformation that build tensions. For example, Benjamin Arnold, the president who saved the university from financial ruin but was in the Confederate army for six months, was accused of having OSU military cadets wear Confederate gray. But our historical research revealed Arnold wasn't the president who instituted these uniforms, and cadet gray was the color for all cadet uniforms in that era.

Professor Charles Reichmann

Erasure in Black and White

Wendy Garcia-Nava: Professor Charles Reichmann is an attorney whose practice focuses on business advice, commercial litigation, and dispute resolution. He received his bachelor's degree from UC Berkeley, his master's from Princeton University, and his JD from the University of Michigan Law School. He's at UC Berkeley as a Continuing Lecturer at the School of Law, teaching courses on legal research and writing, and transactional drafting.

Professor Charles Reichmann: Five years ago, I published a couple of articles on John Boalt,⁴⁴ who was the namesake of the UC Berkeley law building, if not the law school itself. These articles pointed

⁴⁴ Charles Reichmann, *The Case for Renaming Boalt Hall*, S.F. CHRON. (May 18, 2017), <https://www.sfchronicle.com/opinion/openforum/article/The-case-for-renaming-Boalt-Hall-11157382.php>; Charles Reichmann, *Anti-Chinese Racism at Berkeley: The Case for Renaming Boalt Hall*, 25 ASIAN AM. L.J. 5 (2018).

out Boalt's significant history of anti-Chinese racism. Specifically, he was a leader in the Chinese Exclusion Movement, and was the brains behind a plebiscite put to the California populace in the 1877 election to get California to go officially on record as against any further Chinese immigration. His speech was not a dispassionate policy speech, rather it was a virulently racist speech.⁴⁵ When I published these articles, it occasioned a bit of conversation. A few months after the articles came out, the law school set up a committee to look into the Boalt name. That committee met for approximately a year and a half, held public meetings, and took public comment, much of which is still available online. There were hundreds of alumni responses, and after due consideration, the committee recommended that the name be struck from the building.⁴⁶ The Dean approved the recommendation a few months later, after his own study into Boalt.⁴⁷ About a year after that, the UC Berkeley Chancellor and the President also agreed. In January of 2020, the name Boalt came off the law building.⁴⁸

I've been asked why I was interested in this. I had become interested in something I never learned about in high school or college - the Chinese Exclusion Act⁴⁹. I knew nothing of its background and of its advocates. I had never read the opinion in *Chae Chan Ping v. U.S.*⁵⁰ from the U.S. Supreme Court in 1889, seven years before *Plessy v. Ferguson*,⁵¹ which compared Chinese immigration to an alien invasion and a menace to civilization.

And so I've asked myself why I didn't know of any of these things, which ties into this Symposium's question on why West Coast institutions got a late start. Once you learn these things, as Keith Aoki said, there is something of a burden to share what you have learned. So that's what I'm going to do in this presentation and what I aim to do in my writing.

⁴⁵ John H. Boalt, *The Chinese Question*. A paper read before the Berkeley Club (Aug. 1877),

<https://digitalcollections.uwyo.edu/ahcpublic/RSMassacre/VerticalFiles/Question.pdf>.

⁴⁶ Report of the Comm. on the Use of the Boalt Name (June 25, 2018), https://www.law.berkeley.edu/wp-content/uploads/2018/09/Boalt_Name_Committee_Report_06.2018.pdf.

⁴⁷ Mem. from Dean Erwin Chemerinsky to the UC Berkeley Bldg. Name Review Comm. (Nov. 30, 2018),

https://chancellor.berkeley.edu/sites/default/files/boalt_hall_building_name_review_committee_proposal.pdf.

⁴⁸ Gretchen Kell, *UC Berkeley Removes Racist John Boalt's Name From Law School*, BERKELEY NEWS (Jan. 30, 2020), <https://news.berkeley.edu/2020/01/30/boalt-hall-denamed/>.

⁴⁹ Chinese Exclusion Act, ch. 126, 22 Stat. 58 (1882).

⁵⁰ *Chae Chan Ping v. US*, 130 U.S. 581 (1889).

⁵¹ *Plessy v. Ferguson*, 163 U.S. 537 (1896).

To begin our slide deck, we have disgraced Republican Congressman Duncan Hunter, a convicted felon pardoned by President Trump. He was born in San Diego and said “southern-style racial problems didn't happen out here on the West Coast.”⁵² He’s easy to make fun of as a convicted felon, but that's kind of where my knowledge was until I started to learn more. Why didn't we have southern-style racial problems, and what does that mean? Part of it might have to do with the absolute paucity of African Americans in California in this formative period: indeed, Chinese outnumbered African Americans in the 1880 census 15 to 1.⁵³ Other races, including Native American, Chinese, and Japanese, collectively outnumbered African Americans in California until the census of 1950. Then for three consecutive censuses, there were more African Americans than all these groups together.⁵⁴

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CHARACTERISTICS OF THE POPULATION

Table 4.—RACE, BY NATIVITY AND SEX, FOR THE STATE: 1850 TO 1940

[Figures for white population in 1930 have been revised to include Mexicans who were classified with "Other races" in the 1930 reports. Figures for 1850 not re not shown where less than 0.1 or where base is less than 100. Sex ratio not shown where number of females is less than 100]

NATIVITY, SEX, AND CENSUS YEAR	All classes	White	Negro	Other races	OTHER RACES				PERCENT BY RACE				PI		
					Indian	Chi- nese	Japa- nese	All other	All classes	White	Negro	Other races		All classes	Whi
TOTAL															
1940	8,909,867	8,596,768	124,306	188,816	18,479	29,556	93,917	34,870	100.0	93.5	1.6	2.7	100.0	100	
Native.....	8,888,062	8,782,070	122,933	185,719	17,923	22,960	80,142	32,742	100.0	93.7	2.1	2.2	94.6	94	
Foreign born.....	924,865	870,999	1,373	31,097	746	16,076	24,569	2,128	100.0	94.2	0.1	5.7	12.4	11	
1930	5,677,351	5,408,280	61,046	187,948	19,212	37,361	97,456	28,914	100.0	95.3	1.4	3.3	100.0	100	
Native.....	4,403,237	4,406,890	79,896	117,011	19,127	17,520	48,979	31,586	100.0	95.7	1.7	2.5	81.1	81	
Foreign born.....	1,273,954	1,001,390	1,552	70,937	85	20,041	48,477	2,328	100.0	93.2	0.2	5.6	18.9	12	
1920	3,428,681	3,244,711	38,783	123,397	17,360	23,812	71,958	5,343	100.0	95.8	1.1	6.6	100.0	100	
Native.....	2,689,436	2,583,049	37,640	48,547	15,367	9,356	20,814	3,012	100.0	96.9	1.4	1.6	77.9	75	
Foreign born.....	757,685	681,682	1,123	74,850	1,993	19,456	51,133	2,331	100.0	90.0	0.1	9.9	22.1	20	
1910	2,377,549	2,259,672	21,846	96,258	16,391	26,548	61,326	2,237	100.0	95.0	0.9	4.0	100.0	100	
Native.....	1,791,117	1,742,422	20,791	27,934	16,222	8,470	3,172	19	100.0	97.3	1.2	1.6	75.3	75	
Foreign born.....	586,432	517,250	874	68,308	108	27,978	28,184	2,228	100.0	28.2	0.1	11.6	24.7	22	
1900	1,486,063	1,402,727	11,045	71,481	16,677	25,703	10,181	-	100.0	94.5	0.7	4.6	100.0	100	
Native.....	1,117,813	1,026,232	10,612	20,979	12,215	6,621	142	-	100.0	97.2	0.9	1.9	75.3	75	
Foreign born.....	367,240	316,505	433	50,502	4,462	19,082	10,000	-	100.0	86.2	0.1	12.7	24.7	22	
1890	1,212,298	1,111,823	11,222	90,253	14,224	22,472	1,147	-	100.0	91.6	0.9	7.4	-	-	
1880	864,694	757,121	6,012	91,495	16,277	25,122	86	-	100.0	82.7	0.7	10.6	-	-	
1870	589,247	492,454	4,272	56,251	7,241	49,277	23	-	100.0	80.1	0.8	10.1	-	-	
1860	379,994	323,177	4,084	32,721	17,798	14,222	-	-	100.0	85.0	1.1	12.9	-	-	
1850	92,377	81,623	962	-	-	-	-	-	100.0	99.0	1.0	-	-	-	

Census data showing percent of population categorized by race (U.S. Census)

There's an awful lot that can be said about the Native experience as well. It bears mentioning that the pre-contact number of Indigenous people is estimated to be 250,000 to 300,000 by best estimates. The Native population came down to 15,000 in the 1900 census,⁵⁵ although still surpassing the census estimate of African Americans in that same year. In

⁵² The Times Ed. Bd., *Editorial: Note to Rep. Duncan Hunter: Racism Lives and Breathes in California Too. It Always Has*, L.A. TIMES (Oct. 2, 2018), <https://www.latimes.com/opinion/editorials/la-ed-hunter-white-supremacists-charlottesville-20181004-story.html>.

⁵³ 1940 U.S. Census 516.

⁵⁴ *Id*

⁵⁵ *Id*.

fact, African Americans didn't reach 1% of the population of California until the 1920 census, and didn't reach 2% until 1950. By contrast, Chinese people made up nearly 8% of California's population in 1880.

To go back to the idea that southern-style racism didn't happen out here on the West Coast, do we mean racial violence like lynching, segregated schools, segregated housing? Is our conclusion really that none of this happened on the West Coast?

We certainly had racial violence against the Asian community, which initially meant the Chinese community. The 1870s was a time of economic unrest because of the Long Depression. People started to organize in San Francisco to exclude Chinese people over labor supply concerns, sometimes leading to violence. The "sandlot" riots in July of 1877⁵⁶ were publicized in the newspapers of the world. Eight thousand San Franciscans, led by the demagogue, Denis Kearney, clamored for Chinese exclusion, burned buildings, and killed Chinese people during the riot.⁵⁷

The very next month, John Boalt delivered his talk at the Berkeley Club,⁵⁸ attempting to channel those impulses for extrajudicial violence into a specific civic proposal for a plebiscite declaring that further Chinese immigration must be forbidden by Congress because it stands in the way of California's progress. These sentiments eventually resulted in the Exclusion Act of 1882. And, again, Boalt's was not a dispassionate policy paper by any means. It was a scurrilously racist document.

As to physical acts of Chinese violence, the so-called Tacoma Method⁵⁹ involved gathering Chinese residents and marching them out of the city. In the 1870s and 1880s, in more than 160 cities in the American West, white citizens banded together to exclude Chinese communities. In Seattle, Washington, where the Chinese accounted for 10% of the population during this period, whites marched the Chinese community down to the river into waiting trains to kick them out of town.⁶⁰ In Hells Canyon, Oregon, thirty-four Chinese miners were killed in a massacre by just a few white miners who were never held judicially accountable for their

⁵⁶ Katie Dowd, *140 Years Ago, San Francisco Was Set Ablaze During the City's Deadliest Race Riots*, SFGATE (July 23, 2017), <https://www.sfgate.com/bayarea/article/1877-san-francisco-anti-chinese-race-riots-11302710.php>.

⁵⁷ *See id.*

⁵⁸ *Supra* note 48.

⁵⁹ Andrew Gomez et. al, *The Tacoma Method*, <https://www.tacomamethod.com> (last visited June 25, 2023).

⁶⁰ Phil Dougherty, *Mobs Forcibly Expel Most of Seattle's Chinese Residents Beginning on February 7, 1886.*, HISTORYLINK.ORG (Nov. 17, 2013), <https://www.historylink.org/file/2745>.

actions.⁶¹ In 1887, San Jose, California's Chinatown was burned to the ground.⁶² As Beth Lew-Williams recounts in *The Chinese Must Go*,⁶³ anti-Chinese violence is routinely left out of the national narrative. Many who have studied American history are aware that America was founded on violence against Indigenous people and African Americans, but violence against Asians is not ordinarily included in the narrative.

So to the idea that there was no "southern-style racism," I would say that there was western-style racism. The civil rights organization, NAACP, stated on their website that 72.7% of people who were lynched were African American, while 27.3% were white.⁶⁴ But the *New York Times* reported one of the largest lynchings in American history in Los Angeles in 1871, its twenty victims Chinese.⁶⁵ Hong Di, a seventeen-year-old Chinese "houseboy," as servants were called, was lynched by an angry mob in 1887.⁶⁶ An incredible book by Ken Gonzales-Day, *Lynching in the West*, records the lynchings of eight African Americans, 120 Anglo-Americans, forty-one Native people, fifty-two Chinese, 130 Latin Americans and Mexicans, twenty-two people of undetermined racial origin.⁶⁷

A couple of weeks ago, an anti-lynching bill was finally signed after 100 years of failed bills, the Emmett Till Anti-lynching Act.⁶⁸ President Biden said all of the right things in his speech about the Act but did not reference non-African Americans who were lynched. Vice President Harris

⁶¹ Kami Horton, *Massacre at Hells Canyon*, OPB (Dec. 29, 2016), <https://www.opb.org/television/programs/oregon-experience/article/massacre-at-hells-canyon>.

⁶² Assoc. Press, *San Jose Apologizes for Chinatown Destruction in 1887*, L.A. TIMES (Sept. 28, 2021), <https://www.latimes.com/california/story/2021-09-28/san-jose-apologizes-for-1887-chinatown-destruction>.

⁶³ BETH LEW-WILLIAMS, *THE CHINESE MUST GO: VIOLENCE, EXCLUSION, AND THE MAKING OF THE ALIEN IN AMERICA* (2021).

⁶⁴ Note that the NAACP has since changed this information on their website to say, "Some white people were lynched for helping Black people or for being anti-lynching. Immigrants from Mexico, China, Australia, and other countries were also lynched." *History of Lynching in America*, NAACP, <https://naacp.org/find-resources/history-explained/history-lynching-america> (last visited June 25, 2023).

⁶⁵ Corina Knoll, *Los Angeles to Memorialize 1871 Massacre of Chinese Residents*, N.Y. TIMES (Sept. 9, 2022), <https://www.nytimes.com/2022/09/14/us/massacre-chinese-los-angeles-1871.html>.

⁶⁶ *Lynching of Hong Di* (photograph), in *Northeastern California Historic Photograph Collection*, CSU CHI. DIGIT. COLLECTIONS (Feb. 15, 2013), <http://archives.csuchico.edu/digital/collection/coll111/id/9519/>.

⁶⁷ KEN GONZALES-DAY, *LYNCHING IN THE WEST* (2006).

⁶⁸ *Antilynching Act Signed Into Law*, EQUAL JUST. INITIATIVE (Mar. 29 2022), <https://eji.org/news/antilynching-act-signed-into-law/>.

is aware of this history because she certainly said so when she was leading Senate hearings a couple of years ago, and I haven't checked to see what she said on this occasion, but President Biden was silent about it.

After the Chinese Exclusion Act addressed the “Chinese problem,” there was increasing Japanese immigration in the late 1890s and early 1900s. A few years into this, the *San Francisco Chronicle* and the McClatchy papers in Sacramento went on a crusade comparing Japanese immigration to Chinese immigration.⁶⁹ The sentiment was that the Japanese were unassimilable and immoral, and it was impossible to compete with them in the labor market because they were willing to work for so little and live in unimaginably crowded housing. This period was characterized as a Japanese “invasion” of the United States. *The Valor of Ignorance*, a popular book published in 1909 by an odd fellow named Homer Lea, described a hypothetical Japanese physical invasion of the United States — landing in Bodega Bay and Monterey, conducting a pincer maneuver to take over San Francisco. This was emblematic of and encouraged an active fear of the Japanese in California.

Jim Crow in the school system is also seen in the West. Chinese were in segregated schools in San Francisco from the 1850s.⁷⁰ There were only about seventy Japanese people in San Francisco around that time and politicians decided in 1906 to keep Japanese children out of white schools so they couldn't “corrupt” the morals of white kids, especially girls.⁷¹ This drew the rage of the Japanese government, and President Teddy Roosevelt had to intervene.⁷² Suffice it to say, we have had racially discriminatory schools in California. James Phelan, who was mayor of San Francisco from 1897 to 1902, ran for re-election to the U.S. Senate on the slogan, “keep California white”⁷³ based on anti-Asian sentiment.

Housing discrimination is another aspect of textbook “southern-style racism” that also happened in the West. Racially restrictive covenants began in the first decades of the 20th century to radically limit the number of places that the Japanese or the Chinese could buy real property. And of

⁶⁹ ROGER DANIELS, *THE POLITICS OF PREJUDICE* (1999), at 24–26, 91.

⁷⁰ Henry OConnell, *Facing Our Past, Changing Our Future, Part I: A Century of Segregation in San Francisco Unified School District (1851–1971)*, MEDIUM (Sept. 16, 2020), <https://medium.com/@oconnellh/facing-our-past-changing-our-future-part-i-a-century-of-segregation-in-san-francisco-unified-938431f1b7a9>.

⁷¹ *Id.*

⁷² Andrew Glass, *Theodore Roosevelt Targets Japanese Immigration, Feb. 20, 1907*, POLITICO (Feb. 20, 2019), <https://www.politico.com/story/2019/02/20/theodore-roosevelt-targets-japanese-immigration-feb-20-1907-1173456>.

⁷³ Stephen MacLeod, *The War Within: Dissent During Crisis in America*, THE U.C. IRVINE LIBR.S (2006), https://www.lib.uci.edu/sites/all/docs/exhibits/checklist_warwithin.pdf.

course, the Alien Land Laws enacted in various western states, including in California in 1913,⁷⁴ criminalizing real property ownership by those ineligible for citizenship which mainly targeted the Asian population. The California plebiscite put forth in 1920⁷⁵ based on this law was supported by 75% of voters that election cycle. Keith Aoki drew a straight line from Chinese Exclusion to these land laws to Japanese internment, which is absolutely right. It's part of the same impulse, the same history.

An earlier California understood that white supremacy isn't just a white-Black issue. Some of the classic literature of white supremacy include *The Passing of the Great Race*, by Madison Grant,⁷⁶ praised by Adolf Hitler, and *The Rising Tide of Color Against White World-Supremacy* by Lothrop Stoddard,⁷⁷ praised by President Harding. Both of these books characterized non-white people in the U.S. as a threat to the white race and the 'white way of doing things.' Both saw the "threat" as coming not just from Africa, but from other places as well.

One of the frequent questions I got through angry phone calls or both anonymous and identifiable notes was "why are you trying to erase our history by removing the Boalt name?" Boalt was a wealthy, if unspectacular, attorney in a big city, not exactly an influential person on par with Thomas Jefferson or John Muir. There wasn't much of a countervailing argument. I'm really not sure what people are clinging to, but I think we need to answer by saying "no, we're not trying to erase history, we're doing the opposite of that — we're trying to broadcast the history." I'm the first person to have written on John Boalt in 115 years. That's not erasing history, that's making history known. Someone else may write about him in the future and reach a very different conclusion than I did, and that's fine. The way I interpreted him and urged him to be understood in 2017 was not meant to shackle the world in perpetuity. Thank you very much.

Questions for Professor Charles Reichmann

Wendy Garcia-Nava: Do you think that naming buildings after individuals may be a never-ending battle of naming and renaming after uncovering an individual's history? And should we use more generic names for buildings?

⁷⁴ *California Law Prohibits Asian Immigrants from Owning Land*, EQUAL JUST. INITIATIVE (last visited June 25, 2023), <https://calendar.eji.org/racial-injustice/may/3>.

⁷⁵ Brian J. Gaines & Wendy K. Tam Cho, *On California's 1920 Alien Land Law: The Psychology and Economics of Racial Discrimination*, STATE POL. & POLICY QUARTERLY 271, 278 (2004), <http://cho.pol.illinois.edu/wendy/papers/gaines.pdf>.

⁷⁶ MADISON GRANT, *THE PASSING OF THE GREAT RACE* (1916).

⁷⁷ LOTHROP STODDARD, *THE RISING TIDE OF COLOR AGAINST WHITE WORLD-SUPREMACY* (1920).

Professor Charles Reichmann: We named buildings for financial reasons, at least much of the time, and that was entirely true in Boalt's case. Other times, it's to honor people that we now think are great. We may have these battles in the future. Berkeley Law's building will likely be renamed for someone at some point — I hope not Zuckerberg Hall, but who knows what it's going to be. I trust that the powers that be will choose well, but I don't think we should shy away from a future debate because it's good for people to engage with their history, to try to see if it's still relevant and important to them, if it supports their current values. If we name buildings after individuals, we're going to get it wrong sometimes and even if we get it right, people in a generation or three will reevaluate our decisions.

Wendy Garcia-Nava: Was one of the most common questions from alumni about erasing history or were there other common questions?

Professor Charles Reichmann: There were hundreds of comments and the law school, to its credit, put them all online for the public. There were legitimate questions about what the denaming exercise really accomplished. There was also a lot of nostalgic griping like, "it was Boalt Hall for me and my dad, so it should always be Boalt Hall." Which raises the question: do you care because you care about John Boalt or because of nostalgia? No one had any idea but they should have known about Boalt because in his day he was no obscure fringe figure, he was a powerful, important attorney. He was quoted at the California Constitutional Convention in 1879, which was called, in part, to restrict immigration. He was also quoted on the floor of the U.S. Senate during the Chinese Exclusion Act debate. He was a leader of this anti-Asian movement, but at the law school there was an utter disconnect with that history, which I still don't quite understand. So people didn't care about Boalt, but they did care that the building still be called Boalt.

Professor Mary Louise Frampton: I want to reflect on the chat comment about the UC Berkeley Administration ignoring the history. Five years before you did this research, "Boalt Hall" was changed to Berkeley Law for marketing purposes, which had nothing to do with history. At that time, you can imagine there was a lot of blowback about the change but no mention of the history despite it being right there.

Professor Charles Reichmann: That's an excellent point. That happened one year before I joined the faculty so I wasn't as involved at that point. But that's absolutely right. The Boalt name remained omnipresent at the law school, however, it still was the name for the building, but for marketing reasons, as you said, the university no longer referred to the law school as Boalt Hall, they referred to it as Berkeley Law. It is odd because

presumably as part of that marketing exercise, you would think they would have confronted who Boalt was and how this happened.

Dr. Virginia Scharff

Looking in the Mirror

Wendy Garcia-Nava: Thank you so much, Professor Reichmann. We will move on to Dr. Virginia Scharff, who earned her PhD in history from the University of Arizona. She is a published author and researcher whose interests include the American West, women's history, environmental history, and U.S. social history. She was an Emeritus Distinguished Professor of History and the Director of the Center for the Southwest at the University of New Mexico ("UNM"), and is now retired. Welcome, Dr. Scharff.

Dr. Virginia Scharff: I've been thinking about the role of public higher education as a device of U.S. colonialism, particularly public education in the West. Since the 1980s when I was a master's student at the University of Wyoming before getting my PhD at the University of Arizona, I found, while studying white women's roles in building up public universities in the West, that women were definitely involved in the project of colonialism.

I also discovered that West Coast universities have been trying to consolidate the American empire since they were founded. The work of Bobby Lee and Tristin Ahtone on the land grab universities study,⁷⁸ among other things, have made that really clear to us in ways that weren't visible for a long time. I studied people like Grace Raymond Hebard and Irene Morse, who not only became historians and administrators to do the policy work of consolidating the U.S. empire where it didn't yet exist, but also to create scholarship around it.

⁷⁸ Robert Lee & Tristan Ahtone, *Land-Grab Universities*, HIGH COUNTRY NEWS (Mar. 30, 2020), <https://www.hcn.org/issues/52.4/indigenous-affairs-education-land-grab-universities>.



*Irene Morse and Grace Raymond Hebard
American Heritage Center, University of Wyoming*

In 2013, I became one of those white-women-historian-administrators after I took a job in the UNM Office of Academic Affairs as Associate Provost for Faculty Development and interdisciplinary and international initiatives after a career as a simple, barefoot college professor in the UNM History Department for many years. I worked in the Provost's Office from 2013 to 2017, during which I observed and participated in this series of intersecting and overlapping conflicts imbued with politics of race and colonialism. This was also a period marked by the rise of white right-wing extremism within the U.S. government,⁷⁹ which was something we had to contend with.

Moving to my piece on this panel, in the way that the previous presenters have given us larger agendas around transformation of university politics and around race and colonization, I want to give you my view as a participant observer of one conflict around decolonizing UNM.

Indigenous student activists and their allies confronted the UNM administration — while I was in the Provost's Office — about sites and symbols of settler colonialism and racism at UNM. Activists had a wide-ranging, ambitious, carefully wrought, and strategic agenda, forged through decades of debate and struggle. In 2015, they focused on one highly visible

⁷⁹ See *Mapping the Global Far-Right*, STANFORD CTR. FOR INT'L SEC. AND COOP. (2022), <https://cisac.fsi.stanford.edu/mappingmilitants/far-right-extremism>.

symbol, which was UNM's official university seal, first adopted in 1969.⁸⁰ It looked like a lot of the symbols that were adopted at that time — the font and design were both very dated. The UNM seal had a sword-bearing metal helmet-wearing conquistador and a rifle-bearing frontiersman wearing a coonskin cap flanking the UNM initials set in a weird 1960s font. The iconography went back to the 1920s, but was adopted in 1969 and was still in place in 2015 when the student activists forced us to reckon with it.



UNM Official Seal, 1969-2018

I should say that those reckonings are always at UNM, driven by intersectional forces. Like other places in the U.S., UNM is a product of a larger American history of enslavement and continuing oppression of African Americans and Native peoples, anti-Asian violence, and anti-Semitic notions. In ways that are visible to anybody who has visited New Mexico, our history, our landscape, and our lives reflect the U.S. conquest of Mexican territory and people. Most salient for this conversation is the presence of twenty-three sovereign Native nations, Tribes and Pueblos. UNM sits on Pueblo land and our land acknowledgment recognizes the Pueblo, Apache, and Navajo Peoples.⁸¹ The architecture of UNM is a Spanish Pueblo Revival style popularized in the early 20th century by Anglo boosters capitalizing on a history of inhabitation of Native and Hispanic people. Today, New Mexico's population is mostly Hispanic and Native people compared to the Anglo populace.⁸² Clearly, the demographic

⁸⁰ *Regents Accept New Seal*, N.M. LOBO at 5 (Oct. 2, 1969), https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1098&context=daily_lobo_1969.

⁸¹ Dr. Lorenda Belone, et al., *Land & Labor Acknowledgement*, UNIV. OF N.M., <https://diverse.unm.edu/about-dei-at-unm/land-labor-acknowledgement.html> (last visited June 25, 2023).

⁸² Am. Counts Staff, *New Mexico Population Grew 2.8% Last Decade*, U.S. CENSUS BUREAU (Aug. 25, 2021), <https://www.census.gov/library/stories/state-by-state/new-mexico-population-change-between-census-decade.html>.

makeup of this state is complex, dynamic, and violence-laden like many other places in the West.

For decades, the university has tried to come to grips with this complex history by fostering student groups to offer students spaces of refuge, community organizing, and resistance in response to the culture and politics of the university. The UNM KIVA Club was first established in 1952,⁸³ El Centro De La Raza was founded in 1969,⁸⁴ the Women's Resource Center founded in 1972,⁸⁵ and groups serving Black students have emerged over the decades. Students have always had their work cut out for them in trying to prod the university towards transformation, as with this dated and offensive official seal.

That seal was actually maybe the seventh seal the university had. Seals were sometimes adopted with official action from the Board of Regents, and sometimes without. That seal was adopted during a period when commemoration and memorialization were imbued with politics that had a eugenic dimension to them.

Opposition to the seal was officially noted in 1991, when the Director of Hispanic Students Services, Irene Blea, wrote to the university president at the time, Richard Peck, after seeing a banner of the seal at an event. She said she found it contradictory to what was being said at the event because no females, Native or otherwise, are depicted, overlooking the fact that women and Native Americans were in the UNM region before the appearance of Europeans.”⁸⁶ Blea suggested a review of the banner and a different design that was inclusive and contemporary.⁸⁷ Others had objected to the seal before Blea’s letter and they had continued throughout the year since.

In 2016, Nick Estes Jr. joined the public discussion. Estes is currently a prominent scholar of Indigenous Studies at the University of Minnesota, but in 2016, he was a UNM grad student in American Studies, who published an article in *Indian Country Today* saying that Native students had demanded the abolition of the seal since at least October 2014 when they'd led a demonstration to celebrate Indigenous Peoples' Day of

⁸³ Tyler Roberts, *UNM Over the Years: People, Places, and Events: The Kiva Club*, UNIV. OF N.M. (2021), <https://timeline.unm.edu/item/the-kiva-club.html>.

⁸⁴ *El Centro de la Raza - UNM*, UNIV. OF N.M., <https://ortizcenter.unm.edu/networks/description/el-centro.html> (last visited June 25, 2023).

⁸⁵ *History of the Women's Resource Center*, UNIV. OF N.M., <https://women.unm.edu/about/history.html> (last visited June 25, 2023).

⁸⁶ Dr. Jozi De Leon, *University Seal Report*, UNIV. OF N.M. DIV. FOR EQUITY & INCLUSION (Oct. 2016), <https://provost.unm.edu/ebook/asar-november-agenda-book.pdf>.

⁸⁷ *Id.*

Resistance and Resilience, instead of Columbus Day.⁸⁸ In the Spring of 2016, Estes gave a lecture on the history of dispossession, colonization, and violence against Native peoples in New Mexico, including the role of UNM in expropriation and erasure. His opening remarks held two claims. One, UNM profits from the genocide of Indigenous peoples and the occupation of Indigenous lands. Two, UNM's official seal celebrates this profit. He explained, "If a seal is an impression of power, then the seal of UNM is an impression [—] a history [—] that gives it authority. And that history is one marked by violence, dispossession, and death. Like much paraphernalia relating to power and authority, the masculine figures armed with sword and musket personify just how order and civilization was achieved in the founding of New Mexico — through violence."⁸⁹

Estes and others involved in the KIVA Club and Red Nation, an allied activist group, developed a set of demands to be presented to President Bob Frank of UNM and the UNM Board of Regents.⁹⁰ They circulated a petition that attracted hundreds of signatories from New Mexico and beyond.⁹¹ The petition demanded the abolition of a symbol that celebrates the Spanish, Mexican, and U.S. genocide, conquest, dispossession, rape, torture, and enslavement of the original Indigenous peoples of this land.⁹² It enumerated the nineteen Pueblos, Navajo Nation, Jicarilla Apache Nation, Mescalero Apache Tribes, Southern Ute Tribe, and Comanche Tribe.⁹³ To quote the petition, "None of these diverse Nations are represented in the seal, nor is there acknowledgement within the institution that UNM campus sits atop the unceded lands of Pueblo of Sandia."⁹⁴ The petition listed eleven further demands, including rebuilding the Student Resource Center, diverse faculty and administrative hiring initiatives, changing building names, adopting the United Nations Declaration of the Rights of Indigenous People, and repatriation of sacred items in accordance with the 1990 Native American Graves Protection and Repatriation Act.

⁸⁸ Nick Estes, *Abolish the Racist Univ. of New Mexico Seal*, INDIAN COUNTRY TODAY (Sep. 12, 2018), <https://ictnews.org/archive/abolish-the-racist-univ-of-new-mexico-seal>.

⁸⁹ Nick Estes, *#AbolishtheRacistSeal: IFAIR 2016 Talk*, OWASICU OWE WASTE SNI (Apr. 18, 2016), <https://nickestes.blog/2016/04/18/abolishtheracistseal-ifair-2016-talk/>.

⁹⁰ Red Nation & Kiva Club, *Abolish The University of New Mexico's Racist Seal!*, CHANGE.ORG (Apr. 2, 2016), <https://www.change.org/p/the-red-nation-abolish-the-university-of-new-mexico-s-racist-seal>.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ Nick Estes, *Abolish The Racist Seal: An Open Letter to UNM Administration*, THE RED NATION (Apr. 26, 2016), <https://therednation.org/abolish-the-racist-seal-an-open-letter-to-unm-administration/>.

ABOLISH THE RACIST SEAL



Front of the 2016 flyer (Dr. Smith's possession)

DEMANDS:

1. Reconstruction of a Native Cultural Center
2. More Native faculty at the administrative level
3. A cluster hire for Native Studies faculty
4. Higher education council of Tribal leaders established at the Board of Regents level
5. Formal adoption of UNDRIP as UNM policy
6. Abolition of racist imagery & cultural appropriation
7. Tuition waiver for students from federally recognized tribes
8. Permanent funding & space allocation for Nizhoni Days Powwow
9. Recognition of Indigenous Peoples Day of Resistance and Resilience
10. Recognition & tracking of American Indian political identity according to federal standards
11. Repatriation of ancestors & sacred items to sacred spaces and tribes

Back of the 2016 flyer (Dr. Smith's possession)

Part of the challenge with having a robust and visionary agenda like this, is that it depends on the good faith, time, money, and skill of an ever-changing cast of actors — students who graduate, allies who come and go, administrators who turn over every five years. There is a problem of maintaining momentum, focus, and personnel commitment. The KIVA Club and Red Nation announced plans for a campus protest in April 2016, calling on all progressive people to join Native students in taking the list of demands to the President's Office. They spread the word both in-person and online through social media using the hashtag “abolish the racist seal,” a redesigned UNM seal, and the eleven demands.

There was urgency in the demand to redesign the seal because graduation was only a few days away and a number of the activists were getting their degrees, including some who would be sitting in the front row as PhD students in American Studies. They had no interest in displaying the hated seal on their gowns, seeing it on the banners, on the speaker's podium, on the medallion hanging around the university president's neck on stage. It may seem that these ceremonial trappings are trivial compared to the larger array of demands we've been discussing, but those details turned out to be the more devilish ones in terms of quick responses to the seal replacement. The Board of Regents looked at the proposed redesign and said they needed an accounting of the cost to replace the seal, or market the new one, or even just use the UNM corporate logo.⁹⁵ They estimated the cost at \$50,000 and couldn't do it by commencement so people arrived with the logo covered on their gown, some refusing to look at the president or shake his hand.

Once the Board of Regents seized on a full accounting, everything slowed down. Fortunately in New Mexico, there was very little opposition to the replacement, but the Board of Regents at the time had been appointed by a Republican governor so they dragged their feet. I look back on this as the romantic period before Republicans were truly unhinged. We're lucky in that the students were extremely patient, relentless, and determined to see it happen.

I had been delegated as part of the leadership team in the Provost's Office to deal with this issue. Vile bureaucrat that I was, I had little patience with this process because I knew it was a dated symbol and I thought we should put up the corporate symbol temporarily to quickly get rid of it. The day after the student activists' demonstration, I sent an email to all my colleagues saying, "Symbols often tell only part of a story and sometimes not even that. Sometimes a symbol glorifies a wished-for past that never happened. Sometimes symbols are weapons in the hands of victors intended to falsify, diminish, or erase the stories of the vanquished. The UNM seal commemorates armed Spanish and Anglo conquest of terrain that has long been alive with the histories of Indigenous Peoples. The present UNM seal erases, falsifies, and diminishes history and excludes many in the present. It is time to work together to retire this seal and choose a new emblem for us all."⁹⁶

⁹⁵ See Chris Quintana, *Regents Keep UNM Seal Unchanged*, ALBUQUERQUE J. (Nov. 16, 2016), available at <https://www.newspapers.com/image/245499477>.

⁹⁶ E-mail from Dr. Virginia Scharff, Former Dir. of the Cen. for the Southwest at the Univ. of N.M., to her colleagues (Apr. 30, 2016) (on file with author).

After that, we had to initiate multiple public meetings and forums of the type that Professor Smith talked about at OSU. We consulted with different stakeholders and created a process whereby the administration would consider getting rid of this seal. These moments were contentious between the stakeholders. KIVA Club and Red Nation were remarkably disciplined, forceful, relentless, and committed. Many of them were members of Indigenous groups from New Mexico and had a tangible stake in the outcome. Some of them are still working on aspects of the program initially outlined.

In the midst of this effort, Donald Trump was elected President and the far right became emboldened. Suddenly, we had to deal with other crises, like the far right's campus tour for a provocateur named Milo Yiannopoulos.⁹⁷

Thankfully, the university president who had been really dragging his feet got fired by the Regents in the middle of this and the provost became the interim president. He came to me and said that we're doing nothing else but getting rid of this seal. In March 2017, after about two years of work, we finally got the Regents to vote to suspend the UNM seal and to use the university's corporate logo in its place.⁹⁸ Since that time, a new official seal has been adopted.⁹⁹

What I find so interesting about the fact that people didn't know about the seal replacement or, from Professor Reichmann's discussion, that the history of John Boalt was not really investigated, is that marketing people do not care about the history. They, in fact, are against the history of everything, because it's an inconvenience for marketing. It's also the case that nearly everybody who had been involved in getting the seal retired in 2017 left by the time the university adopted a new seal in 2020. They got a marketing firm to submit designs for a new, anodyne seal, and all of the disorder preceding it got whitewashed out of the story.

⁹⁷ *Controversial Speaker Draws Hundreds of Protesters to UNM*, KOAT (Jan. 28, 2017), <https://www.koat.com/article/controversial-speaker-draws-hundreds-of-protesters-to-unm/8647622>

⁹⁸ *UNM Approves New Seal; Implementation Set to Begin*, UNIV. OF N.M. (Dec. 14, 2020), <http://news.unm.edu/news/unm-approves-new-seal-implementation-set-to-begin>.

⁹⁹ Taylor Velazquez, *Regents Approve New UNM Seal Design, Disregarding Popular Vote*, KUNM (Oct. 21, 2020), <https://www.kunm.org/local-news/2020-10-22/regents-approve-new-unm-seal-design-disregarding-popular-vote>.



Current official seal of UNM

I give the students and their allies credit for all the patience and persistence in holding the administration's feet to the fire. It's also important to note that the Board of Regents changed during these years because a Democrat, Michelle Lujan Grisham, was elected in 2018 as Governor of New Mexico, replacing Susana Martinez, a Republican.¹⁰⁰ Grisham appointees who replaced Martinez's made the Regents more hospitable to progressive politics and more pro-student and pro-faculty. It made a decisive difference in getting stuff done more quickly. Had Grisham's opponent, Steve Pearce, an ultra-conservative Congressman who has since become even more extreme, won that election, I dread to think what kind of Board of Regents we would have. Which tells you a lot about the larger political context we need to consider when discussing these things.

The unfortunate anti-climax to this situation is that few of the array of other demands that KIVA Club, Red Nation, and other student activists have raised have been systematically addressed. The momentum for that kind of change came to a grinding halt in 2020 when universities had to pivot because of COVID-19 with administrators focusing on addressing pandemic-related education and financial challenges.

¹⁰⁰ Assoc. Press, *Michelle Lujan Grisham Elected Governor*, LAS CRUCES SUN NEWS (Nov. 6, 2018), <https://www.lcsun-news.com/story/news/politics/elections/2018/11/06/election-results-2018-michelle-lujan-grisham-elected-governor-new-mexico/1914345002/>.

This is both a cautionary tale and a reflection on the remarkable work that student activists did with the UNM seal. We still have buildings named for Coronado¹⁰¹ and Onate¹⁰² which need to be addressed.

Questions for Dr. Virginia Scharff

Dr. Gregory Downs: Dr. Scharff, thank you so much. Your narrative abilities are well-known and along with being a distinguished historian, you've also published multiple novels and are a uniquely wide-ranging scholar. The story you told us is such a compelling one. You raised the question of whether to see the seal as a sort of tangible or a symbolic fight, and whether the differentiation even makes sense. I wonder if the people involved felt like it helped become a springboard for other issues or was important enough on its own.

Dr. Virginia Scharff: The relationship between sites and symbols, or between sites, symbols, and substantive change is the sense of your question. That's why it seemed trivial to me, but mattered a lot to them. They viewed this as a racist, violent, remarkably dated symbol of the university, and it shouldn't be on the graduation gowns. They used this as an opening wedge to promote a larger agenda, such as that UNM should renounce its architectural identity and tear down the Spanish Pueblo Revival buildings appropriating Indigenous architecture.

I have a different view that the architectural style of the university represents a longer history of hybridity because it isn't purely one thing. Rather, it is a thing that was invented in the 20th century by Anglo architects, cultural preservers, and anthropologists at the Bureau of Ethnology. To tear down the buildings would have gone past just changing the name of a couple of buildings, which would have been a much easier next step.

Adoption of Indigenous Peoples Day of Resistance and land acknowledgment both followed on the heels of this. Compared to the land acknowledgments everyone related on this panel, the UNM land acknowledgment is a truly pallid thing. It doesn't engage half of the content or issues related to the university's role in dispossessing Native people. Nor does it talk about repair, restoration, or reconciliation.

When my boss, Chaouki Abdallah, went from the Provost's Office to the President's Office, I had just begun to convene a committee on sites

¹⁰¹ *UNM Campus Histories: Coronado Hall*, UNIV. OF N.M., <http://campushistory.unm.edu/essays/coronado-hall.html> (last visited Apr. 29, 2023).

¹⁰² Courtney Allen, *Calls For Other Oñate Monuments To Be Renamed*, KQRE (June 17, 2020), <https://www.krqe.com/news/protests/calls-for-other-onate-monuments-to-be-renamed/>.

and symbols of racism and colonialism at UNM. I hoped this working group would do the kind of inventory that Dr. Stacey Smith talked about, and that they would draw from stakeholders across the university to understand the larger identity of the sites and symbols embedded within the university.

When I left the Provost's Office in 2018, that was that. I would be interested to hear Professor Petersen talk about how the rhetoric of diversity, equity, and inclusion papers over the need for true decolonization, and serves as a stumbling block by making people feel like they've done their due diligence. It doesn't get to the kind of transformation that you are talking about.

Panelists' Final Remarks

Professor Jack Chin: We only have a few minutes left. I would propose we give each of our panelists a minute or 90 seconds to say whatever they want. Let's start with Dr. Petersen and go through the same order.

Dr. Charles Petersen: Thanks again for the opportunity to participate and learn so much from the other participants and from how you are approaching your task at UC Davis. I'm not yet a professor, so if anyone's hiring, get in touch.

There were plenty of people in the 1960s and 1970s thinking about affirmative action, in part as a response to the Black Freedom Movement, among other movements. But people can see affirmative action as a method of decolonization too. I think that framework is more accurate. It is the kind of non-reformist language that is hard for people to deal with. It is difficult to do a land acknowledgment because we have to consider what we're really doing. Just like we have to ask what we're doing when we take statues down. We are decolonizing our history and hopefully making steps toward a much bigger process.

Dr. Beth Rose Middleton Manning: Well, thank you very much. First, I really like to commend the organizers because this was a terrific panel with nice geographic diversity, diversity in positionality to UC Davis, and ability to reflect differently on these efforts. I was struck by something Dr. Scharff said in terms of change, about the difficulty in moving projects forward while the cast of actors shifts — administrators cycle in and out and students graduate. At the same time, Dr. Scharff spoke about the importance of the change in the Regents that led to a group more sympathetic towards progressive policies. It's interesting to think about when transition can be our ally or a challenge in decolonization.

Dr. Stacey Smith: I want to echo everyone who's already spoken and just say thanks so much for inviting me and for allowing my students

to visit with us and ask their questions. I got a lot out of this conversation and I think it's been really helpful for my students as well. They're in my history methods course, so they're thinking about what it means to be a professional historian and what we do beyond just teaching and researching.

Something that struck me in this discussion was exchanging the idea of erasing history for broadcasting history instead. We had this same conversation about uncovering the history of relatively obscure people at OSU. Something stuck with me from a conversation I had with Rosie Clayburn, a Yurok historian. She said, everybody's focused on renaming Madison Grant Park in northern California but we think of this as *reclaiming*. We're *reclaiming* the Indigenous names and meanings of these places. So we are not erasing, but broadcasting; we are not renaming, but reclaiming.

Professor Charles Reichmann: Thank you all very much. I enjoyed this and learned a lot from the panel and the questions. At UC Berkeley, the Boalt denaming process seemed to break a log jam. There had been talk of denaming and complaints about various figures in the University's past few decades, specifically David Prescott Barrows, who was the school's president from 1919 to 1923, and Joseph LeConte, who was a professor from 1868 through 1901.¹⁰³ Barrows engaged in colonization activities in the Philippines and was an avowed white supremacist. LeConte was an outspoken racist, a son of the Confederacy.

A longtime professor in the Ethnic Studies Department at UC Berkeley sought me out and said, "Thank you for writing that article. I've sent it to all of my graduate students because what people need to do is what you did: actually write this up, develop it, and make the case." I never took a stand on denaming the building because I believed that the process would take care of itself if I just wrote up what happened. But the professor makes a good point — we need first to do the work in order to have these conversations.

We've spoken a lot about the role of alumni at our various institutions. Some alumni are a drag on these processes, but other alumni entered into this battle ferociously, like the Asian alumni and their allies who have come into power in the San Francisco legal establishment in the last generation. A decade or so ago, a federal judge told me that we don't have any Asian judges in the Northern District and this was unsustainable. Now, there are four sitting within Northern California. And similarly, there has been enormous change in the executive suites of big law firms and in

¹⁰³ Gretchen Kell, *UC Berkeley's LeConte and Barrows Halls Lose Their Names*, BERKELEY NEWS (Nov. 18, 2020), <https://news.berkeley.edu/2020/11/18/uc-berkeleys-leconte-and-barrows-halls-lose-their-names/>.

the law schools. There was a lot of support and this wouldn't have happened without the Asian students and alumni taking ownership and ensuring its success.

UC Berkeley has very good leadership both at the law school and campus-wide now. There was ample opportunity for public comment and discussion and open debate. The process continued to run with the enormous disruption of COVID-19, and there have been several denamings since Boalt. But personally, I don't think denaming or renaming is what this is all about. Rather, it's actually about making sure that people engage with their shared history. Each generation can decide what things should be named, commensurate with their own values and those of their institutions.

Dr. Virginia Scharff: Thank you for including me. I'm very grateful to be able to present this because I'm working on a longer version of my history with this issue and with thinking broadly about the sites and symbols of colonialism on campus. The Clements Center, where I got to know Dr. Greg Downs and Dr. Stacey Smith, will be meeting in a couple of weeks in Taos, New Mexico. It is the kind of conversation that is important in building a larger movement to communicate best practices and strategies for traction on our own campuses.

A Conclusion from the Symposium Hosts

We have been inspired by the work done by the speakers at this symposium and by other scholars who studied the histories of their own institutions. We want to know, and intend to explore, the history of racial inclusion and exclusion at our own institution. This symposium is a preliminary exploration of the question of how West Coast universities should scrutinize the history of their involvement with race. In the United States, East Coast and southeastern universities have led the way in uncovering their institutional engagement with American apartheid.¹⁰⁴ They have examined whether and how they or their leaders were involved in the slave trade, or even owned enslaved persons themselves.¹⁰⁵ In some cases,

¹⁰⁴ LOLITA BUCKNER INNISS, *THE PRINCETON FUGITIVE SLAVE: THE TRIALS OF JAMES COLLINS JOHNSON* (2019); SIMMONS ET AL., *supra* note 9; *Georgetown Slavery Archive*, Georgetown Univ. Working Grp. on Slavery, Memory, and Reconciliation, <https://slaveryarchive.georgetown.edu/>; Report of the Presidential Committee on Harvard and the Legacy of Slavery (2022), *available at* legacyofslavery.harvard.edu.

¹⁰⁵ A group of universities have formed the "Universities Studying Slavery" consortium. *Universities Studying Slavery*, UNIV. OF VA. (last visited May 9, 2023), <https://slavery.virginia.edu/universities-studying-slavery/>.

these universities were segregated by law, and were desegregated only by highly visible litigation or federal force.¹⁰⁶

These models do not provide a ready roadmap for West Coast universities, which are mainly located in states that never had legal African chattel slavery,¹⁰⁷ and in some cases the universities or the states themselves came into being only after the legal changes wrought by the Civil War and Reconstruction. Yet, this hardly means that West Coast universities never faced racial questions. Some western states, like the eastern and southern, had their own versions of the traditional incidents of Jim Crow — school segregation, prohibitions on interracial marriage, restrictive covenants, and regimes of discrimination in public accommodations and employment. At least after the Civil War, it may be that the legal treatment and status of Asians and Native Americans was a more prominent issue in the west and southwest than it was in most parts of the east.

We want to understand whether and how the University of California, Davis engaged in, celebrated, exposed, or resisted the racial discrimination prevalent in California since the University's founding. The following is the list of topics and subjects we intend to explore — not necessarily in order of importance. It is unavoidably contingent and partial, subject to revision based on what we find and learn. Nevertheless, once it is completed, we hope to have significant insight into a question which now seems obscure.

* * *

Names. Who are the campus buildings and schools named after? Why were they chosen?

Land. Where did the land now owned by the campus come from, specifically? Which Native nations was it wrested from, and has the university built any relationships with those nations? Have those nations received any remuneration for lands taken? Were there also other communities who were displaced by university development? When? Who are they, and have they received any remuneration?

Admission and Employment Policies. Were there formal or informal policies excluding people of particular races, genders, or citizenship or immigration status from academic programs? From working or teaching?

¹⁰⁶ WILLIAM DOYLE, AN AMERICAN INSURRECTION: JAMES MEREDITH AND THE BATTLE OF OXFORD, MISSISSIPPI, 1962 (2001).

¹⁰⁷ This is not to say they did not have other forms of compelled labor or engagement with enslavement. See, e.g., Gabriel J. Chin, *Slave Law, Race Law* 94 U. COLO. L. REV. 551, 562–63 (2023).

Dormitory/program segregation. In programs which offered non-discriminatory admission, were there particular activities or opportunities which were limited by race?¹⁰⁸

Event Study: Position/Policies of University and Community. During the university's existence, there were many great social issues decided in California and the nation as a whole. How, if at all, did the university and its leaders respond? These might include:

- Woman Suffrage and the Nineteenth Amendment
- Segregation of the federal Civil Service under President Woodrow Wilson
- California's 1913 and 1920 Anti-Japanese Alien Land Law
- The 1924 Immigration Act
- Japanese American Incarceration during World War II.¹⁰⁹
- 1911 through 1948 Civil Rights Decisions of the U.S Supreme Court
- 1954 *Brown v. Board of Education*

Review of Student Newspaper, Yearbook, and Other University Publications. Did publications use racist language? Did they publish blackface, brownface, yellowface, or reface photographs or other racial mockery? Did they report on racial incidents?¹¹⁰ What do the photographs and articles reveal about segregation or integration of sports teams, Greek letter organizations, other student groups?

Oral Histories. What alumni and faculty are available to share their recollections of the campus in previous generations?

Community Review. In the larger community (in our case, Davis, and Yolo County, California), is there segregation or civil rights ordinances? Does the community appear to have segregated housing and employment, as revealed by, for example, newspaper advertisements or restrictive covenants?

Contemporary Issues. What is the university doing now? Is there a land acknowledgement? Is there a memorandum of understanding with the

¹⁰⁸ Thus, for example, the Ohio State University admitted Black women, but maintained a segregated dormitory. See, e.g., *State ex rel. Weaver v. Bd. of Trs. of Ohio State Univ.*, 185 N.E. 196 (Oh. 1933).

¹⁰⁹ The University of Idaho's response is recounted at Leslie A. Ito, *Japanese American Women and the Student Relocation Movement, 1942-1945*, 21 *FRONTIERS: J. WOMEN STUD.* 1–24 (2000).

¹¹⁰ In 1923, the Stanford boxing team refused to fight the California team because the Cal squad included Black fighters. See Leslie Mitchell, *Cal Boxing vs. the Stanford "Color Line,"* CAL BEARS HIST. (Aug. 15, 2022), <https://calbearshistory.com/2022/08/15/cal-boxing-vs-the-stanford-color-line/>.

tribes that were the original stewards of the land? Have there been studies of the climate for non-white students, staff, and faculty?