

Now, What?

Kimball Payne

SPHEX Club Presentation

February 23, 2023

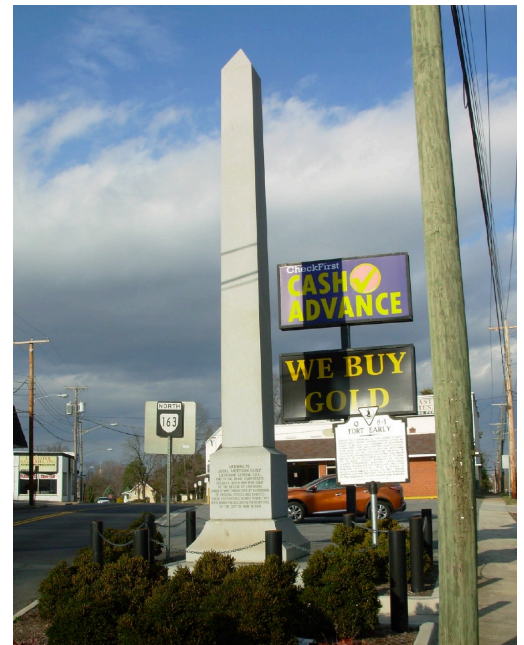
Early last Summer I thought that I had given my last SPHEX paper. Reacting, in part, to a serious health challenge facing one of my granddaughters, I asked to be granted emeritus status in the club. After some second thoughts, I changed my request to a leave of absence. I was scheduled to give my next presentation in November, and my granddaughter's health issue along with my commitment to teach in the Fall semester seemed overwhelming. At about the same time, I was asked to participate in this year's Jones Memorial Library lecture series and provide an update on an article that I authored and that was published in the Fall/Winter 2018 edition of the Lynch's Ferry magazine. The article, "Should They Stay, or Should They Go? Debating the Fate of Lynchburg's Confederate Monuments," had its genesis as a SPHEX paper that I delivered in March 2018 and then presented in several venues around the City. I was able to select a March 2023 date for my lecture, figuring that was manageable.

As Fall approached and we had more clarity on my granddaughter's treatment regime, I decided that I could probably attend most of the SPHEX club meetings and came back on the active roll. After all, I had achieved my main goal of avoiding a November presentation and, I do like hearing others' talks. I am here tonight due to another membership change that left an open date on the schedule. It was either me or Marc Schewel. I am giving my Jones Memorial Library lecture on March 15th, and you

are my preview audience. This is just another example of the various ways that SPHEX papers come to be.

My 2018 presentation was in reaction to the “Unite the Right” rally that had occurred in Charlottesville in August of 2017, and which was sparked to some degree by actions to remove equestrian statues of Robert E. Lee and Stonewall Jackson from downtown parks. I’ll have more to say about the fate of those statues later after I provide a review of my previous paper, starting, as I did then, in Lynchburg.

In 2002, and again in 2012, the Jubal Early monument at the intersection of Memorial and Fort Avenues was hit by a car. The first incident broke the monument into many pieces and the second cracked the base of the “new” monument, forcing the removal of the obelisk until repairs could be made. In both instances the monument was replaced, repaired, and relocated to a safer place about twenty feet away from its original location, “without fanfare,” as reported in the News & Advance. The question that I had in 2018, and that I still have today, is



what do you think would happen if the Jubal Early Monument was damaged or destroyed again? Opinions may not have changed, opposing views may be even more entrenched, but the rules of engagement are different than they were five years ago.

Then, a community that wanted to address its Confederate monuments, either by removal, relocation, or conceptualization, was prohibited from doing so by State law. The statute (§15.2-1812 of the Code of Virginia) that permitted the erection of

**CODE OF VIRGINIA,
§15.2-1812**

(Pre 2020)

If such be erected, it shall be unlawful for the authorities of the locality, or any other person or persons, to disturb or interfere with any monuments or memorials so erected, or to prevent citizens from taking proper measures and exercising proper means for the protection, preservation and care of same. For the purpose of this section, "disturb or interfere with" includes removal of, damaging or defacing monuments or memorials.

monuments to war veterans in the public square also included a prohibition that made it unlawful for “the authorities of the locality, or any other person or persons, to disturb or interfere with any monuments or memorials...” or “...to prevent its citizens from taking proper measures and exercising proper means for the protection and care of same.”

Disturbing or interfering with included removing or defacing the monuments or memorials or adding Union markings on Confederate memorials (and vice versa). The legislation enacting this statute was originally adopted in 1904 and only applied to counties in the Commonwealth. In 1997, however, when Title 15 of the Code of Virginia was recodified, the word “county” was replaced by the more inclusive “locality.”

An attempt to amend the State Code in the 2018 session of the General Assembly failed in committee on a party-line vote. In 2019 a Democratic majority was elected in both the House of Delegates and the Senate, and in the next session of the General Assembly, Section 15.2-1812 was amended. With the signature of a Democratic Governor, it became the law on July 1, 2020.

The new language provides that “...a locality may remove, relocate, contextualize, or cover any such monument or memorial on the locality’s public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected...”

**CODE OF VIRGINIA,
§15.2-1812**

(as of July 1, 2020)

Notwithstanding any other provision of law, general or special, a locality may remove, relocate, contextualize, or cover any such monument or memorial on the locality's public property, not including a monument or memorial located in a publicly owned cemetery, regardless of when the monument or memorial was erected, after complying with the provisions of subsection B.

Before doing so, the local governing body must (shall) publish its intent in the local newspaper and hold a public hearing at which interested persons may present their views. After the public hearing the governing body may (it is not required to) vote on whether to remove, relocate, contextualize, or cover the monument. If it votes to act, before doing so the local governing body must, for a period of thirty (30) days, “offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield.” Finally, the statute says that the local governing body has “the sole authority” to determine the disposition of the monument or memorial and that it may appropriate a sufficient sum of money to do so.

There is a twist, however. The statute also provides that prior to initiating the requisite public hearing the locality may petition the circuit court judge for an advisory referendum on the question of removing, relocating, contextualizing, or covering the monument located on the locality’s public property.

To review; localities now have the authority to remove, relocate, contextualize, or cover Confederate monuments (or any other monuments to war veterans). The power to do so rests with the local governing body, the City or Town Council or the Board of Supervisors. Before taking any action, the governing body must hold a public hearing and it may petition for an advisory referendum. So, now what?

Before addressing that question, for those of you who either aren’t familiar with or have forgotten the earlier presentation, let’s review the context of Confederate monuments and memorials. As I did before, I want to be



clear that I will not be offering a balanced presentation, or much presentation at all, on the Confederate battle flag. I am convinced that most public displays of the “Stars and Bars” are insulting and intimidating to African Americans and many others and are more likely to be used as a provocation rather than as a symbol of a treasured heritage.

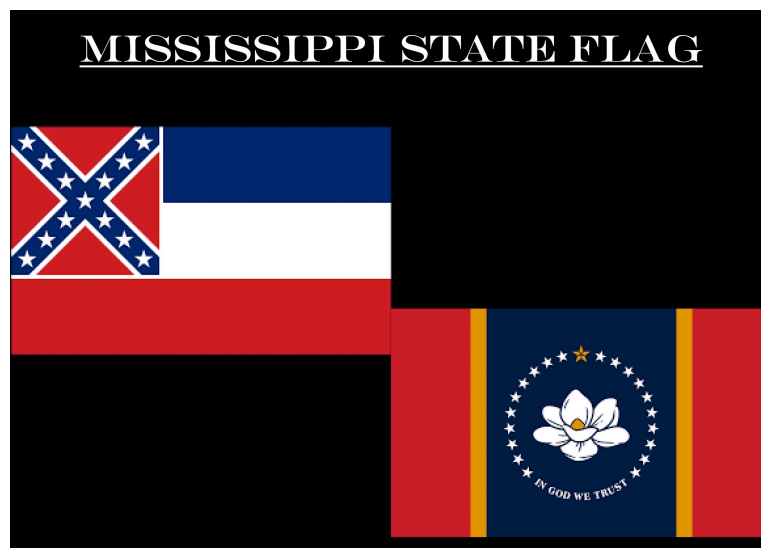


Outside of historic settings, and the occasional insurrection (January 6, 2021), the Confederate battle flag has been nearly completely removed from display on public property. Even Richmond’s private Hollywood Cemetery has removed the flag from its graves of Confederate soldiers. (Virginia Mercury, July 12, 2022)

There have been two “tipping point” events or periods that have focused public antipathy on the Confederate battle flag and Confederate monuments. The first was the massacre of nine black worshippers in the Emmanuel AME Church in Charleston, S.C.

on June 17, 2015. A pre-massacre photo of the perpetrator, Dylann Roof, holding a gun and a Confederate battle flag produced a strong public reaction and the flags started coming down at state capitals and in other localities across the South. As I reported in 2018, the State of Mississippi was the lone holdout.

Another tipping point occurred in the first five months of 2020 with the deaths of Ahmaud Arbery, Breonna Taylor, and George Floyd refocusing attention on Confederate iconography in public spaces. Along with the strong national reaction, the new state enabling legislation in Virginia resulted in action across the Commonwealth. While Richmond and Charlottesville garnered the most attention, other localities acted as well. More about that below, but I also need to report that Mississippi's state flag, that



included the Confederate battle flag in its canton, has fallen. In a referendum held on November 3, 2020, seventy-three percent (73%) of Mississippi voters said yes to a new state flag, replacing the one adopted in 1894. Compare this result to a 2001 referendum in which sixty-three (63%) of Mississippians voted to keep the old flag and you can see how public opinion, at least with respect to the Confederate battle flag, has changed.

Public opinion is less clear on Confederate monuments. In 2018, I reported on the results of polls conducted in the Fall of 2017 that indicated forty-nine percent (49%) of Virginians favored leaving Confederate statues in place. This compared to a Washington Post poll in which fifty-seven percent (57%) of respondents supported the remain in place option. In updating this presentation, I found three more recent polls that indicate public opinion has not changed much. The first was conducted by Quinnipiac University in June 2020. That poll found that fifty-two percent (52%) of voters supported removing

Quinnipiac Poll | Poll Results | Meet

Background | **CONFEDERATE SYMBOLS** | VIEWS OF POLICE | POLICE REFORMS | PROTECTING JO

CONFEDERATE SYMBOLS

Voters support 52 - 44 percent removing Confederate statues from public spaces around the country. That is a 19-point swing in the gap of support since an August 23, 2017 poll when 39 percent supported the removal of Confederate statues and 50 percent opposed.

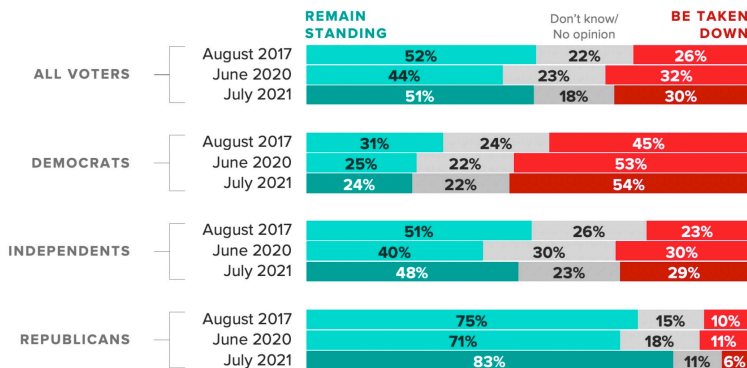
"Historic figures in granite and iron that seemed protected just a few years ago now face the wrecking ball of public opinion,"
— added Malloy.

As for renaming military bases that were named after Confederate generals, voters are split 47 - 47 percent.

Confederate statues from public spaces, with forty-four percent (44%) opposed. That compared to a 2017 poll that found only thirty-nine percent (39%) supporting removal.

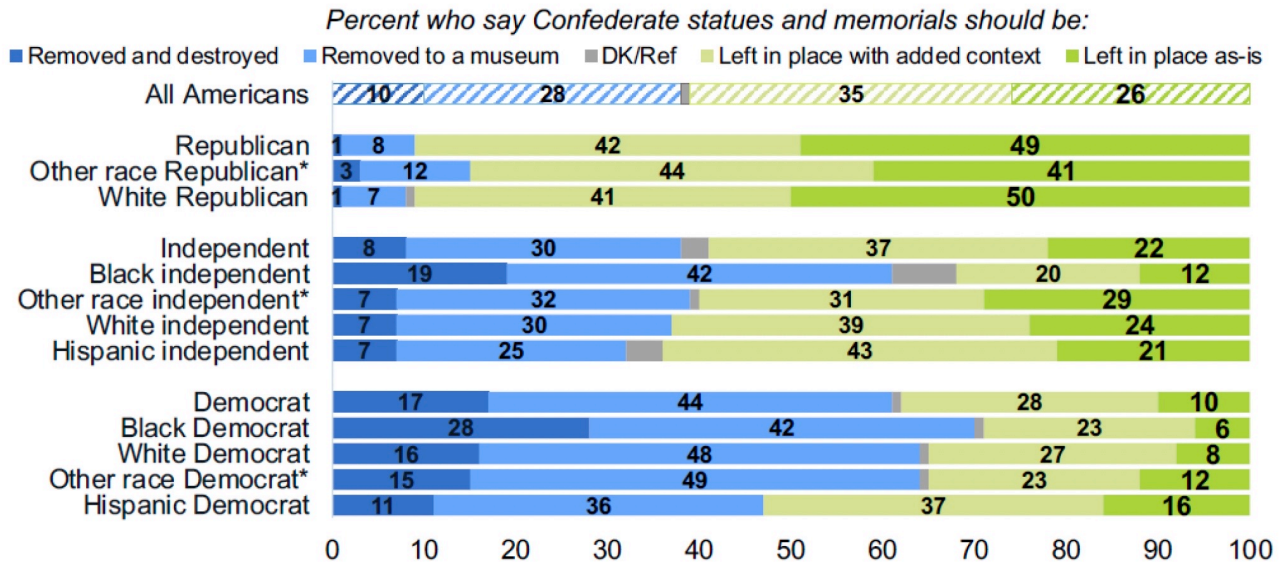
Voters Still More Likely to Oppose Than Support Removal of Confederate Statues

Voters were asked if they believe statues of Confederate leaders should remain standing or be taken down



Another poll, however, conducted in July 2021 by Morning Consult/Politico found that fifty-one percent (51%) of respondents wanted the statues to remain standing, with only thirty percent (30%) favoring their removal. You can see from the results of three polls (next page), conducted in August 2017, June 2020, and July 2021, that

Few Americans Say Confederate Memorials Should be Left in Place as They Are

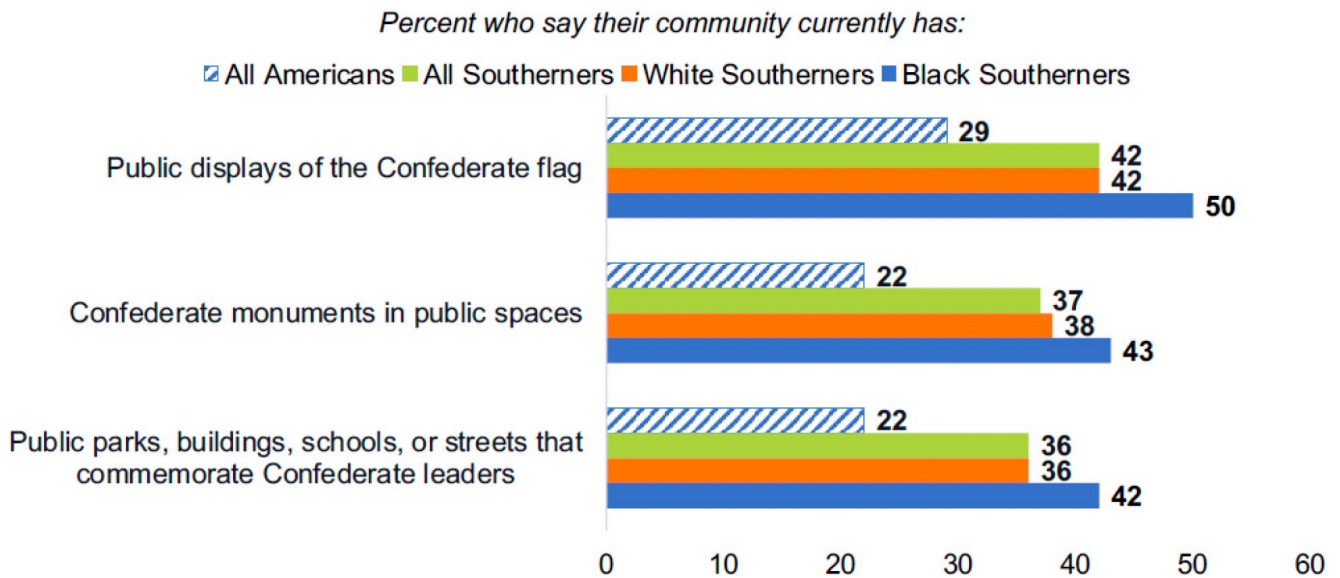


Source: PRRI-EPU Religion and Inclusive Public Spaces Survey, 2022.



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Among Southerners, Black Residents More Likely to Be Aware of Confederate Symbols In Their Community



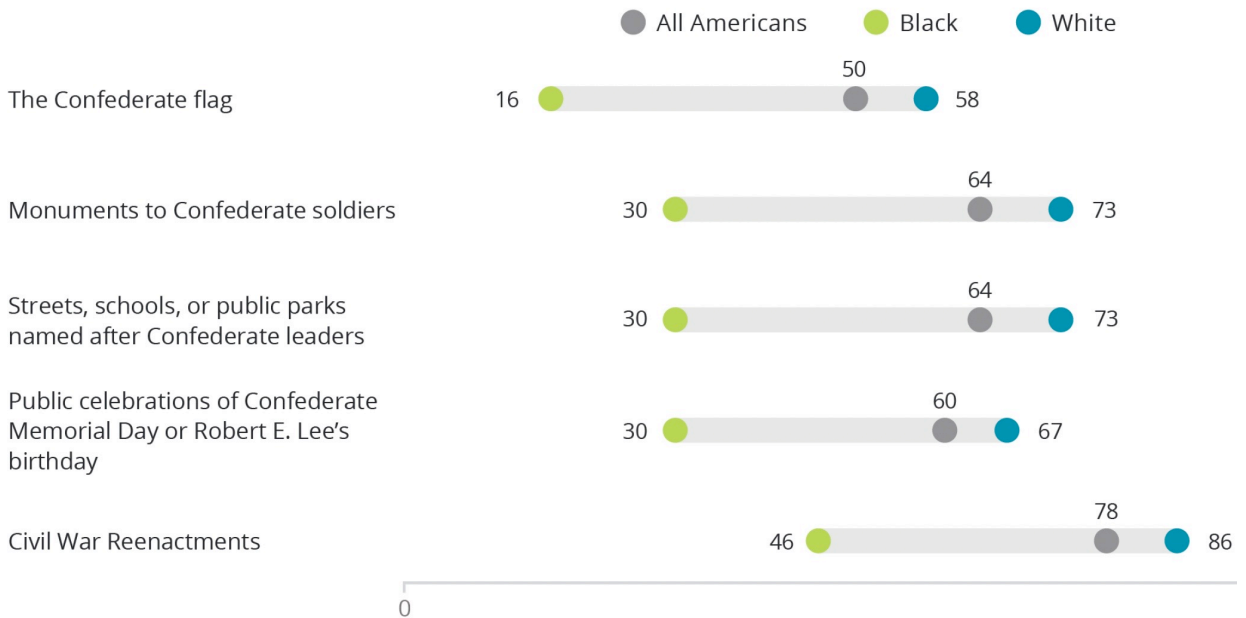
Source: PRRI-EPU Religion and Inclusive Public Spaces Survey, 2022.



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FIGURE 6. Perceptions of Confederate Symbols, by Race and Ethnicity

Percent who say each is a symbol of Southern pride, rather than Racism:



Source: PRRI-EPU Religion and Inclusive Public Spaces Survey.

support for removing statues peaked in the summer of 2020, shortly after the death of George Floyd.

In Virginia, the most recent poll that I have found was conducted in September 2020 by Hampton University and The Associated Press-NORC Center for Public Affairs. They found the forty-six percent (46%) of respondents supported the removal of Confederate statues, with forty-two percent (42%) opposed. There was similar support for renaming schools, streets, and military bases named after Confederate leaders (44% in support and 43% opposed). There was more consensus on whether the Confederate flag should be banned from display on government property, with sixty percent (60%) supporting a ban and twenty-nine percent (29%) opposed.

Perhaps the most illuminating poll results are from a survey conducted by the Public Religion Research Institute (PRRI) and E Pluribus Unum of 5,439 adults from

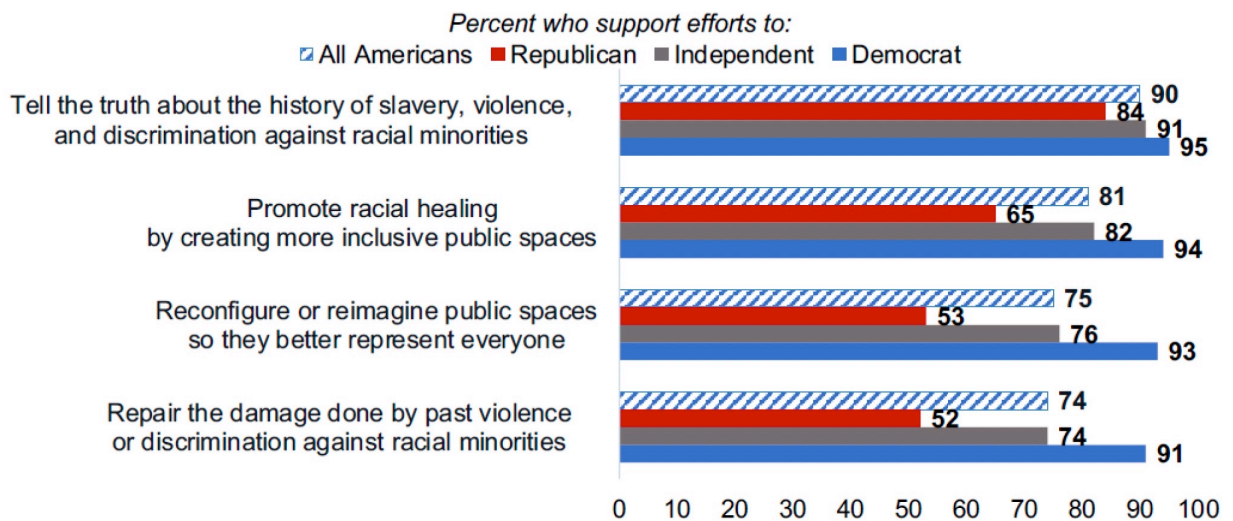
June 10th to June 29th, 2022. Using a different terminology, “monument reform,” which includes removal and destruction, removal to a museum, or leaving in place with added context, PRRI found three quarters of its respondents in support. When only the two options for removal are considered, only thirty-eight percent (38%) of the respondents were in support. Thirty-five percent (35%) favored contextualization. Once again, as in other polls, there was a sharp distinction between respondents identifying as independents or Democrats and Republicans. And, not surprisingly, Black respondents were the most strongly in favor of removal.

I found three other results reported by PRRI/E Pluribus Unum to be particularly interesting. One question asked about community awareness of public displays of Confederate symbols and found that less than thirty percent (<30%) of Americans said that their communities had Confederate flags, monuments, or other commemorations. Less than fifty percent (<50%) of Southerners had similar awareness, with Black Southerners significantly more likely to be aware of Confederate symbols in their communities. A Virginia Tech sociologist, Ashley Reichelmann (Assistant Professor in the Department of Sociology and Associate Director of the Center for Peace Studies), has conducted research on how people in towns with Confederate statues see them (Radio IQ, July 28, 2020). She found “that the wide majority of people have almost no interaction with these statues throughout their lifetime.” She said, “To most people the statues in their towns are part of the landscape, ingrained, unchanging, and barely seen.” She also says, however, that “all statues are political” and acknowledges that strong emotions come out when there are proposals to remove those symbols.

Perceptions of whether Confederate symbols reflected Southern pride or racism were also sharply drawn by race and ethnicity. The Confederate flag, reflecting my earlier point, was the most associated with racism rather than Southern pride by all respondents. And, when seventy percent of African Americans see Confederate monuments as reflecting racism, is it any surprise that the protests in the summer of 2020 focused on them as symbols of white supremacy and systemic racism?

There is a piece of good news from the PRRI poll, however; bipartisan majorities of Americans support efforts to “tell the truth about the history of slavery, violence, and

Bipartisan Majorities Support Efforts to Acknowledge Past Harms And Reimagine Public Spaces



Source: PRRI-EPU Religion and Inclusive Public Spaces Survey, 2022.



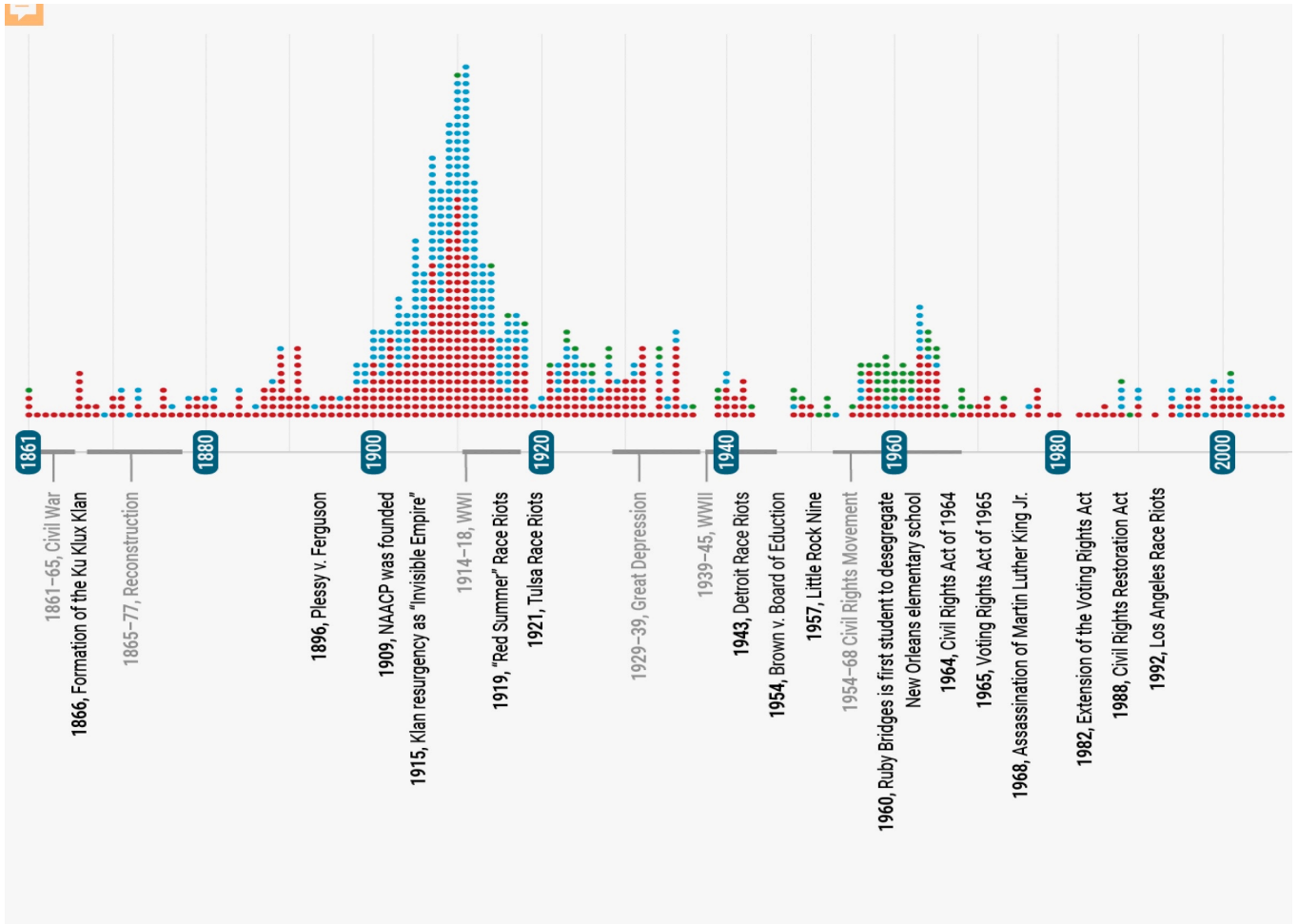
discrimination against racial minorities,” and to “promote racial healing by creating more inclusive public spaces.” This, I think, explains the support for conceptualization around Confederate monuments.

There is a great example in Tazewell County, Virginia, that although not technically “contextualization,” does create a more inclusive public space. Voters there, in a November 2020 advisory referendum, rejected by a seven to one (7-1) margin, the question of relocating a monument to the Confederate Soldier of Tazewell County from the grounds of the County Courthouse. In April of 2021, upon the suggestion of a local



artist, the Board of Supervisors unanimously approved a mural on the side of the courthouse, titled “Standing Tall and Proud,” that honors sixteen Black Tazewell County citizens, from those born into slavery in the mid-1850’s to those living into the 21st century. This is only one example of what the PRRI poll called, “reconfiguring or reimagining public spaces so they better represent everyone,” but may provide an example for other communities debating the fate of their Confederate monuments.

Let me step back for a minute and provide a review of the larger context for this update. In my 2018 presentation I shared a graphic produced by the Southern Poverty Law Center (SPLC) showing the number and timeline of Confederate symbols in the United States (next page). Headquartered in Montgomery, Alabama, the SPLC has been a leader in calling for the removal of “government sanctioned” Confederate symbols from the public realm. Shortly after the murders in Charleston it “launched an effort to catalog and map Confederate place names and other symbols in public spaces across the nation.” In its first report, “Whose Heritage? Public Symbols of the



Confederacy,” issued in April 2016, SPLC identified a total of 1503 named commemorations, which included 718 monuments and statues, 109 public schools named for Confederate icons, eighty (80) counties and cities named for Confederates, nine (9) official Confederate holidays in six (6) states, and ten (10) U.S. military bases named for Confederate generals. Its report did “not include about 2,570 battlefields, markers, plaques, cemeteries and similar symbols that, for the most part, merely reflect historical events.” Since then, it has updated the report twice, with the 3rd Edition released on February 1, 2022. The SPLC data base now includes Confederate memorials on battlefields and in cemeteries and totals 2,089, including 723 “live” monuments, 741 roadways, and 201 schools.

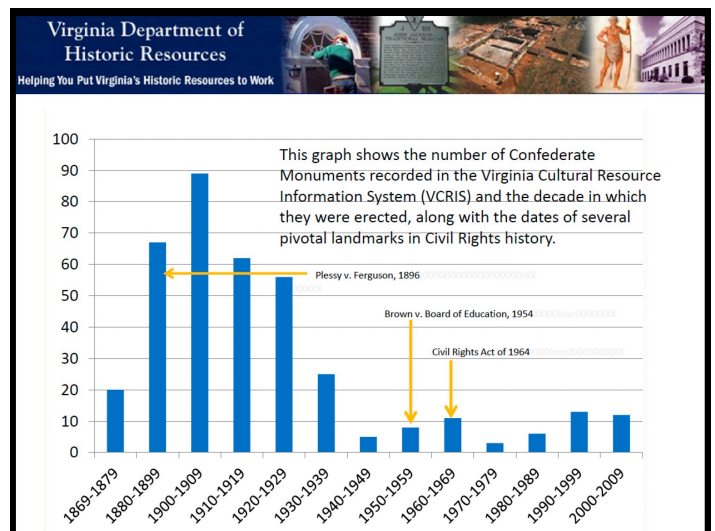
The SPLC report also catalogs the removal of 409 memorials, with the most (157) occurring in 2020 after the murder of George Floyd.

As you may infer, the SPLC data base is an active one with both additions and deletions recorded as new information becomes available. The SPLC doesn't claim 100% accuracy and has a process for interested individuals to provide updates either correcting misinformation or adding previously overlooked memorials.

As in 2016, Virginia has the most Confederate symbols of any state in the nation.

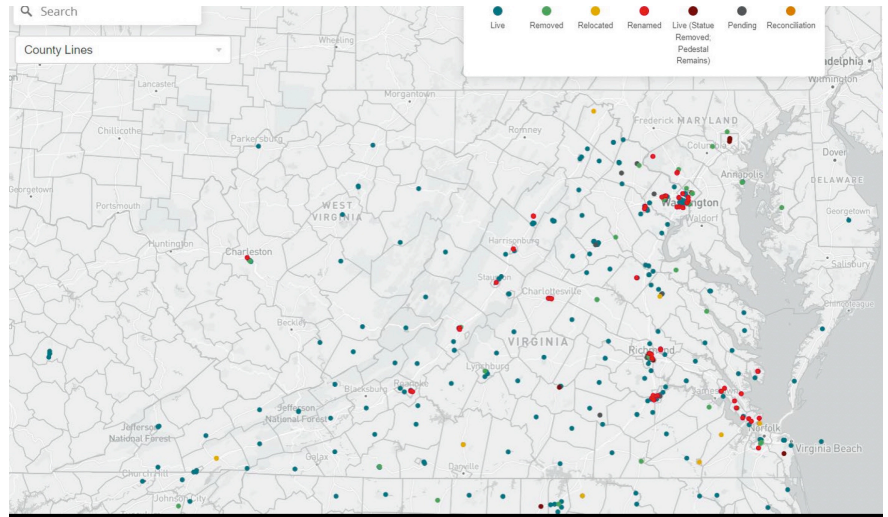
The SPLC report lists 279 "live" memorials in Virginia (up from 233 in 2016). This includes 97 monuments, 116 roadways, and eleven (11) schools.

You can compare this with information compiled in 2016, and updated in 2018, by the Virginia Department of Historic Resources (DHR) for a Monuments



Work Group, established by Governor Terry McAuliffe in 2015. DHR reported that the Virginia Cultural Resource Information System (VCRIS) it maintains had a total of 429 war memorials on public and private lands. 378 were Confederate monuments and 27 were Union; the rest were for the French and Indian War, the Revolutionary War, and the two World Wars. The DHR presentation said that of 127 jurisdictions in the Commonwealth, 98 (or 77%) had Confederate monuments. And, although the monuments themselves are not ordinarily eligible for listing in the Virginia Landmarks Register or the National Register of Historic Places, many are located in a registered

historic district, typically at the County Courthouse. A map of Virginia, from the SPLC website, shows a pretty even distribution of Confederate monuments across the Commonwealth in nearly every County seat; but not in all. I was able to compile a list of Virginia counties, or former counties, that do not have Confederate monuments.



VIRGINIA COUNTIES WITHOUT MONUMENTS

Arlington	Augusta
Campbell	Cumberland
Fairfax	Fauquier
Greene	King William
Prince George*	Prince William
Richmond	Roanoke*
Rockingham	Rockbridge*
Shenandoah	Stafford
Wise	Wythe

(also, the Cities of Suffolk & Chesapeake)

Locally, that includes Campbell County.

What about Lynchburg? The SPLC database identifies three “live” memorials in the City, the Confederate monument in front of the historic courthouse, the Jubal Early monument, and Early Street. It also includes one “removed” monument, to George Morgan Jones,



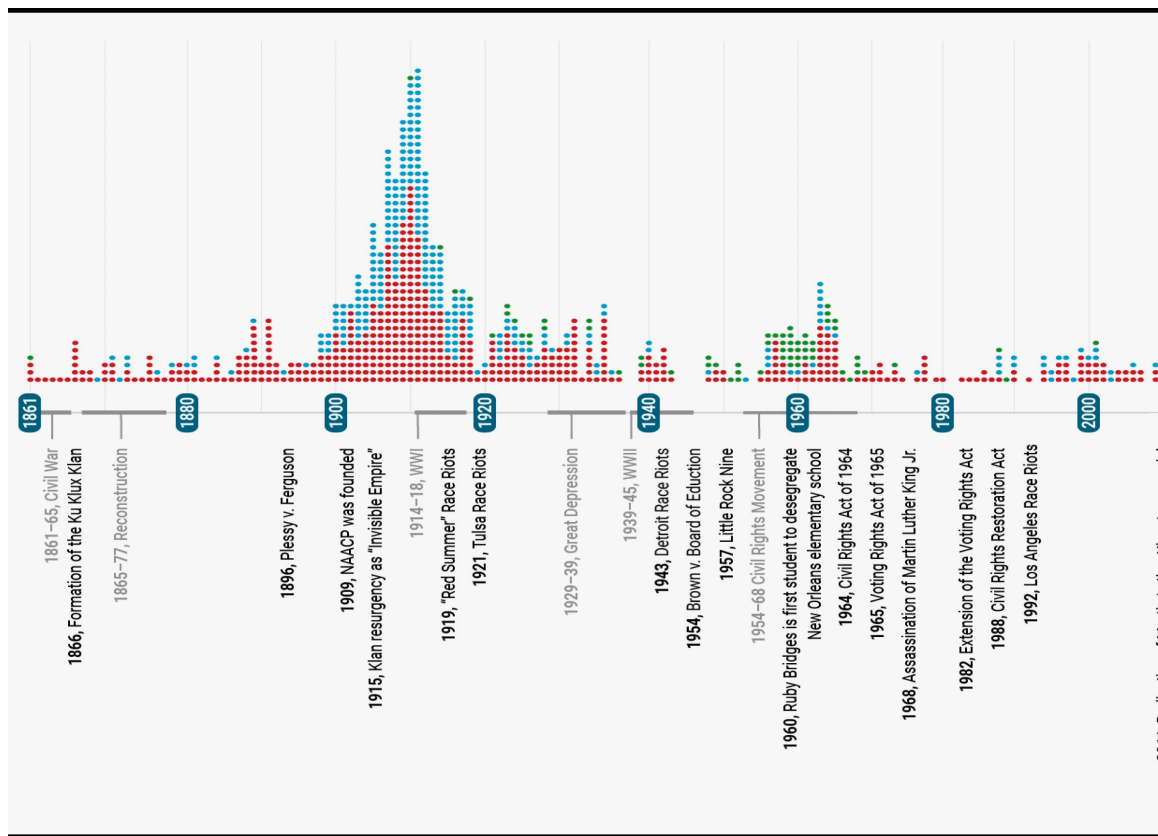
which stood on the campus of Randolph College. The database doesn't include the 2nd Virginia Calvary monument in Miller Park, the John Warwick Daniel statue on Park



Avenue, the monument to Confederate dead in the Old City Cemetery, or the packet boat Marshall in Riverside Park. There are also many more City streets bearing the names of Civil War generals other than General Jubal Early.

LYNCHBURG'S CIVIL WAR STREET NAMES		
Anderson	Bee	Confederate
Daniel	Early	Fort
Garland	Gordan	Hancock*
Hood	Jackson	Jeb Stuart
Jubal	Kemper	Lee
McCausland	Mosby	Morgan
Paxton	Preston	Polk
Preston	Putnam*	Rhodes
Sedgewick*	Warwick	

Let's briefly review different perspectives on the timing of the erection or the naming of Confederate symbols. You can see similarities on both the SPLC and the DHR graphics. Two spikes stand out: one from about 1900 to 1920, and the other from the mid-1950's to the late-1960's. The SPLC relates each of these spikes to Southern reaction to Federal action.



The first spike, from 1900 to 1920, followed the Supreme Court decision in Plessy v. Ferguson (separate but equal, 1896) and, according to the SPLC, coincided with the fading of the last vestiges of Reconstruction, with the enactment of Jim Crow laws across the South, and with a resurgence of the Ku Klux Klan. Virginia's contribution to that effort was a new constitution adopted in 1902 that enacted a rollback of African American rights and freedoms granted during Reconstruction, including measures to prevent them from voting (poll tax, literacy test, property requirements).

Lynchburg's Confederate monument was erected in 1900; the 2nd Calvary monument in 1913, the John Warwick Daniel statue in 1915, and the Jubal Early monument in 1919.

The other spike, in the 1950's and '60's, although smaller, coincided with the modern civil rights movement, massive resistance to school integration in the South, and the reappearance of the Confederate battle flag. This was when some southern

states incorporated the battle flag in their state flag and when many schools were named for Confederate heroes.

The SPLC and others see both spikes in the designation of Confederate symbols as intentional messages from the ruling white power structure to African Americans in the South that, despite the adoption of the 14th (Equal Protection) and 15th (Black Suffrage) amendments to the U.S. Constitution, and despite the ruling in *Brown v. Board of Education* (1954), the white power structure was still the ruling force in Southern communities and the black population would be kept firmly in its proper, and subordinate, place.

Interpreting history is never that simple, however. There were other societal influences in play that probably had something to do with when Confederate memorials were erected. First of all, is the American tendency to celebrate significant events in ten, fifty and one hundred-year increments. The first spike identified by the SPLC, 1910-1915, coincides with the 50th anniversary of the Civil War and the second, 1960-1965, coincides with the 100th anniversary. There were other cultural trends occurring that reflect the futility of trying to attach any single motivation to those who erected statues. At the time of the first spike, veterans from both the North and the South were aging out, the economy had improved, and the desire to honor Civil War soldiers and further promote reconciliation matched up with the resources to do so. Other commentators have noted that the earlier period coincided with an American Renaissance (1876-1917) and the American Beautiful movement with its “goal of employing parks, public spaces, sculptures, urban landscaping and rebuilding to make life more livable, civil, and cultured.” (Page)

My conclusion is that while there may have been multiple motivations for erecting Confederate memorials, I do not think that the influence of racism and white supremacy can be discounted.

With that background, let's review what has happened since the Spring of 2020. The SPLC reports that in Virginia over 100 (116) Confederate commemorations have been "removed." This includes the renaming of schools, other public buildings, and roads, and the removal of twenty-nine (29) monuments. I was able to identify eighteen (18) localities that have removed or relocated monuments. Some localities had more than one monument; Charlottesville had three (the infamous Lee and Jackson statues and a monument owned by Albemarle County), and Richmond had eleven (11). In some cases, such as in

VIRGINIA MONUMENTS REMOVED	
Albemarle County	Alexandria
Caroline County*	Charlottesville
Emporia (Greensville Co.)	Essex County
Farmville (Pr. Ed. Co.)	King George Co.*
Leesburg (Loudoun Co.)	Newport News
Norfolk	Portsmouth
Richmond	Southampton Co.*
Surry County	Virginia Beach
Washington Co.	Williamsburg

*relocated



Farmville, the statues were removed before July 1st, 2020, after a declaration of a public

safety concern. Farmville’s statue, to “Defenders of State Sovereignty,” wasn’t on the courthouse green but was on a prominent street fronting Longwood University. It has been stored until the Town Council can decide what to do with it. In May of 2021, the Farmville Herald reported that the Town was studying the cost of relocating the statue to its Confederate Cemetery.

There have been nine (9) advisory referenda, six (6) in November 2020, and three (3) in November 2021. All took place in rural counties with small minority populations. All overwhelmingly supported leaving the monuments in place. In most cases the question was whether the statue should be removed from the courthouse green and the “NO” vote ranged from 55% in Charles City County to 87% in Tazewell County. Lunenburg County’s referendum asked if the monument “honoring the memory of Lunenburg soldiers and women during the Civil War” should remain on the courthouse property and garnered a 71% “YES” vote.

A November 28, 2021, article by reporter Luke Weir, that appeared in both the Roanoke Times and the Richmond Times Dispatch, included commentary on the referenda by University of Virginia Law Professor Rich Schragger who has written about the legality of moving war memorials. Schragger said, “It’s interesting that these things got on the ballot in the first place,” adding that city councils or county supervisors can elect on their own to move monuments. “They can do a referendum, but they don’t need to.” “If they’re concerned about taking a difficult political stance, local officials

MONUMENT REFERENDA	
<u>2020</u>	<u>2021</u>
Charles City County	Mathews County
Franklin County	Middlesex County
Halifax County	Nottaway County
Lunenburg County	
Tazewell County	
Warren County	

Removal of Civil War memorials by the Charles City Board of Supervisors (CHARLES CITY COUNTY)**Results by Precinct**Should the Board of Supervisors of Charles City County remove both the Civil War monument in front of the Old Courthouse and the Civil War memorial inside the Old Courthouse? Yes No

Response	Votes	Percent
Yes	1,934	44.90%
No	2,373	55.10%

Last Modified on 11/06/2020 07:14 PM

Relocation of Confederate Statue (FRANKLIN COUNTY)**Results by Precinct**Shall the County relocate the Confederate statue from County courthouse grounds to a location of appropriate historical significance? Yes No

Response	Votes	Percent
Yes	9,132	31.42%
No	19,928	68.58%

Last Modified on 11/07/2020 03:29 PM

Relocation of a Confederate Monument (HALIFAX COUNTY)**Results by Precinct**Shall Halifax County relocate the Confederate monument from the County courthouse grounds? Yes No

Response	Votes	Percent
Yes	7,044	39.64%
No	10,725	60.36%

Last Modified on 11/09/2020 10:53 AM

Civil War Monument on the Lunenburg County, Virginia, Courthouse Grounds (LUNENBURG COUNTY)**Results by Precinct**Shall the monument honoring the memory of the Lunenburg soldiers and women during the Civil War remain on Lunenburg Courthouse property? Yes No

Response	Votes	Percent
Yes	4,172	71.13%
No	1,693	28.87%

Last Modified on 11/12/2020 10:49 AM

Advisory Referendum on Relocation of Confederate Soldier Monument (TAZEWELL COUNTY)**Results by Precinct**Should the Tazewell County Board of Supervisors relocate the Monument of the Confederate Soldier of Tazewell County from the grounds of the Tazewell County Courthouse? YES NO

Response	Votes	Percent
Yes	2,503	12.62%
No	17,335	87.38%

Last Modified on 11/09/2020 04:22 PM

Relocation of a Confederate Monument from the Courthouse Lawn (WARREN COUNTY)**Results by Precinct**Should the confederate monument located on the Warren County Courthouse lawn be relocated? Yes No

Response	Votes	Percent
Yes	4,915	23.68%
No	15,845	76.32%

Last Modified on 11/10/2020 07:21 AM

Monument Relocation (MATHEWS COUNTY) Results by Precinct		
Shall the Mathews County Board of Supervisors relocate the Soldier's & Sailor's Monument located at the corner of Court and Church Streets on the Historic Court Green? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Response	Votes	Percent
Yes	942	19.94%
No	3,782	80.06%

Advisory Referendum (MIDDLESEX COUNTY) Results by Precinct		
Should the Middlesex County Board of Supervisors remove the Civil War Monument from the Historic Courthouse grounds located at 865 General Puller Highway, Saluda Virginia 23149? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Response	Votes	Percent
Yes	1,254	22.70%
No	4,270	77.30%
Last Modified on 11/08/2021 02:09 PM		

Relocation of Confederate War Memorial (NOTTOWAY COUNTY) Results by Precinct		
Should the County of Nottoway remove and relocate the 1893 Confederate War Memorial that sits directly in front of the Courthouse? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Response	Votes	Percent
Yes	1,719	32.16%
No	3,626	67.84%
Last Modified on 11/09/2021 04:42 PM		

might resort to the referendum process, because then it takes it out of their hands. That can be politically attractive,” Schragger said. “If they’re concerned about a ‘no’ vote and they favor removal, then they’d probably do well to keep it with the council, or the supervisors.” Recent votes against monument movements may indicate the preferences of Virginians in rural and typically Republican-voting precincts, but not necessarily everywhere else, he said. “These referenda struck me as kind of political statements, in part because ... those counties likely did not have a big push for removal in the first place,” Schragger said. “In jurisdictions where there is a kind of clear majority favoring removal, I think the city council would act anyway, maybe without the need for a referendum.”

In one community, Mathews County, the referendum wasn’t enough. Mathews County has a population of 8600 that is about eight percent (8%) Black. During the

unrest of the Summer of 2020, pro-Confederacy groups started decorating the area around the County's "Soldiers & Sailors" monument with flags and sporadically sent armed guards to protect it. (Daily Press, September 19, 2022)



The 2021 election, that brought a new majority into power on the Board of Supervisors also

included a referendum on relocating the monument that stands on a corner of the courthouse green. Over 4700 residents voted in the referendum, with over 80% saying "NO."

Concerns that the referendum results didn't provide permanent protection for the monument led the Board of Supervisors to the unusual approach of considering deeding the land under and around the monument to a private entity. Speculation was that the receiving party would either be the United Daughters of the Confederacy or the Sons of Confederate Veterans and the Mathews County NAACP threatened to sue. Since then, another private group, Mathews War Memorial Preservation, Inc., has been formed by a member of the Sons of Confederate Veterans, a survey has been completed, and a quit claim deed prepared to convey 80.97 square feet of the courthouse green plus the monument to the new corporation. A public hearing, described as both raucous and passionate (Gloucester-Mathews Gazette-Journal, December 7, 2022), was held in early December 2022. Although there are supporters of the proposal, many people who voted against the statue's relocation have expressed serious concerns over deeding

away a portion of the courthouse green. The Board of Supervisors has not yet taken final action.

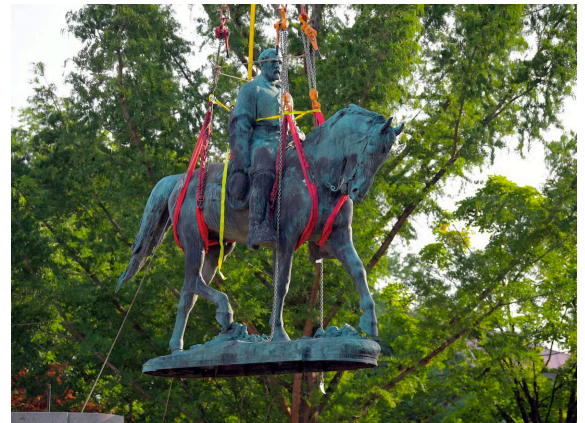
What about contextualization? How many communities have added context to their Confederate monuments rather than remove them? In Virginia? None. There is a complication. The 2020 legislation that allows a locality to “remove, relocate, contextualize, or cover” a monument or memorial directed that the Board of Historic Resources “promulgate regulations governing the manner in which any monument or memorial may be contextualized pursuant to the provisions of [the] act.” Those regulations have yet to be adopted and your guess is as good as mine as to when they might be. At its September 23, 2021, meeting the Board of Historic Resources adopted draft contextualization regulations, starting the review process that typically results in the regulations being added to the Virginia Administrative Code. That process includes review by Executive Branch agencies, the General Assembly, and a 30-day public comment period. When the draft regulations were adopted the Deputy Director for the Department of Historic Resources said that the review would be fast-tracked and could take a little time as seven months (the normal review process can take two to three years). The draft regulations are a little less than four pages in length and have yet to make it through the review process. In the meantime, there is a new Governor who is somewhat cool to the issue and a split General Assembly with lots of other issues on its mind.

The delay in promulgating contextualization regulations has stalled actions in one community in particular, Roanoke County. In 2021, the Circuit Court Judge ordered the removal of Roanoke County’s Confederate monument from the courthouse green in the



City of Salem. That order was rejected by the Board of Supervisors which cited the provision in the statute that, “The local governing body shall have sole authority to determine the final disposition of [a] monument or memorial.” The Roanoke Board was leaning to contextualization but is now “treading water.” The Board Chair’s comment was “Whenever that state agency puts out the guidelines, we’ll follow those.” (Roanoke Times, August 7, 2022).

What to do with Confederate monuments that are removed from public property is another contentious issue. The City of Charlottesville, after a bidding process, gave its Robert E. Lee statue to the Jefferson School African American Heritage Center. It was then announced that a group known as “Swords into Plowshares” planned to melt the statue down, reclaim the bronze, and turn it into a new community informed piece of public art. This resulted in a lawsuit from two entities that had tried to purchase the statue, the Trevilian Station Battlefield Foundation, and the Ratcliffe Foundation. Both claim that the City’s bidding process and award violated state and local policies and that the 2019 legislation does not give a locality the right to destroy a monument, only to remove, relocate, contextualize, or cover it. A Circuit Court judge has agreed with the latter argument but has not ruled on the bidding process. The statue has been disassembled and is stored at an unknown location pending results of the litigation.



Charlottesville sold its statue of Stonewall Jackson to a Los Angeles museum, LAXART, which will host an exhibit titled, “MONUMENTS,” in the Fall of 2023. The



exhibit, funded by the Mellon Foundation, Teiger Foundation, Emily Hall Tremain Foundation and the National Endowment for the Arts, will include other similar statues (15) along with “works of contemporary art to put the monuments in social and historical

context. The idea is to critique and confront the false narrative and ideology of the Lost Cause.” (Washington Post, July 9, 2022) The LAXART exhibit will include the George Morgan Jones statue that was removed from the grounds of Randolph College.

In Richmond, nine statues have been transferred to the Black History Museum and the Valentine Museum. Four or five of them will be loaned to LAXART for its exhibit (Style Weekly, August 3, 2022). One of the statues that is going to Los Angeles is already on display in the Valentine Museum. There, the statue of Confederate President Jefferson Davis is being conceptualized in a way that the draft regulations don’t anticipate. Here is a description from the Washington Post (July 19, 2022):

“Old Jeff Davis now lies on his back, his head bashed in, his right arm loose in its socket, his bronze pelt covered in pink and yellow paint, with scraps of tissue paper stuck to his lapel and collar. The official label for the statue is telling: “Jefferson Davis Statue, 1907 bronze with 2020 paint and tissue.” Thus, the paint and tissue paper are interpreted not as damage, but as historical accretions to an object that continues to evolve.”



I will conclude by speculating on how Lynchburg might go about addressing its Civil War history and commemorations. First, the community would have to decide if this was something necessary to address.

The News Advance contacted City Council members in March of 2020 and reported that none of the seven said that the memorials should be torn down (March 7, 2020). Only one of seven remains on Council today, although two candidates in the 2020 Council election, who are now on Council, Chris Faraldi and Larry Taylor, agreed with the incumbents. Faraldi suggested putting up new statues to non-white Lynchburgers to better represent the City's diverse past. Within that context, we can applaud the effort to erect a statue to Lynchburg's first Black mayor, M. W. "Teedy" Thornhill, in the traffic circle at Fifth and Federal and the work of Clifton Potter and others to memorialize Federal soldiers who came to Lynchburg, many to never leave.

On June 4, 2020, as statues were coming down in Richmond, the City released a statement from then Mayor Treney Tweedy regarding the removal of Confederate statues in Lynchburg:

Today, Governor Ralph Northam announced the statue of Confederate General Robert E. Lee would be removed from Monument Avenue in our Commonwealth's capitol and stored until there could be a citizens' participation effort to decide what its future should be.

Since that action and even before, there has been much discussion about Lynchburg's own confederate statues. Earlier this year, we had extensive conversations about a confederate battle flag that was thought to have connections to Lynchburg. Our Museum staff did exhaustive research that included weeks of public input and gathering public opinion.

People's opinion regarding these statues is as varied as the reasons for the Civil War. I am indifferent at the moment to whether the statues stay or go. That is an issue for the community and our citizens to discuss in the future and their views to be presented to all Lynchburg City Council members at such time. Right now, we have too many other concerns to

worry about pieces of concrete and steel. My concerns are more for the citizens of Lynchburg, especially those who are suffering.

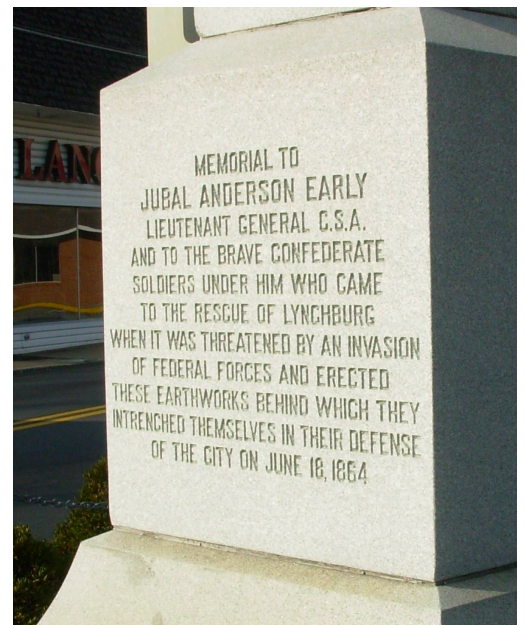
Those comments remain the last public statement on Confederate monuments from City officials.

In June of 2020, the Virginia Department of Historic Resources released guidelines for the removal of Confederate monuments “in a manner adhering to the best preservation practices,” while also allowing “for input from local officials and citizenry about the ultimate fate of each monument.” A checklist of actions includes researching ownership and any restrictions on the monument. It says that in some localities the local government transferred ownership of the land to the organization sponsoring the installation of the monument. The history of the monument, its historical and cultural context, and its design and location in the landscape, should also be documented. The process outlined by DHR includes significant public outreach for input, including the collection of oral histories.

The DHR guidance supports and goes well beyond thoughts that I had in 2018 about addressing Confederate monuments in the City. I will review and add to those thoughts.

First, the discussion should be limited to memorials on public property where the governing body has clear jurisdiction.

Second, I would exclude battlefields and cemeteries from the discussion. The Confederate dead section of Old





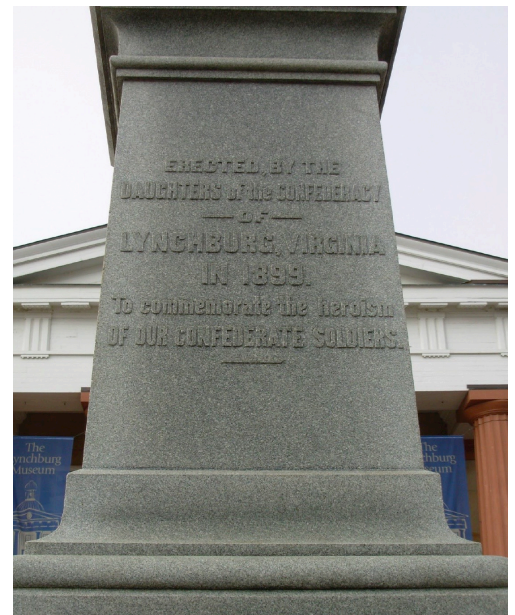
City Cemetery comes to mind with respect to the latter. The Jubal Early monument may or may not reflect the former. Additionally, perhaps memorials that clearly commemorate a specific historic event might merit less scrutiny. The monument to the Second Virginia Cavalry in Miller Park might fall into that category. Other considerations might include the monument's location in the community, its surroundings, scale, visibility,

and elevation. The DHR guidelines suggest a vigorous examination of those characteristics.

For me, an important question is whether the courthouse square, the seat of local justice, is an appropriate place for a Confederate monument? I think not.

I believe, however, that the Confederate statue at the top of Monument Terrace is less offensive for two reasons: the building that it sits in front of is no longer an active courthouse but is the City Museum, and the Confederate monument is now a part of a larger collection of monuments and memorials that honor Lynchburg's soldiers and sailors who served and sacrificed in every conflict since the Civil War.

Another consideration is what is inscribed on a monument, what it actually says. Does the inscription celebrate the "Lost Cause" (see note) or, as seems to be the case in Lynchburg, is it



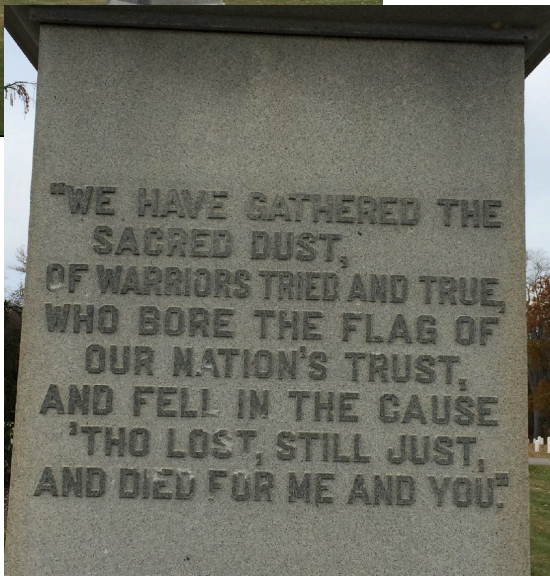
more benign, speaking to universal values of courage, honor, and valor? Many local monuments that I found during my research also reflect a sense of loss and grief for

those who served, and honor their memory and sacrifice.

My favorite “Lost Cause” monument, located in the Confederate Cemetery at Spotsylvania Courthouse, reflects that sense of loss while honoring “...the cause ‘tho lost, still just...”

This may seem like a rationalization to some, but I think that there is a difference between monuments to generals and

politicians and those to the common soldier or sailor who fights the politicians’ wars. Veterans know that in the heat of the conflict you are not fighting so much for political ideals, some recognized later as wrong, as for your comrade next to you in the formation or trench. Having that outlook, the monument to John Warwick Daniels would be more problematic than the statue at the top of Monument Terrace.



Where I am ending up, in Lynchburg at least, is on the side of contextualization. If any monument needs contextualization, it is the John Warwick Daniel statue. I think that providing a fuller, more inclusive history would be better for the community moving forward.

Finally, I will repeat what I said in 2018. I think it important for any community exploring what to do with its Confederate monuments to accept certain facts as a basis for the discussion. Foremost in my mind is that there should be an acknowledgement of the sad history of black/white relations in this country and the oppressive conditions under which African Americans have labored. This goes back to our founding as a nation, progress has been slow and painful, and there is still much room for improvement. Giving this community a voice, listening to it, and trying to understand its perspective, seems to be essential.

It would be helpful to the discussion if participants accepted that it will not be an easy or painless process; it is complex and nuanced and subject to various and conflicting perspectives, all of which may have some validity. Proponents on either side are not evil, racist, communist or just plain ignorant. There should be a willingness to accept that advocates for keeping the monuments in place are not necessarily white supremacists and may offer a valid historic perspective. On the other hand, those suggesting that the monuments should be removed or reinterpreted are not “cultural Marxists” intent on destroying Western Civilization. As long as participants don’t make openly hateful or destructive statements, or act out in similar fashion, they should all be listened to.

In my original paper I suggested that something like the Peace and Reconciliation process followed in South Africa would be helpful. My understanding is that the process, while truthfully exploring past shortcomings, focused less on assigning blame and seeking retribution but more on moving forward as a community for the benefit of all. I was pleased to find similar sentiments in the guidance on monument

removal from DHR. That document quoted one conclusion of the interracial working group of Virginia preservation practitioners and scholars who discussed issues related to the removal of monuments. They said, “ The group agreed that decisions to remove, contextualize, or take other steps to reveal the histories of monuments designed and installed during the Jim Crow and the mid-century Civil Rights Era in twentieth-century Virginia could be an important step in community truth, reconciliation and healing.”

That would be my goal for Lynchburg and any other locality engaging in this issue.

Thank you.



Note:

According to *Encyclopedia Virginia*, the “Lost Cause” has six main tenets:

1. Secession, and states’ rights, not slavery, caused the Civil War. (Some of today’s Southern apologists blame Abraham Lincoln for starting the war, but not to end slavery; to preserve the union.)
2. African Americans were “faithful slaves,” loyal to their masters and the Confederate cause, and unprepared for the responsibilities of freedom.
3. The Confederacy was defeated militarily, not for lack of valor or competence, but only because of the North’s overwhelming advantages in men and resources.
4. Confederate soldiers were heroic and saintly.
5. The most heroic and saintly of all Confederates, perhaps of all Americans, was Robert E. Lee. (Followed by Stonewall Jackson and Jefferson Davis)
6. Southern women were loyal to the Confederate cause and sanctified by the sacrifice of their loved ones.

Selected Sources

Department of Historic Resources, Draft Regulations Governing Contextualization of Monuments or Memorials for Certain War Veterans. Retrieved from: <https://www.dhr.virginia.gov/news/regulations-governing-contextualization-of-monuments-or-memorials-for-certain-war-veterans/>

Department of Historic Resources, "Guidance Regarding Confederate Monuments," June 25, 2020, Revised July 15, 2021. Retrieved from: <https://www.dhr.virginia.gov/news/dhr-guidance-regarding-confederate-monuments/>

Cliff Page, "National Monuments in the Time of National Reconciliation," *Bacon's Rebellion*, Blog, January 30, 2018. Retrieved from: <http://baconsrebellion.com/national-monuments-time-national-reconciliation/>

PRRI, "Creating More Inclusive Public Spaces: Structural Racism, Confederate Memorials, and Building for the Future," September 2022. Retrieved from: <https://www.prrri.org/research/creating-more-inclusive-public-spaces-structural-racism-confederate-memorials-and-building-for-the-future/>

Southern Poverty Law Center, "Whose Heritage? Public Symbols of the Confederacy," 3rd Edition, February 1, 2022. Retrieved from: <https://www.splcenter.org/whose-heritage> See also: <https://www.splcenter.org/whose-heritage-map>