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FREE SPEECH AT THE UNIVERSITY OF FLORIDA: THE ENOCH MARVIN BANKS CASE

by FRED ARTHUR BAILEY

AT the November 1911 meeting of the United Daughters of the Confederacy in Richmond, Virginia, reports by state division presidents constituted an important ritual. The women drew strength from each successful membership drive, monument raised, child educated, and aging veteran comforted— all to the greater glory of their southern heritage. Among the honored speakers was Florida's Sister Esther Carlotta. She graciously credited accomplishments in her state to her organization's enthusiastic and patriotic membership.¹ Only once did she call attention to her own efforts. Representing her state division, she had personally "protested against the retention in the Chair of History," at the University of Florida, "of a man whose published writings proved him so unjust to the South's attitude in 1861 as to unfit him for that position." In triumph she reported, "His place has been filled by another."²

As Sister Carlotta spoke, Enoch Marvin Banks, the subject of her wrath, lay dying at his sister's home in Newnan, Georgia. His demise on November 21, 1911, brought to a quiet conclusion an intense series of events that not only had forced his resignation as a University of Florida professor but also had demonstrated the remorseless commitment of southern patriotic societies— the United Confederate Veterans, Sons of the Confederate Veterans, and United Daughters of the Confederacy— to their in-

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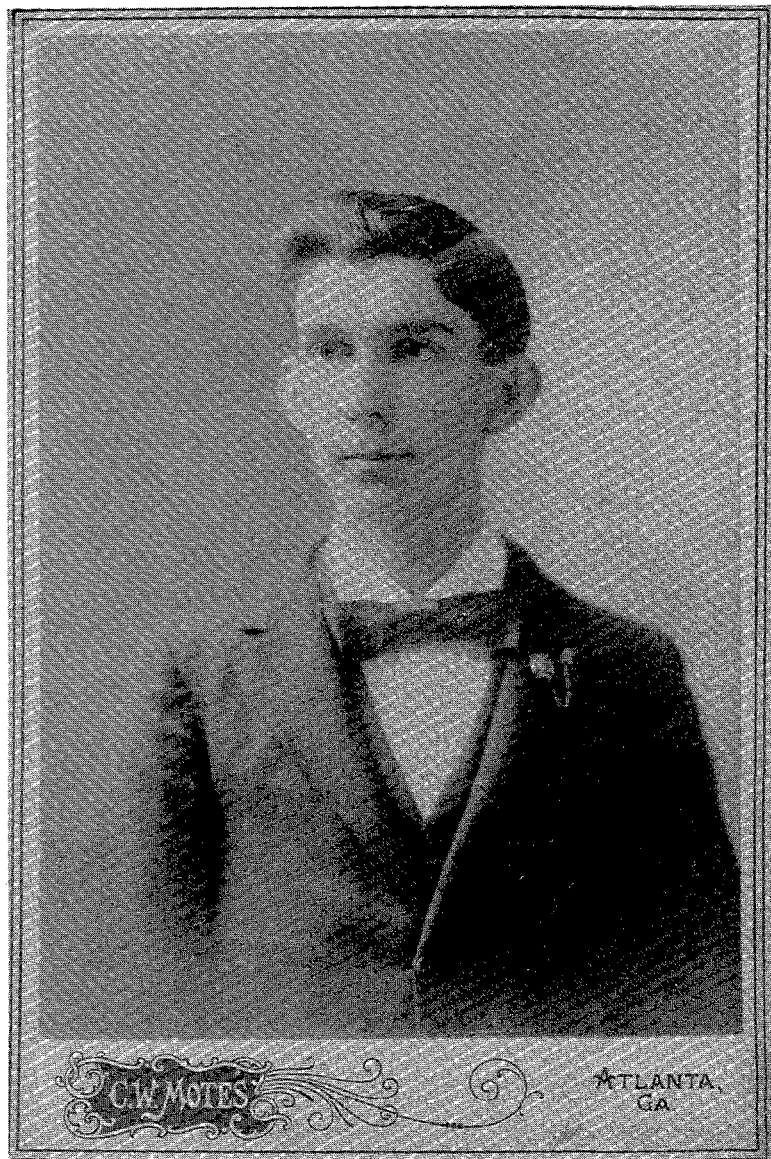
1. Sister Esther Carlotta (1864-1944), born in Richmond, Virginia, and a member of Sisters of the Resurrection— an Episcopal order in St. Augustine— served as seventh president of the Florida United Daughters of the Confederacy from 1909 to 1916. See Cathryn Garth Lancaster, *Early Years of the Florida Division UDC, 1896-1921* (n.p., 1983).
2. *Minutes of the Eighteenth Annual Convention of the United Daughters of the Confederacy* (Puducuh, KY, 1911), 323-24.

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terpretation of the past.³ Banks had offended them by publishing in the *Independent*, an academic magazine published in New York, an article entitled "A Semi-Centennial View of Secession." It was a modest, scholarly article that had first been presented as a discussion paper before the faculty Atheneum Club.⁴ In his essay, Banks reasoned that bathed in the "calm light of history," modern Southerners should willingly admit that "slavery was . . . an anachronism in the nineteenth century," that "a confederacy with the recognized right of secession was not the best form of union," and that "the North was relatively in the right, while the South was relatively in the wrong."⁵ Blithely unaware of the forces of pragmatic politics, Professor Banks assumed that a southern scholar might pursue freedom of thought wherever it led him. He failed to reckon with Confederate loyalists implacably determined to preserve their own cultural values regardless of historical reality.

The overwhelmingly negative response to Banks's article demonstrated that even fifty years after Fort Sumter, powerful interests remained committed to the "Lost Cause." The Civil War had been a clash between two irreconcilable ideologies. Guided by the transcendental philosophy of rugged individualism and its condemnation of institutional restraints upon personal liberty, antebellum Northerners dwelt uneasily in a federal union that allowed southern aristocrats to thwart the ambitions of other whites through their control of institutions producing wealth, education, and social advancement and to restrain the freedom of blacks through the institution of slavery.⁶ The South's elites created an intellectual paradigm premised upon man's innate inequality, and Southerners assumed that social

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3. Newnan [GA] *Herald and Advertiser*, November 24, 1911; Coweta County Genealogical Society, comp., *Coweta County Georgia Cemeteries* (Roswell, GA, 1986), 444.
 4. Samuel Proctor and Wright Langley, *Gator History: A Pictorial History of the University of Florida* (Gainesville, 1986), 46. The Atheneum Club was organized in 1905 as a social and literary organization for faculty and administrators of the University of Florida. At its monthly meetings, members presented papers based on their research and interests. The club continues in operation today.
 5. Enoch Marvin Banks, "A Semi-Centennial View of Secession," *Independent* 70 (February 9, 1911), 302-03.
 6. Paul F. Boller, Jr., *American Transcendentalism, 1830-1860: An Intellectual Inquiry* (New York, 1974), 99-134; Stanley M. Elkins, *Slavery: A Problem in American Institutional and Intellectual Life* (Chicago, 1959), 164-93, 220-22.



Enoch Marvin Banks, c. 1897. Photograph was reproduced with permission from the Robert Jesse Travis Collection, Special Collections Department, Robert W. Woodruff Library, Emory University, Atlanta, Georgia.

order was best served when every individual resided in his "proper place."⁷ Military defeat had failed to shake this patrician ethic. Postbellum aristocrats still practiced their social philosophy by reducing most blacks to peonage, driving white farmers into tenancy, and restraining the civil rights of both blacks and non-elite whites. This unreconstructed South clung to its cultural values and marched out of step from a nation fond of egalitarian pronouncements.⁸

Late nineteenth-century northern historians, caught up in their own worship of democracy and national progress, condemned the Old South's slave-rich planters for bringing on the destructive Civil War. In turn, Southerners were offended by what they interpreted as northern attacks upon the South—attacks that in reality were harsh critiques of southern aristocrats. In thick tomes, James Ford Rhodes, James Schouler, John Bach McMaster, and Hermann von Holst prosecuted the antebellum planter class, condemning its antiquarian social and economic philosophies, exposing its inhumanity toward other whites and black slaves, and placing upon it the onus of war guilt.⁹

Resenting these charges, the South's "best families" searched for an alternate historical interpretation that recognized their legitimate right to dominate southern society. Once formulated, the patrician's view of southern history became a cornerstone for the maintenance of a stratified social order. The region's elites could not tolerate any challenge to their prescribed past, and the Confederate societies became the agents both to disseminate their teachings and to root out all heresies.¹⁰

Cloistered in the artificial environs of academia, Professor Banks had neither an appreciation for the political ramifications

7. James Oakes, *The Ruling Race: A History of American Slaveholders* (New York, 1982), 208-24.

8. James L. Roark, *Masters Without Slaves: Southern Planters in the Civil War and Reconstruction* (New York, 1977), 55-56.

9. James Ford Rhodes, *History of the United States from the Compromise of 1850 to the End of the Roosevelt Administration*, new ed., 9 vols. (New York, 1928); James Schouler, *History of the United States of America, under the Constitution*, 7 vols. (New York, 1880-1913); John Bach McMaster, *A History of the People of the United States*, 8 vols. (New York, 1883-1913); Hermann von Holst, *The Constitutional and Political History of the United States*, 8 vols. (Chicago, 1881-1892).

10. Fred Arthur Bailey, "Textbooks of the Lost Cause: Censorship and the Creation of Southern State History," *Georgia Historical Quarterly* 75 (Fall 1991), 507-33.

of his ideas nor the personal fortitude to withstand an assault by those whose values he threatened. Banks assumed that a modern South committed to the expansion of industry and to the enlargement of its educational facilities had become “tolerant of a free discussion of its past and present policies.”¹¹ Having expressed his views in the relatively safe company of his academic peers, he seemed unaware of the cruel realities extant beyond his campus.

A shy thirty-four-year-old bachelor in 1911, Banks had lived a sequestered life. He was the tenth of eleven children born to a prosperous farmer in Coweta County, Georgia. Encouraged by his widowed mother, he entered Emory College, earning his bachelor’s degree in 1897 and his master’s degree three years later. He then engaged in additional graduate work at New York’s Columbia University where he received his doctorate in history and economics in 1905. After a brief posting as an instructor of economics at the University of Pennsylvania, he garnished his education with a year of post-doctoral study in Germany.¹²

Banks’s path to the University of Florida in Gainesville continued with a short tenure as an acting professor of history and economics at Emory during the academic year 1902-1903. There he impressed Andrew Sledd, the school’s Latin professor, who in 1904 became president of Florida’s newly designated state university for white male students. In 1907, Sledd appointed Banks as professor of History and Economics.¹³

By birth a Southerner and by training a student of historic and economic values, Banks developed his own model of the modern South. His controversial article in *Independent* magazine was but one element of his larger understanding of his region’s dynamics. He bewailed its economic inferiority relative to the North, believing it resulted from a Civil War legacy that left the South committed to farm tenancy, the one-party system, and a

11. Banks, “Semi-Centennial View of Secession,” 299.

12. Newnan-Coweta Historical Society, comp., *A History of Coweta County, Georgia* (Roswell, GA, 1988), 202; Manuscript returns of the Eighth United States Census, 1860, Coweta County, GA, schedule I (free population), National Archives Microfilm Publications M653, roll 118; Newnan [GA] *Herald and Advertiser*, November 24, 1911; *Catalogue of the University of the State of Florida, 1907-1908* (Gainesville, 1908), 6.

13. Andrew Sledd, “The Dismissal of Professor Banks,” *Independent* 70 (May 25, 1911), 1113; Proctor and Langley, *Gator History*, 46.

historical bitterness germinated in defeat. Banks's earlier published articles demonstrated his resolve that each of these difficulties should be remedied.¹⁴

Little in Banks's writings would have caught the attention of Confederate societies or have been particularly offensive to them. An intellectual elitist with small confidence in the common man, he was nonetheless repulsed by farm tenancy with its characteristic mortgaging of crops to banks and merchants. Since Banks had limited faith in the ability of most whites and virtually all blacks to comprehend the intricacies of a modern market economy, his solution to the problem was the reinvention of the plantation system. To be sure, many whites and "the more intelligent negroes" might have small land holdings, but the majority of the South's acreage would be cultivated on large, efficient estates worked by hired labor. In his paradigm, the South would achieve economic parity with the North once wage-earning farm laborers were emancipated from the usury of the general store.¹⁵

Banks approved of the South's crusade to eliminate black voters, seeing it as a positive move toward ending sectional strife. With "an ignorant negro electorate" no longer a factor in southern elections, he assumed that white voters would cease to look upon the Democratic party as a bulwark against black domination, and the resulting two-party system would make the South politically indistinguishable from the North.¹⁶ To Banks, all that remained for a complete reconciliation between the formerly warring sections was for the South to compromise with the North in its interpretation of the Civil War and its causes.

Banks's article appeared in *Independent* on February 9, 1911, precisely fifty years to the day after the official formation of the Confederate States of America. He acknowledged that those Southerners whose fathers and grandfathers had sacrificed for what they considered a "righteous and altogether splendid cause" took umbrage at interpretations placed upon the past by histo-

14. Enoch Marvin Banks, "Tendencies Among Georgia Farmers," *The South Atlantic Quarterly* 3 (April 1903), 109-16; Banks, *The Economics of Land Tenure in Georgia* (New York, 1905); Banks, "The Passing of the Solid South," *The South Atlantic Quarterly* 8 (April 1909), 101-09; Banks, "Labor Supply and Labor Problems," *Annals of the American Academy of Political and Social Science* 35 (January 1910), 143-49.

15. Banks, "Tendencies Among Georgia Farmers," 112, 114-16.

16. Banks, "Passing of the Solid South," 101, 103.



Enoch Marvin Banks. *From the Seminole: The Yearbook of the University of Florida, 1911.*

rians from other sections of the country and from other parts of the world— evaluations “on the whole unfavorable to [the South’s] wisdom and righteousness.” In spite of this, Banks naively thought that as “a Southerner who belongs to an entirely new generation and who has an unbounding faith in his section’s future,” he could reason with his contemporaries, helping them put aside old prejudices and move toward political and social progress.¹⁷

Essentially, Banks argued that the defense of slavery and states’ rights by Jefferson Davis and Alexander Stephens was out of touch with a nineteenth-century world dedicated to free labor and nationalism. Thus, Abraham Lincoln had advocated “a principle of political organization in harmony with the age in which he lived” while Davis had stood for “a principle out of harmony with his age and discredited by the history of Europe during the past thousand years.” Banks believed that if Southerners would make a “frank . . . acknowledgement of [the South’s] errors, where errors were found,” then the resulting spirit of liberal thinking would do much toward making the section an integral part of the nation.¹⁸

Shortly after the article appeared, Banks mailed a copy to former University of Florida President Andrew Sledd, who had left Florida to become president of Southern University in Greensboro, Alabama. Sledd immediately recognized Banks’s peril. A decade earlier, Sledd published a protest of the white South’s barbaric practice of lynching blacks, and the ensuing controversy forced his resignation from Emory. Only his connection by marriage to Emory College’s politically powerful Candler family enabled him to find new employment and eventually to restore his academic stature. Having learned from experience that the South had limited toleration for academic freedom, he shared this painful lesson with Banks.¹⁹

17. Banks, “Semi-Centennial View of Secession,” 299.

18. *Ibid.*, 300-03.

19. Sledd, “Dismissal of Professor Banks,” 1113; Ralph E. Reed, Jr., “Emory College and the Sledd Affair of 1902: A Case Study in Southern Honor and Racial Attitudes,” *Georgia Historical Quarterly* 72 (Fall 1988), 463-92; Terry Lee Matthews, “The Emergence of a Prophet: Andrew Sledd and the ‘Sledd Affair’ of 1902” (Ph.D. dissertation, Duke University, 1990); Charles Foster Smith, “Professor Sledd and Emory College,” *The Nation* 75 (September 25, 1902); *The Emory Alumnus* 8 (November-December 1932).

Reacting to Sledd's communication, Banks protested that his article had been written "with an earnest desire to make some contribution toward promoting a liberal intellectual life . . . in the South." As a historian, he frequently had criticized antebellum southern moderates for their failure to set in motion the gradual removal of slavery. If "I censure them . . . for failing to measure up to the demands of their age," he asked, then how "can I excuse myself from making the attempt . . . to liberate our minds."²⁰ The Confederate societies would soon give Professor Banks a practical lesson as to why an earlier generation had remained silent.

Ironically, the United Confederate Veterans, Sons of the Confederate Veterans, and United Daughters of the Confederacy also articulated a desire for sectional reconciliation and a belief that unbiased historical interpretation was the key to its accomplishment. Their definition of "unbiased," however, was the universal recognition of the South's righteousness in 1861. The three organizations cooperated in condemning the sectionalism of northern historians, establishing lists of approved and disapproved textbooks, and demanding that teachers and school administrators adhere to their interpretation of the past. Insisting that northern-authored books be replaced by "national" histories more just to the South, the history committee of the United Confederate Veterans set as its goal in 1898 "the elimination from all literature . . . offensive phrases which are adapted to provoke sectional feeling." In 1895, the UCV chairman had defined the essential elements of this southern-supported national history. He denied that the Civil War had any relationship to "the high moral purpose of the North to destroy slavery" and stressed instead "the dignified withdrawal of the Southern States from the Union" to preserve rights guaranteed by the Constitution. A decade later, a leader in the United Daughters of the Confederacy pledged that her organization would not rest "until all the world admits that the Confederate soldiers were . . . justified in their construction of constitutional rights" and "until every text-book so teaches our children."²¹

20. Sledd, "Dismissal of Professor Banks," 1113.

21. "Proceedings of the U.C.V., Atlanta," *Confederate Veteran* 6 (October 1898), 478; "Report of the Historical Committee," *Confederate Veteran* 3 (June 1895), 165; Mrs. W. C. H. Merchant, "Report of the Historical Committee, U.D.C.," *Confederate Veteran* 12 (February 1904), 64. For a sample of Confed-

Florida's Confederate societies eagerly joined in the crusade to purify southern history. As early as 1898, the United Daughters in Ocala pressured their school board to remove what they described as offensive works from the classroom. In 1903, the UDC Florida president railed against textbooks that had "caused the hot blood of anger to rush to [her] face." Well into the century, the Martha Reed Chapter of the United Daughters censored textbooks used in Jacksonville's public schools. In the same 1911 speech in which Sister Esther Carlotta boasted of Banks's removal from the University of Florida, she also praised her state division for its "vigorous work in behalf of just Southern histories for Florida schools."²²

Caught in his intellectual hauteur, Banks was woefully ignorant of the Confederate societies' commitment to their historical interpretations. For two months following publication of his article, he stood in the vortex of a free speech controversy. In the end, he suffered defeat, destruction of his career, and collapse of his health. The drama involved a mixed cast, including Willis M. Ball, editor of the *Florida Times-Union* of Jacksonville; University of Florida President Albert A. Murphree; the five-member Florida Board of Control; a radical ex-state senator; Governor Albert W. Gilchrist; vociferous elements of the Confederate societies; and Georgia's *Atlanta Constitution*. However comfortable Banks may have felt in the calm debate of his Gainesville classroom, he was ill-prepared for the general public's emotional condemnation of his ideas.

At first Banks seemed to relish the prospect of published criticisms, seeing in them a chance for public rebuttal and oppor-

erate societies' advocacy of censorship, see Stephen D. Lee, *Report of the United Confederate Veteran Historical Committee* (n.p., 1894); J. William Jones, *Action of R. E. Lee Camp, No. 1, Sons of Confederate Veterans, and R. E. Lee Camp, No. 1, C. V., in Regard to Barnes's Brief History of the United States* (Richmond, 1895); John Cussons, *United States "History" As the Yankee Makes and Takes* (Glen Allen, VA, 1900); Hunter McGuire and George L. Christian, *The Confederate Cause and Conduct in the War Between the States* (Richmond, 1907); *Minutes of the Ninth Annual Reunion of the United Sons of Confederate Veterans . . . 1904* (New Orleans, 1904), 19-31; and *Minutes of the Eleventh Annual Reunion of the United Sons of the Confederate Veterans . . . 1906* (Nashville, 1907), 170-206.

22. Lancaster, *Early Years of the Florida Division UDC*, 28-30; Florence Murphy Cooley, "President's Annual Address," *Proceedings of the Eighth Annual State Convention of the Daughters of the Confederacy, Florida Division* (n.p., 1903), 12.

tunities to expand upon his themes.²³ He soon learned, however, that his critics were less interested in attacking his ideas and more intent upon destroying the man who possessed them. Two editorials in the Jacksonville *Florida Times-Union*, one of the state's most influential newspapers, set the tone for much that would follow. On February 16, Editor Ball questioned Banks's "peculiar" interpretation of Lincoln's actions in 1861. Since the right of secession was constitutionally valid, Ball reasoned that Banks's affirmation that Lincoln had "a duty higher than the law" to preserve the Union contained dangerous ramifications. "Accept this dictum," he declared, "and this country ceases to be a republic, the constitution loses its authority and conscience becomes our guide instead of law."²⁴ Four days later, the editor deemed the subject of Banks's article worthy of a second and stronger censure. For such a man as Banks to teach "a generation of men and women . . . in our country . . . is to grow anarchists by wholesale and to give moral consent to the subversion of government." While Ball expressed confidence that the professor's subversive pronouncements did not represent the teachings of the University of Florida, he demanded "a word from the authorities of the university, either in support of Dr. Banks or in explicit denial of responsibility for his utterance."²⁵ This was a harbinger of even harsher complaints to follow.

Shaken by the Jacksonville editor's rancor, Banks immediately wrote University of Florida President Albert A. Murphree claiming that the *Times-Union* had misrepresented his views. Banks did not believe the people of Florida would disagree with him if his ideas were fairly presented, and he offered to resign should his teachings bring "any wave of unpopularity upon the University."²⁶ Before Murphree could formulate a re-

23. Enoch Marvin Banks to Albert A. Murphree, February 20, 1911, box 15, Albert A. Murphree Administrative Policy Records, 1909-1927, University of Florida Archives, George C. Smathers Libraries, Gainesville (hereafter Murphree Records).

24. Jacksonville *Florida Times-Union*, February 16, 1911.

25. *Ibid.*, February 20, 1911. Florida's Confederate societies believed in the inherent right of secession; they only admitted that the Civil War demonstrated the inexpediency of the action. See Esther Carlotta, "The Spirit of the Southern Confederacy," a speech delivered to the Anna Dummett Chapter of the United Daughters of the Confederacy, St. Augustine, June 3, 1909, "Florida Division of UDC Scrapbooks," vol. III, Florida Room, State Library of Florida, Tallahassee.

26. Banks to Murphree, February 20, 1911, box 15, Murphree Records.

sponse, however, another more formidable voice urged Bank's removal.

The new attack came from John Shepard Beard, a former state legislator popular among the Confederate societies. Although he had been too young to fight in the Civil War, Beard's grandfather had been a delegate to Florida's secession convention in January 1861, and his father, a prominent west Florida planter, served as a Confederate colonel. Elected to the Florida Senate from Pensacola, Beard was best remembered for two strident speeches demanding the disfranchisement of "the negro without equivocation" and for an incident in which he threatened impeachment proceedings against Governor Albert W. Gilchrist for proposing that the state celebrate Lincoln's birthday.²⁷ Shortly before 1911, Beard moved to Virginia, but he retained a lively interest in Florida and considered Banks a menace to its tranquility. Having composed an open letter of protest, he distributed it to newspapers across the state.²⁸

On February 26, the *Tampa Morning Tribune* became the first to publish Beard's angry missive. It indicted Banks's *Independent* article as "an insult to every Confederate veteran, every son of a veteran, and every daughter of the Confederacy." By denying the legal right of secession, the "professor of history and economics in the principal institution of learning in the State" undercut the fundamental rule of law. "Thank God," Beard proclaimed, "the Southern statesmen of '61 to '65 had a higher concept of their moral and constitutional obligations." Will "our people submit to this insult and outrage from a salaried officer of the State?" he asked in his indignant conclusion. "Will our people endanger the intellectual and moral integrity of the youth

27. Roland H. Rerick, *Memoirs of Florida*, Francis P. Fleming, ed., 2 vols. (Atlanta, 1902), I, 434-35; James W. Garner, "The Dismissal of Professor Banks," *Independent* 70 (April 27, 1911), 900; John Shepard Beard, *Address of Hon. John S. Beard, of Pensacola, at Defuniak Springs, Florida, March 16, 1901, at the Reunion of 1st Florida Brigade, United Confederate Veterans* (n.p., 1901); Beard, *Speech of John S. Beard in the Senate of the State of Florida, April 16, 1907, on the Resolution Proposing an Amendment to the State Constitution Limiting the Franchise to the White Males of and Over 21 Years of Age* (Pensacola, 1907); Beard, *Speech of John Shepard Beard in the Senate of the State of Florida, April 30, 1909, the Senate Having Under Consideration Senate Joint Resolution No. 18, Proposing an Amendment to the State Constitution, Limiting the Elective Franchise to White Males* (Tallahassee, 1909).

28. See, for example, *Tampa Morning Tribune*, February 25, 1911.

who attend the University of Florida, by consenting to the retention . . . of one who promulgates such mental and moral virus."²⁹

This galvanized President Murphree. He immediately sought advice and counsel from Francis P. Fleming, Jr., a Board of Control member. Writing a carefully worded letter that praised Banks and at the same time artfully distanced himself and the University from Banks's ideas, Murphree assured Fleming that "the article in question is not half so bad as John Beard makes it out to be" and that Dr. Banks is "one of the very best men on our faculty." The president felt confident that no other teacher held Banks's views and that on no occasion had Banks expressed his controversial ideas in the classroom. "I am sure," Murphree soothed, that "he would not undertake to prejudice . . . boys who were brought up" to believe in the "righteousness of the Southern cause."³⁰

On March 3, 1911, the Board of Control assembled in Gainesville for its monthly meeting, reviewed the controversy, and voted to take no action until its next scheduled gathering in early April. If the board and the president hoped that the outcry against Banks would diminish in time, they were disappointed by an editorial published that same day in one of the state's rural newspapers. "Whoever has the hiring of professors," declared the Polk County *Record*, "should invite this one to send in his resignation."³¹

Throughout March, Confederate societies raised an angry chorus against the offensive historian. They petitioned Governor Gilchrist, clamored for Banks's removal, and threatened severe political consequences should he remain. The United Daughters' Esther Carlotta lectured the governor that Banks must be replaced because an instructor with his views was "not fitted to teach true and unprejudiced history." From all over Florida,

29. John Shepard Beard to editor, Tampa *Morning Tribune*, February 26, 1911.

30. Murphree to Francis P. Fleming, February 27, 1911, box 15, Murphree Records.

31. Board of Control Minutes, March 3, 1911, reel 1, microfilm, University of Florida Archives; Polk County *Record* clipping, March 3, 1911, Enoch Marvin Banks File, Oral History Archives, Florida Museum of Natural History, University of Florida, Gainesville (hereafter Banks File). In its editorial, the Polk County *Record* challenged Banks's view that slavery was a detriment to the South. African slavery, it argued, was a burden to the white man and "an unimaginable blessing" to the Negro race. The newspaper also published a copy of John Shepard Beard's letter in the same issue.

veterans camps, their related organizations, newspaper editors, and local politicians echoed the strident rhetoric of Beard and Sister Esther Carlotta. Early in the month, Senator E. L. Carney from Ocala promised the Confederate societies that should the governor fail them, he would personally move for legislative sanctions against Professor Banks.³² In Jacksonville, the influential R. E. Lee Camp of the United Confederate Veterans resolved that the teachings of a man such as Banks “implanted in the minds of the youth a doctrine . . . that their fathers were either fools, knaves or traitors.” His article was “a vicious attack upon the heroes of the South, a reflection on the patriotism and manhood of her sons, [and] an insult to the chivalric women of our South land.” They insisted the governor and the University “remove this man from office, and . . . place therein a man who will teach history as it is and not mislead and poison the minds of the rising generation.”³³

Although the University of Florida’s administrators had little public sympathy for Banks or his ideas, they realized that capitulation before the Confederate societies threatened the school’s academic integrity. Nonetheless, every attempt to reduce criticism or to seek compromise with the societies proved frustrating. Board of Control member Edward L. Wartmann temporarily calmed the vice-president of the UDC of Ocala with the promise that the “proper course” would be pursued. “If John Beard would only ‘let up,’” he wrote Murphree, “I feel sure we can manage to quiet things.” The unnerved president responded that he would ask board member P. K. Yonge to use his influence to placate “Mr. ‘Pomposus’ John Beard.”³⁴

Banks wilted before his adversaries. Murphree, who was already inclined to sacrifice “a sound educational policy” of academic freedom for the “temporary expediency” of silencing the Confederate societies, was deeply relieved when Dr. Banks “made it simple” by sending in an unconditional resignation on

32. Edward L. Wartmann to Murphree, March 9, 1911, Banks File.

33. *Resolution of R. E. Lee Camp #58 of United Confederate Veterans* (n.p., n.d.); Ocala *Star* clipping, March 10, 1911; Albert W. Gilchrist to W. S. Stetson (R. E. Lee Camp #58, United Confederate Veterans), March 27, 1911; Murphree to Samuel Pasco, April 3, 1911, Banks File. See also Esther Carlotta to Gilchrist, n.d., *Minutes of the Sixteenth Annual Convention, Florida Division, Daughters of the Confederacy . . . 1911* (n.p., 1911), 60-61.

34. Wartmann to Murphree, March 13, 1911; Murphree to Wartmann, March 14, 1911, Banks File.

March 9, 1911. Nonetheless, Murphree hesitated to accept it, fearing that the University would “face severe condemnation” for its “seeming intolerance of freedom of speech.”³⁵ Within the week, a powerful Georgia publication proved his apprehensions real.

Alerted to the controversy by hostile newspaper articles throughout Florida, the *Atlanta Constitution* rushed to the defense of “Enoch Marvin Banks, a native Georgian and Professor of history and economics.” In two editorials it shamed the *Florida Times-Union* and other Florida journals for their blatant disregard for fundamental First Amendment guarantees. Responding to those who accused Banks of promoting anarchy, the Georgia newspaper claimed that true anarchy was the “virtual abridgment of . . . free thought and free utterance.” In the modern South, it pontificated, a “mental gag-law has no place. . . . It is the sworn enemy of all progress.”³⁶

While the *Constitution's* pronouncements had little discernible impact upon Florida's newspapers or its Confederate societies, they profoundly troubled President Murphree and many of Banks's colleagues at the University. Murphree urged each Board of Control member to read the Atlanta editorials and then professed himself in sympathy with their content. “My . . . attitude in this matter,” he explained, “is in favor of upholding freedom of speech and freedom of publication—the soul of the University.” But given the situation's explosive nature, the retention of Banks threatened “the very life of the institution.” Having agreed with the *Atlanta Constitution*, he lamented that it was not expedient to act according to its teachings.³⁷

The board was scheduled to meet in Jacksonville on April 1. Already cowed by officers and members of the Confederate societies and prepared to acquiesce to their demands, the University administration received one more heavy-handed reminder

35. Banks to Murphree, March 9, 21, 1911; Murphree to Wartmann, March 11, 1911; Murphree to P. K. Yonge, March 14, 18, 1911; Murphree to Fleming, March 14, 17, 1911; Fleming to Murphree, March 15, 1911; Murphree to W. D. Finlayson, March 18, 1911, Banks File.

36. *Atlanta Constitution*, March 13, 16, 1911. See also Banks to editor, *Atlanta Constitution*, March 18, 1911.

37. Murphree to Wartmann, March 14, 1911; Murphree to Fleming, March 14, 17, 1911; Fleming to Murphree, March 15, 1911; Yonge to Murphree, March 16, 1911, Banks File.

that Banks's position was untenable. On the eve of the board's gathering, the *Times-Union* ostensibly praised Virginia's Confederate veterans for their diligent opposition to a biased textbook adopted by one of their state colleges. In reality, they were making an unvarnished threat aimed at Florida officials. "Not only do we object to books which instill . . . heresies," it editorialized, "we insist that teachers who hold such views are unfit to instruct Southern children." School administrators could not claim innocence when such malignancies appeared. "To say that one teacher in a college or university is responsible is not enough—the whole body is guilty when it permits wrong or condones it. . . . Shall we see ourselves denied the benefit of our institutions because some man or men in charge choose to prostitute them to evil? Put out the bad books and refuse to employ the teachers."³⁸

The board met, reviewed letters of protest against Banks, and instructed Murphree to accept Dr. Banks resignation effective at the close of the academic year. Immediately thereafter both Governor Gilchrist and President Murphree sent forth appropriate announcements to the commanders of the state's Confederate Veterans camps and to other important officers in the societies. Among them, Sister Esther Carlotta cherished the courteous letters she received from the governor and State Board of Control saying that Professor Banks's resignation had been accepted.³⁹

The controversy quickly lost intensity. To be sure, critics attacked the University for failing Banks, but their outcries had neither the conviction nor the staying power of the Confederate societies. Magnanimous in victory, the *Florida Times-Union* published a long, rambling letter from Banks in which he characterized the journal's editorial practices as more appropriate to "Russia with her repressive policies" than to the United States

38. Jacksonville *Florida Times-Union*, March 31, 1911

39. Florida Board of Control Minutes, April 1, 1911, reel 1. Murphree to Gilchrist, April 3, 1911; Murphree to D. H. Yancey, April 3, 1911; Gilchrist to Murphree, April 6, 1911; Murphree to B. F. Holland, April 6, 1911; Murphree to William Hood, April 6, 1911; Pasco to Murphree, April 10, 1911; Murphree to Wartmann, April 10, 1911, Banks File. See also *Minutes of the Sixteenth Annual Convention*, 61. On April 6, 1911, the Bartow *Courier-Informant* published the anti-Banks resolution of the Francis S. Bartow Chapter of the UCV. "Professor Banks is a paid teacher of history in the principal institution of learning in the State," the resolution stated, "and as such has no right to give public utterance to such teaching, whatever may be his right to his own private opinions."

with its "spirit of liberty and democracy."⁴⁰ In April, May, and July, the *Independent* took up the cause, publishing articles honoring Banks as a martyr in the quest for southern free speech. On July 13, it also printed what was in effect Banks's valedictory. It was little more than a recapitulation of the professor's earlier positions on race and North-South relations. He added his hope that southern universities might soon become "plants for the investigation, teaching, and dissemination of truth."⁴¹

In early summer, the unemployed professor returned to his family in Newnan, Georgia, probably suffering from the unspecified illness that would soon take his life.⁴² Banks was quickly forgotten at the University and in Florida. He had neither the stature as a scholar nor the flamboyance as an individual to sustain a movement in sympathy with his plight. The University of Florida had no desire to perpetuate memories of him or the embarrassing incident associated with his views, and the Confederate societies soon turned their attention to other heretics.

This tragic incident was but a small part of a large, successful campaign for mind control. Self-serving, pro-Confederate historical interpretations accomplished their purposes. Writing as early as 1897, a Florida delegate to the United Confederate Veterans' History Committee reflected that "error . . . implanted in the mind of a child . . . is regarded as true. . . . Hence it is a matter of great importance that our school histories be carefully written expunging all errors."⁴³ A well-crafted historical paradigm inoculated young minds against interpretations dangerous to the aristocratic class. Thus twentieth-century southern whites absorbed a reverence for the Confederate cause, an intense resistance to black civil rights, and a deferential spirit toward their "proper" leaders. Historical truth, as defined and dictated by the Confederate societies, insured that Southerners would maintain cultural values at odds with the nation as a whole and detrimental to the progress of their own native land.

40. Banks to editor, Jacksonville *Florida Times-Union*, May 7, 1911.

41. "Free Speech Suppressed," *Independent* 70 (April 13, 1911), 807-08; Garner, "Dismissal of Professor Banks," 900; Sledd, "Dismissal of Professor Banks," 1113-14; "Before and After the Civil War," *Independent* 71 (July 13, 1911), 106; Enoch Marvin Banks, "New Point of View in the New South," *Independent* 71 (July 13, 1911), 79-83.

42. Banks to Murphree, June 5, 1911, box 15, Murphree Records; Newman [GA] *Herald and Advertiser* clipping, November 24, 1911, Banks File.

43. Samuel G. French to Henry W. Fair, November 6, 1897, Samuel G. French Papers, Mississippi State Library and Archives, Jackson, Mississippi.