Should They Stay or, Should They Go?

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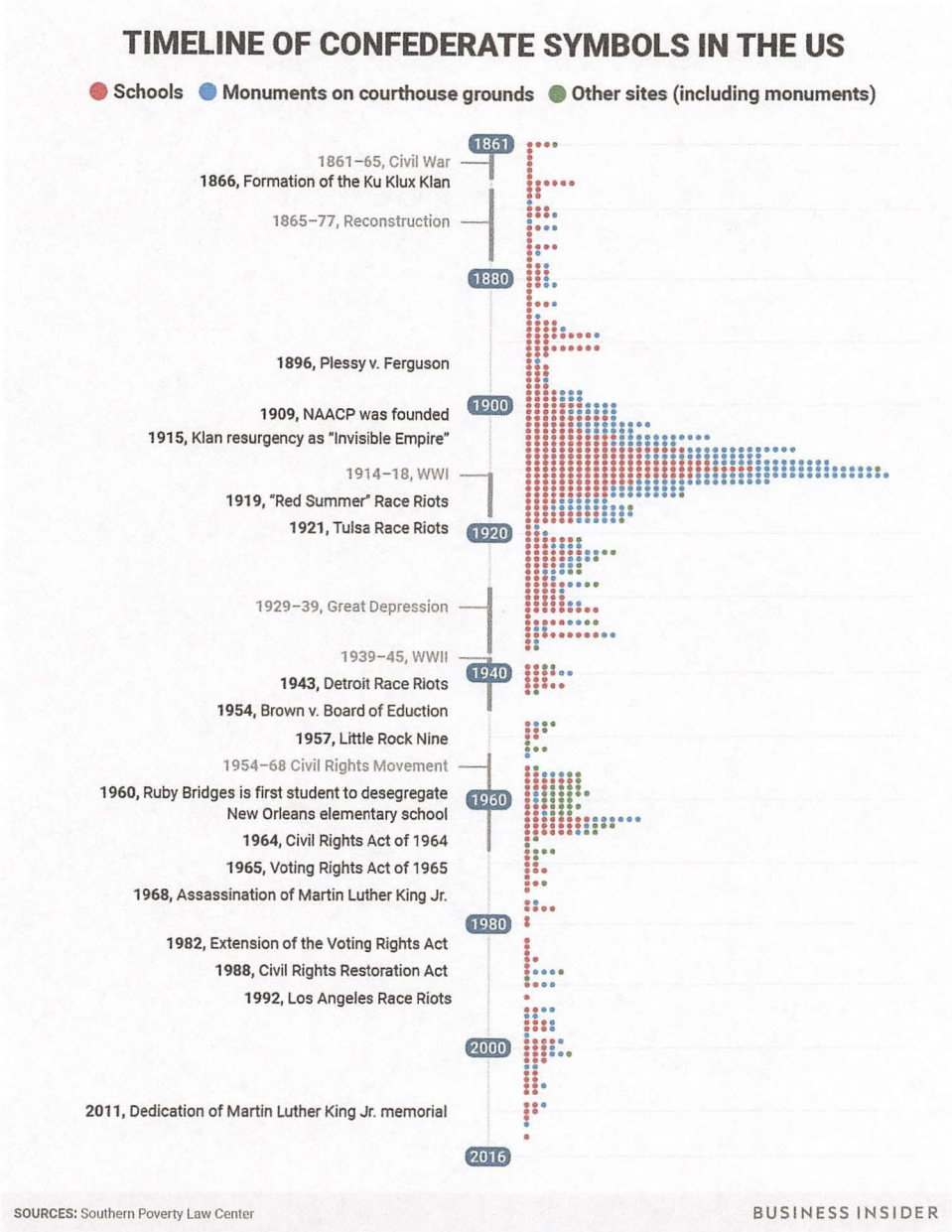
In October of 2002, a couple of twelve-year olds from Danville stole the car of one's grandmother and headed north. Their joy ride lasted as far as the intersection of Memorial Avenue and Fort Avenue where they smashed into the Jubal Early monument, breaking it into many pieces. It could not be repaired.

In their 2004 book, *Lynchburg: A City Set on Seven Hills*, Clifton and Dorothy Potter note the incident as follows: "The boys survived the crash, but they caused a commotion. Some wish to replace the monument, while others would prefer that it remain permanently removed. With the support of the city government, the monument will be replaced; the past must not be edited lest the truth be placed in jeopardy." (p. 153) The City's insurance company came through and the monument was replaced in its original location.

Less than ten years later another vehicle hit the monument, cracking the base and forcing the removal of the obelisk until repairs could be made. Again, the insurance company, the driver's this time, paid up and, as was reported in the September 14, 2012 edition of the *News and Advance*, the obelisk was reinstalled "without fanfare" on August 23rd about twenty feet back from its original location. According to the paper, "Local history advocates were thrilled over the monument's return." There were no comments in the article from those who might have felt otherwise.

What do you think would happen today if the monument was destroyed again? I suspect that the incident would spark a public debate about whether it should stay or go.

Like several of my other SPHEX talks, and some of you know that this happens, the topic of tonight's presentation reached out and grabbed me, demanding to be addressed, rather than it being a conscious choice. I had never really thought much about Confederate monuments and the various messages that they might convey, today, to different members of our community. In 2002, and again in 2012, when the Early Monument was damaged, my attitude was simply, "It's historic, it's part of our community, let's get it fixed." And, so it was. My sensitivities are much heightened today. The events of the last year, especially the violence in Charlottesville on August 12th, were just too compelling to ignore. I have family, friends and colleagues in Charlottesville and, like many others, was shaken by what happened. It made me think about Confederate displays in a different light and so I embarked on the dangerous journey of preparing a SPHEX talk on a hotly contested contemporary issue.


TIMELINE OF CONFEDERATE SYMBOLS IN THE US
Schools
Monuments on courthouse grounds
Other sites (including monuments)
1861
1861–65, Civil War
1866, Formation of the Ku Klux Klan
1865–77, Reconstruction
1880
1896, Plessy v. Ferguson
1900
1909, NAACP was founded
1915, Klan resurgency as "Invisible Empire"
1914–18, WWI
1919, "Red Summer" Race Riots
1921, Tulsa Race Riots
1920
1929–39, Great Depression
1939–45, WWII
1940
1943, Detroit Race Riots
1954, Brown v. Board of Eduction
1957, Little Rock Nine
1954–68 Civil Rights Movement
1960, Ruby Bridges is first student to desegregate New Orleans elementary school
1960
1964, Civil Rights Act of 1964
1965, Voting Rights Act of 1965
1968, Assassination of Martin Luther King Jr.
1980
1982, Extension of the Voting Rights Act
1988, Civil Rights Restoration Act
1992, Los Angeles Race Riots
2000
2011, Dedication of Martin Luther King Jr. memorial
2016
SOURCES: Southern Poverty Law Center
BUSINESS INSIDER

I am a white male who grew up in the South; in Lynchburg and in Lexington. In Lexington, Stonewall Jackson and Robert E. Lee were practically patron saints and I was appropriately reverent. I still think that they had some redeeming qualities, but my opinions are much more nuanced now, and I wonder what they would think about their likenesses being the center of controversy. I have a lot of conflicting thoughts about this matter; there are certainly a lot out there. Although I know which way I lean, I believe such important local decisions require an open and honest discussion of all points of view. What I hope to do tonight is to lay out the broad outline and different perspectives of the issue and then suggest a path forward for communities to decide what is appropriate.

Before we go any further in exploring the appropriateness of Confederate memorials let's consult a famous Virginian for insight. At the University of Virginia, it is common to search for comments by Mr. Jefferson that might be relevant to a contemporary debate. Unfortunately, Mr. Jefferson expired before the Civil War and never had the opportunity to comment on Confederate monuments. There is a record, however, from another prominent Virginian, one who is the subject of much of the controversy; Mr. Lee, or if you prefer, General Lee. If you follow the debate about Confederate monuments, pretty soon you will come across the claim that Robert E. Lee was opposed to the erection of such memorials. I would say that, if true, General Lee's opposition would be very compelling. However, upon examination the reality is a little less clear.

My source for the next several paragraphs is *Snopes.* Fact checker David Emery cites documents and letters written by Lee, held at the University of Virginia and the Library of Congress, to answer the question, "Was Robert E. Lee opposed to Confederate monuments?"

After the war, while he was President of Washington College, in Lexington, Lee expressed opposition to proposals to erect Civil War monuments and memorials. For example, "In June 1866, Lee criticized a plan to build a monument to "Stonewall" Jackson." Wondering how Southerners could contribute money for memorials when they lacked funds for food, he wrote, "I do not think it feasible at this time." Lee was also concerned, "that building monuments so soon after the war would anger the victorious Federals." He wrote, "As regards the erection of such a monument as is contemplated, my conviction is, that however grateful it would be to the feelings of the South, the attempt in the present condition of the country would have the effect of retarding, instead of accelerating its accomplishment, and of continuing, it not adding to, the difficulties under which the Southern people labour."

Additionally, in 1869, Lee turned down an invitation to assist with preservation efforts of the Gettysburg Battlefield Memorial Association. Rather than preserving the battlefield, Lee proposed erasing it from the landscape. He wrote to the association's representative, "I think it well, …, not to keep open the sores of war, but to follow the examples of those nations who endeavored to obliterate the marks of civil strife and to commit to oblivion the feelings it engendered."

We will never know if Robert E. Lee's views on monuments would have changed in later years, as the South recovered economically and interest in honoring it past and those who fought for it increased, because he died in 1870. Based on the record that he did leave, however, the *Snopes* article concludes, "It is unclear whether, or to what degree, Lee's antipathy toward Confederate monuments was more pronounced than his antipathy toward building Civil War monuments in general."

I want to address the Confederate battle flag first and then set it aside, because I think that there is a distinct difference between the flag and statues or memorials. I concluded some time ago that some public displays of the Confederate battle flag were insulting or intimidating, to African Americans at least, and possibly to many others as well. To me those displays, outside of an historic setting, had become inappropriate. The flag has been associated with slavery, Jim Crow, and violent resistance to the civil rights movement of the 1950's and 60's when it enjoyed a resurgence and was even added to the banners of several Southern states as an act of defiance to the Federal government. In this century, the Confederate battle flag has been carried by white supremacists in parades and rallies. Nevertheless, many white Southerners consider the flag to be an emblem of heritage and regional pride and, until 2015, Confederate flags flew in many public places in the South.

Things changed in June of 2015, when white supremacist Dylann Roof slaughtered nine black worshippers in the historic Emmanuel A. M. E. Church in Charleston, South Carolina. When a pre-massacre photo of Dylann Roof holding a handgun and a Confederate battle flag became public, there was a strong public reaction. This, combined with other cultural issues such as the Black Lives Matter movement, created a critical mass, or a tipping point, and the flags started coming down; in Colombia, South Carolina, in Montgomery, Alabama, and in other localities across the South, including Danville and Lexington. Today, displays of the Confederate battle flag are mostly limited to historic sites, reenactments, cemeteries, and defiant displays on private property or in parades and rallies. Mississippi is the lone holdout, still displaying the Confederate cross on its state flag.

The sensitivity to Confederate symbols has gone beyond the flag, however, and now many communities are struggling with earnest questions about the meaning, message and appropriateness of Confederate statues, monuments or memorials on public property. These structures have been around for a long time and are part of the community fabric; they are historic. They are generally big, heavy, and expensive to move and proposals to do so create responses from a wide array of people, from history buffs and heritage defenders, to civil rights and justice advocates, and from extremists on both sides.

The Southern Poverty Law Center (SPLC), headquartered in Montgomery, Alabama, has been in the forefront of efforts to remove "government sanctioned" Confederate symbols from the public realm. In its April 2016 publication, "Whose Heritage? Public Symbols of the Confederacy," SPLC reports that, after the Charleston murders, it "launched an effort to catalog and map Confederate place names and other symbols in public spaces, both in the South and across the nation." The results, although probably not completely accurate, are impressive.

SPLC found a total of 1503 named commemorations, which included 718 monuments and statues, 109 public schools named for Confederate icons, 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."

Virginia was identified as having the most Confederate symbols at 233, including a State holiday, one municipality (the town of Stuart in Patrick County), three (3) U.S. military bases, twenty-one (21) schools, monuments at most city and county courthouses, and numerous roads, streets and highways named after Confederates. The report identified three (3) in Lynchburg; the Confederate monument in front of the historic courthouse, the Jubal Early monument, and Early Street. It didn't list the 2nd Virginia Calvary monument in Miller Park, the John Warwick Daniel statue on Park Avenue, or the packet boat Marshall in Riverside Park.

In remarks on the release of the report SPLC President Richard Cohen said, "Public governmental displays of Confederate monuments and other symbols undermine the promise of equality that's the basis of our democracy. The argument that these tributes represent Southern 'heritage' ignores the heritage of African Americans whose ancestors were enslaved by the millions and later subjected to decades of oppression." He added, "In many cases preserving history was not the true goal of these displays. Rather, many of them were part of an effort to glorify a cause that was manifestly unjust – a cause that has been whitewashed by revisionist propaganda that began almost as soon as the Civil War ended. Other displays were intended as acts of defiance by white supremacists opposed to equality for African Americans during the civil rights movement."

The Southern Poverty Law Center publication includes a graphic, displaying a timeline, from 1861 to 2016, that illustrates when the monuments and other iconography were established. Two spikes stand out; one from about 1900 to 1920, and the other from the mid-1950's to the late-1960's. SPLC relates each of these spikes to Southern reaction to Federal action.

The first spike, from 1900 to 1920, SPLC says 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. In Virginia, in 1902, a new constitution was adopted. Drafted under the leadership of Lynchburgers John Warwick Daniel and Carter Glass, the constitution 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 in the South, and the reappearance of the Confederate battle flag. This period also included the Centennial of the Civil War.

One of the threads of argument used by the Southern Poverty Law Center and others advocating for the removal of the Confederate memorials is that their establishment was meant to send a message 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, 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. The message was not lost on that community. When the monument to Robert E. Lee was unveiled in Richmond in 1890, it was celebrated with speeches, parades, and the flying of Confederate flags. The editor of the local black newspaper, the *Richmond Planet,* wrote that the resurgence of Confederate ideology, "forges heavier chains with which to be bound." (McInnis)

An NPR article from last August quoted Jane Dailey, an associate professor of history at the University of Chicago: "Most of the people who were in involved in erecting the monuments were not necessarily erecting a monument to the past, but were rather, erecting them toward a white supremacist future." The same article quoted James Grossman, the executive director of the American Historical Association, who said that the statues and monuments were clearly meant to send a message. He said, "These statues were meant to create legitimate garb for white supremacy. Why would you put a statue of Robert E. Lee or Stonewall Jackson in 1948 in Baltimore?" He was referring to two statues that had been removed, under cover of night, in mid-August 2017.

Mayor Mitch Landrieu, in his powerful remarks, on May 19, 2017, on the occasion of the removal of Confederate monuments, erected nineteen (19) years after the Civil War, in New Orleans, said, "These statues were a part of that terrorism [the terrorism of enslavement that the Confederacy fought for] as much as a burning cross on someone's lawn; they were erected purposefully to send a strong message to all who walked in their shadows about who was still in charge in this city." Mayor Landrieu then focused on the meaning of the statues today and put forth an argument that I find to be particularly persuasive. He said, "...consider these monuments [Robert E. Lee, Jefferson Davis, P.G.T. Beauregard, and one memorializing an anti-Reconstruction riot] from the perspective of an African American mother or father trying to explain to their fifth-grade daughter who Robert E. Lee is and why he stands atop of our beautiful city. Can you do it? Can you look into that young girl's eyes and convince her that Robert E. Lee is there to encourage her? Do you think that she will feel inspired and hopeful by that story?"

Mayor Landrieu and the Southern Poverty Law Center also argued that the erection of Confederate monuments after the Civil War fostered a false narrative, a revisionist history promoting the myth of the "Lost Cause." Some have suggested that the myth, or cult, of the Lost Cause was a way for the South to retain some honor from its defeat and for whites from the North and South to reconcile from four bloody years of warfare that had taken over 600,000 lives and left much of the South in ruins.

Near Spotsylvania Courthouse is a cemetery, dedicated in May of 1918, that contains the remains of Confederate soldiers collected from four battlefields in the area. The

monument in the center of the cemetery has these words on one of its faces, "We have gathered the sacred dust, of warriors tried and true, who bore the flag of our nation's trust, and fell in the cause 'tho lost, still just, and died for me and you." Another face says, "Lest we Forget." What is this "lost cause;" lost but still just?

I think that it is important to briefly review the "Lost Cause" to provide some context for the erection of Confederate monuments and because lost cause arguments, although somewhat modified, still arise in discussions about the appropriateness of Confederate memorials in public spaces. James McPherson, the eminent Civil War historian and author, commenting on the importance of the "Lost Cause" narrative to Southern identity and culture, the notes that, "The American Civil War is a highly visible exception to the adage that victors write the history of wars." (p. 123)

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.

C.E. Janney, the author of the *Encyclopedia Virginia* article concludes, "The historical consensus, however, presents a picture that is far more complicated; one in which some tenets of the Lost Cause are obviously false, and some are at least partially true."

There are two individuals with Lynchburg connections who are closely associated with the "Lost Cause" narrative. Edward A. Pollard, one of the principal editors of the *Richmond Examiner* newspaper during the Civil War spent his last days in Lynchburg, dying on December 17, 1872, at the age of 40. In 1866 he wrote *The Lost Cause* and in 1868, *The Lost Cause Regained.* According to Wikipedia, in the first volume he saw the Civil War "as being between two opposing ways of organizing society and saw slavery as a key part of the nobility of the

South and a key basis of the difference between the societies." In the latter work he "argued that the primary reason for Secession was not slavery but the preservation of state sovereignty, although he clearly supported the institution of slavery."

The other Lynchburg resident closely associated with the "Lost Cause" was Jubal Early. Early fled to Mexico after the war but returned and settled in Lynchburg in 1869 where he became, in the words of one observer, the "prototypical unreconstructed rebel." (Gaines Foster, in Blight, p. 79). Early gained control of the influential Southern Historical Society (SHS) which published *Southern Magazine* and later, from 1876 to 1890, regularly produced *Southern Historical Society Papers*, "presenting the Confederate version of the war to the world." (Blight, p. 78).

Lynchburg's Confederate monument, that stands in front of the historic courthouse, reflects, to a degree, the "Lost Cause" narrative. As was often the case, efforts to fund and erect monuments to the soldiers who served in the Civil War were led by the women of the Daughters of the Confederacy and other memorial associations. In addition to the site for the monument, the City contributed fifteen hundred dollars ($1,500) to its cost. The inscription on it is simple enough. It says, "Erected by the Daughters of the Confederacy of Lynchburg, Virginia in 1899 to commemorate the heroism of our Confederate soldiers." There were two public ceremonies associated with the monument, however, and the speeches given at those events were more effusive.

The cornerstone of the pedestal of the monument was laid on April 23, 1900 and Lynchburg's newspaper, *The News,* covered the event, reporting on the remarks of its two main speakers. Captain Charles M. Blackford had the duty of presenting the cornerstone to the Masons who laid it. The paper reported:

> *Captain Blackford spoke feelingly and eloquently of the duty resting upon all to commemorate the noble deeds of their forefathers. There was nothing, he said, which men do that so stimulates coming generations as the proper and honorable reverence for the past. In the erection of the monument there existed no intention of stirring up sectional feeling, but of paying a tribute to those brave men who went from Lynchburg to fight for their country and their convictions. ...the speaker paid a glowing and earnest tribute, pointing to their patriotic and noble deeds and demanding for them a perpetuation of their unselfish sacrifice. By their example, the children of today, he said, could be taught the love of country and that spirit of patriotism which would lead them to respond to duty's call even at the cannon mouth.*

The other principal speaker was Major Peter J. Otey, Congressman from the Sixth district. In his introductory remarks, he "spoke thrillingly of the women of the Confederacy and their devotion and sacrifice for the cause of the South." The article continued:

From the opening of the war to the close, said Major Otey, the private soldier had responded to every call and had gone to triumph and to victory. In all the years of the great struggle, the Army of Northern Virginia had never been driven from the field, and to this body the boys from Lynchburg had belonged. Well might they be proud of such a record. History in all of its pages contained nothing that could equal it. In honoring the private soldier, the ladies of Lynchburg honored themselves. He merited all the honor that could be bestowed on him. Above all things, let the generations of the future remember that he fought not for what he thought was right, but for what he knew was right. Upon the efforts of the present, the people of the South should build a future that would reflect the glory of the Confederacy and the cause for which her people fought and suffered.

In keeping with the "Lost Cause" theme, the newspaper reported that another speaker, Dr. Rawley W. Martin, gave a "high eulogy ... to General Robert E. Lee, who he said, had been without a fault, gentle, kind and brave. He had done more with little than any man that had ever lived."

On May 4, 1900 the Confederate monument was unveiled before "a multitude of people of the city assembled to do honor to the men who fought and bled for their country's principles." Senator John Warwick Daniel gave the main address. Again, *The News* reported:

Senator Daniel introduced his remarks with a touching reference to the Confederate soldier, who, he said, had been perpetuated in bronze. We could rejoice, said the speaker, that we possessed the Confederate soldier, and that to all generations his heroic deeds would be recounted as an honor to the mother land that gave them birth. Beyond the hours of conflict there was a brighter and calmer day, when wrongs were righted and injustice overcome, and today the Confederate soldier was added to the records of history, but he had won the royal purple of death's imperishable glory. He had died to save his country, and the treasures of his life were such that he could never be robbed of them. He had left behind him noble and unselfish deeds by which men were made better.

The work of these toilers of the battlefield would never fade away; it was imperishable, and would illumine the future with all of its greatness and grandeur.

Later in his speech Senator Daniel referenced the archives on the war that had been assembled in Washington and he said that, "when the records were examined, the North was amazed to perceive the smallness of the forces that opposed them." He concluded, "The Confederate soldier fought for the land that he loved, and that was the reason that he fought so well."

With that, I think that the speeches at the two events celebrating the erection of Lynchburg's Confederate monument checked off four or five of the six tenets of the "Lost Cause." And, although it wasn't overt, lest you think that white supremacy was not at least in the background, Phillip Lightfoot Scruggs notes in his history of Lynchburg that one of the items included in the cornerstone of the monument was a poem, *The Nation's Ward, A Nigger,* by Valentine (p. 173).

A sense of fairness compels me to give some time to the defenders of Confederate memorials. They will certainly be heard from in any debate about their removal. An Internet search on this topic can quickly lead one to some disturbing sites full of white supremacy and hateful speech. I think that is part of the unfortunately growing legacy of Confederate memorials in contemporary society. Every time white supremacists and hate groups carry Confederate battle flags in parades and rally around statues of Confederate generals it undermines arguments that the flags and monuments are merely benign symbols of Southern heritage.

I did find one group whose arguments provide a counter to the Southern Poverty Law Center without blatant racism. It is the Abbeville Institute. According to its website, "The Abbeville Institute was founded in 2002 by a group of scholars in history, literature, philosophy, religion, and other disciplines who conducted a conference on 'Modernity and the Southern Tradition' at the University of Virginia." The scholars were "concerned that the Southern tradition is no longer taught in colleges and universities except as a function of the ideological needs of others. With few exceptions, the Southern tradition is presented as little more than the story of racism and slavery." Responding to this "intellectual challenge" the Abbeville Institute was founded with the purpose "to critically explore, [preserve and present] what is true and valuable in the Southern tradition." One of the Institute's defenders of the Southern tradition, or heritage, suggests that Southern heritage embodies true American values, "care for family, place, Christian social order, courage, loyalty, and honor," that are under siege today (Wilson).

The Abbeville Institute has a daily blog that I have received for the last few months as I was preparing for this presentation. Although I have tired of the rhetoric, I have been impressed by the academic credentials of most of the authors, many of whom are active or former professors at Southern colleges and universities. Here is just one example of the rhetoric. Referring to those who decided to remove the Confederate monuments in Memphis as "cultural Marxists," Boyd Cathey, who holds a MA from the University of Virginia and a doctorate from the Catholic University of Navarra, Pamplona Spain, warns, "—the attack on all things Confederate (and implicitly, Southern) was and is just a FIRST STEP, a first step in the complete "purification" of America, a complete and total purging of ALL of our historic symbols and of our historical memory. And eventually, the total transformation of the historic nation, itself. ...A defense of monuments to General Lee is, in fact, a defense of Western Christian tradition." (Cathey)

An article by Michael Armstrong, posted on the Abbeville Blog in October of 2017, takes on the Southern Poverty Law Center publication. He attempts to refute the claim that racism was behind the erection of Confederate memorials in the early 1900's, arguing that Ku Klux Klan membership didn't peak until 1925 and that the peak years for lynching were before 1900, neither peak coinciding with the peak of memorial erection, between 1900 and 1920, identified by the SPLC. Whatever; I don't think that this argument does anything to erase the reality that African Americans were treated horribly in the first quarter of the Twentieth Century, when most Confederate monuments were erected.

Armstrong also suggests a more obvious reason for the two peaks on the SPLC timeline; "the tendency of Americans to celebrate certain events at fifty-year increments." This makes a lot of practical sense, as the SPLC spikes coincide with the 50th (1910-1915) and 100th (1960-1965) anniversaries of the Civil War.

There were other cultural trends occurring at the same time and this reflects 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)

The American Civil War Museum, headquartered in Richmond with a major facility in Appomattox, has created a website titled "On Monument Avenue" that provides a forum for the discussion about what to do with Richmond's Confederate monuments. One of the articles on the site, by Dr. Evie Terrono, is titled "Of Triumphal Arches and Vestal Virgins: Classical Ideals and Urban Uplift on Monument Avenue" and explores the influence of the City Beautiful movement on motivations for the erection of monuments on the avenue, which at that time was out in the suburbs of Richmond.

Terrono, in writing about the City Beautiful influence on Monument Avenue acknowledges some other possible underlying motivations. She says:

> *The emphasis on classical ideals in the Confederate monumental landscape, the usage of equestrian statues elevated on high pedestals, and the adoption of Latin inscriptions addressed not only an audience cognizant of the currency of such modes of presentation for the commemoration of the Lost Cause, but also one aware of their meaningful associations to classical Greek and Roman history—a past then considered as the height of human intellectual achievement, unencumbered by social and racial conflict. Such cultural regressions to mythologized versions of the past were often employed as defensive strategies against vexing contemporary social and economic fissures that*

jeopardized individual and communal stability. As Robert H. Wiebe has noted, the period during which the Confederate memorial landscape was formed, "generated a host of ethical evasions no more subtle than the evils they were meant to hide."

Given our history, I don't think that the influence of racism and white supremacy can be separated from motivations to erect Confederate memorials. I suggest, however, that there was likely no single, simple reason for them; its more complicated. As one Abbeville Institute commentator offered, "It is possible to [hold] two principles, one noble and the other ignoble." (Hornberger)

In January, the Douglas Wilder School of Government at Virginia Commonwealth University released the results of a poll showing that, "Virginians are split over what course of action to take with Confederate monuments." The poll's results (from a random sample of 788 adults in December 2017) indicated that a plurality, forty-nine percent (49%) favored leaving Confederate statues in place as they are. Opinions varied among those who favored some change; twenty-three percent (23%) favored moving the statues to museums, thirteen (13%) favored adding context, such as additional signage, at the current location, and ten percent (10%) favored just removing the statues.

The VCU poll results were compared with a Washington Post poll, conducted in November 2017, that offered only two options; remain in place, which fifty-seven percent (57%) supported and, removal, supported by thirty-nine percent (39%). I didn't try to find results from other polls that might have been conducted but the Washington Post findings are consistent with (or may be the source of) some advocates' claims that sixty percent (60%) support keeping Confederate monuments in place.

While there may be no consensus, at least according to the VCU poll, on what to do with Confederate monuments, Virginians are clear that they are unwilling to pay for their removal. Seventy-six percent (76%) responded that they were unwilling to pay for any changes through increased taxes, while twenty-one percent (21%) said they were willing to pay more for changes or removal.

The VCU poll outlined the few options that have been put forth for the future of Confederate monuments. Perhaps other options would evolve from community discussion. Until there is a better idea, however, the four main options seem to be:

1) Do nothing; leave the monuments in place, as they are.
2) Provide context and balance for the monuments by describing the broader cultural issues of the times with attention on racism, white supremacy, and the political and economic conditions challenging African Americans. Typical suggestions are to add interpretative or

explanatory signage, but it could also include additional memorials at or near the site.

3) Relocate the monuments to another site, most likely a museum where they could be properly interpreted; but, certainly a less prominent location.
4) Remove the monuments from public display, with no set destination. This could include melting them down or otherwise consigning them to the metaphorical "dustbin of history."

Where and how should the question "Should They Stay or, Should They Go?" be decided? The erection of Confederate memorials on public property required either the acquiescence or some action of the governing powers in the community. That may have been a simple approval, the donation of a site to a third party (most likely the Daughters of the Confederacy), or even a cash contribution. Therefore, it seems appropriate that decisions about the removal of Confederate monuments should be made at the local level as well. That said, how should a community go about it, given the passion and rhetoric, from both sides, that will inevitably be stirred up?

In Richmond, Mayor Levar M. Stoney, in June 2015, announced the formation of an ad hoc advisory group, the Monument Avenue Commission, to, in the words of the press release, "help the city redefine the false narrative of the Confederate statues that line Richmond's grandest boulevard." The commission's assignment is to solicit public input and "make recommendations to the mayor's office on how to best tell the real story of our monuments." Mayor Stoney has apparently settled on the approach of providing context or reinterpreting the statues in place. Given the structure of Richmond's government, however, it is unclear who would actually have the power to act, the Mayor or City Council. In any case, after several public forums in the late summer and fall, the commission's work continues without a deadline.

In Charlottesville, in May of 2016, City Council adopted a resolution to create the "Blue Ribbon Commission on Race, Memorials, and Public Spaces" to "provide Council with options for telling the full story of Charlottesville's history of race and for changing the City's narrative through our public spaces." In addition to addressing what to do about Lee and Jackson Parks in downtown Charlottesville, and their namesake statues within them, the commission explored how to commemorate significant people and experiences of the African American community that hadn't been recognized before. The commission produced a 328-page document (a 23-page report, with appendices) that was presented on December 19, 2016.

In the commission's report it put forth two alternatives for City Council to consider; the "Transform-in-Place" option and the "Relocate" option. The suggested site for the relocated statues was McIntire Park. While the commission initially voted (6-3) in favor of the Transform-in-Place option, it subsequently decided to send both options to City Council for consideration.

The commission's initial vote to transform-in-place reflected an aspiration that seems quite ironic given subsequent events. The report said, "Significant transformation of Civil War heroes and Jim Crow-era monuments has never been done. To do so in Charlottesville would be of national and global interest and could serve to inspire other communities to take action." City Council voted to remove the statues from both parks, renaming them Emancipation Park and Justice Park, and the summer of 2017 brought Charlottesville national and global attention that it never anticipated nor desired.

There is nothing wrong with the approaches taken by Richmond and Charlottesville; they could serve as models for other communities and I would expect a similar approach to be taken if the issue arose in Lynchburg. An inclusive and open public discussion is important to help the governing body determine an appropriate course for the community. Let me offer some considerations that might help to guide such a discussion.

First of all, the discussion should be limited to memorials on public property where the governing body has clearer jurisdiction. For example, Rockbridge and Stafford counties and the cities of Danville and Lexington, have experienced the challenges of citizens demanding the removal of large Confederate battle flags prominently displayed on private property adjacent to heavily travelled highways. It's pretty clear that local government has very limited authority to address such displays.

Second, following the Southern Poverty Law Center's lead, we can probably 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 Calvary 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. For example, is the courthouse square, the seat of local justice, an appropriate place for a Confederate monument? In Richmond the prominence of the Confederate statues on Monument Avenue, their height off the ground, imply to some African Americans a sense of superiority over and condescension to their community. This was also an issue in Charlottesville as the blue-ribbon commission discussed on appropriate location in McIntire Park. Two other factors were mentioned in the commission's report that, to them, distinguished the Stonewall Jackson statue from that of General Lee; the Jackson statue "is a much finer work of art" and it was "less of a 'lightning rod' for public concern or outrage than the Lee sculpture."

There are a couple of other important considerations. One is the relevance of the monument to the community. Monuments to local soldiers or historic personages from the locality, their location in the courthouse square notwithstanding, seem to be less questionable than statues of Robert E. Lee and Stonewall Jackson in New Orleans, Baltimore, or Charlottesville. The other consideration would be what is inscribed on the monuments, what it actually says. Is the language celebrating the Lost Cause or, as seems to be the case in Lynchburg, more benign, speaking to universal values of courage, honor, and valor? That might make a difference, but I think it important that context, interpretation and the perceptions of the African American community also be included in the discussion.

Finally, at least for this part of the discussion, 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 at least be listened to.

Maybe it's too late, but perhaps 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 would hope that any locality engaging in this issue would take that approach.

There's just one problem, however; language in the Code of Virginia apparently prohibits localities from removing their Confederate monuments. A statute adopted in 1904 gave counties the authority to "authorize and permit the erection of a Confederate monument upon the public square at the county seat thereof." (Acts of Assembly, 1904). Over subsequent years the language has been amended to include "any war or conflict" and the statute currently lists conflicts from the Algonquin massacre in 1622 to Operation Iraqi Freedom in 2003 (Section 15.2-1812 of the *Code of Virginia*).

The statute also includes a prohibition dating back to the original language, although slightly amended. It currently says,

> *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.*

There are two peculiarities about Virginia that come into play here. First, Virginia is a "Dillon Rule" state and the rule's main principle is that "local governments only have the authority to exercise powers that are specifically granted to them by the legislature." (Wood). Under this principle, the 1904 legislation was necessary because at that time a number of Virginia counties desired to erect monuments to Confederate soldiers and, without authorization from the General Assembly, they arguably did not have the power to do so.

Notice that the original statute didn't mention cities. This illuminates the second peculiarity of Virginia's local governmental structure. In the Commonwealth, cities are independent; they are not part of any county but are jurisdictionally separate municipalities. Therefore, the 1904 statute did not apply to cities. It wasn't until 1997 when Title 15 of the *Code of Virginia*, which covers counties, cities and towns, was recodified and "any county" was replaced by "a locality."

Because of these Virginian peculiarities, two professors at the University of Virginia School of Law, Richard Schragger and Micah Schwartzman, have argued that, since the statute didn't apply to Charlottesville when the Lee and Jackson statues were erected in the early 1920's, there is no prohibition against their removal. Although the professors don't make this point, it would also seem to follow that the city never had the authority to permit their erection and that this error is subject to correction. Of course, the question of Charlottesville's authority over the statues is currently in litigation. Most recently, a Circuit Court judge in the city has ordered the tarps covering the Lee and Jackson statues to be removed under the theory that allowing them to remain indefinitely would harm the statues. An open question, on which the judge has not ruled, is whether or not statues of Confederate generals are actually war monuments.

In the 2018 session of the Virginia General Assembly Senator Jennifer Wexton, of Loudoun County, and Delegate David Toscano, of Charlottesville, introduced legislation to allow localities to remove, relocate, contextualize, or otherwise alter any monument or memorial regardless of when it was erected. Neither bill made it out of committee, falling on party-line votes. The prevailing view was that the state's interest trumped the localities' due to tourism and the potential negative economic impact if the Confederate monuments were taken down.

Despite a 2015 Danville Circuit Court ruling that the state code did not prevent the removal of the Third National Confederate flag from a monument on the grounds of the Sutherlin Mansion, a decision that the Virginia Supreme Court declined to consider on appeal, efforts in Charlottesville, Richmond and other Virginia localities to remove or alter Confederate monuments are stalled pending further litigation or a change in the General Assembly.

Although there is a procedure in the state code for relocating a courthouse, another fundamentally local decision, local governments that must approve the erection of a war monument or memorial don't currently have the power to ever remove it. The question, "Should they stay or, should they go?" can't be decided, for now, in Virginia.

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