



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**CONFEDERATE SYMBOLS AND THEIR IMPACT  
ON U.S. DEMOCRATIC GOVERNANCE**

by

Alaina C. Miller

September 2022

Co-Advisors:

Cristiana Matei  
Tristan J. Mabry

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**CONFEDERATE SYMBOLS AND THEIR IMPACT ON U.S. DEMOCRATIC  
GOVERNANCE**

Alaina C. Miller  
Transportation Security Specialist, Department of Homeland Security  
BS, West Chester University of Pennsylvania, 2006  
MS, University of Cincinnati, 2009

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requirements for the degree of

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September 2022**

Approved by: Cristiana Matei  
Co-Advisor

Tristan J. Mabry  
Co-Advisor

Erik J. Dahl  
Associate Professor, Department of National Security Affairs

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## **ABSTRACT**

The American Civil War ended more than 150 years ago, yet the divide over Confederate symbols persists. These include statues, monuments, flags, holidays and names of places, structures, and institutions. This thesis asks: To what extent does the deepening divide over Confederate symbols affect U.S. democratic governance? The thesis presents a comparative case study of the United States and Spain, which also experienced a civil war (1936–1939) and therefore also had to address the legacy of divisive symbols. It is argued that after Spain’s transition to democracy in the 1970s, it initially adopted a policy that ignored the past, but later shifted toward a policy of transparency and reconciliation that displaced many symbols from the Spanish civil war and the autocratic regime that followed. However, in the United States, it is argued that such a reconciliation has yet to occur, and, in the meantime, symbols of the Confederacy remain deeply polarizing and therefore destabilizing. The thesis concludes with a number of policy recommendations for the United States to address the negative effects of Confederate symbols on democratic governance.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

ADL	The Anti-Defamation League
ARHM	Association for the Recovery of Historical Memory
BLM	Black Lives Matter
EJI	Equal Justice Initiative
SPLC	Southern Poverty Law Center
UDC	United Daughters of the Confederacy

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# EXECUTIVE SUMMARY

## INTRODUCTION

Confederate symbols from the American Civil War, 1861–1865, are under increased scrutiny.<sup>1</sup> Defenders argue that the symbols are instructional tools useful to educating new generations about the past and honoring the sacrifice of veteran ancestors.<sup>2</sup> On the other side, challengers reject the symbols and see them as tragic reminders of white supremacy, slavery, and an affront to the freedom and justice all U.S. citizens deserve as equals.<sup>3</sup> All in all, over 150 years since the end of the Civil War, a divide over Confederate symbolism remains.

## RESEARCH QUESTION, DESIGN, AND FINDINGS

This thesis sets out to answer the following question: To what extent does the deepening divide over Confederate symbols affect U.S. democratic governance? Through empirical research methods, this thesis explores how Confederate symbols affect U.S. democratic governance, and may deepen the social, economic, and political divides separating U.S. citizens.

First, this thesis provides an overview of the deepening divides from issues such as polarization, populism, security crises, communications technology, and social media that threaten to deconsolidate democracy in the United States. Ultimately, the literature indicates that if the three branches of the U.S. government do not confidently act in agreement on behalf of all the people, then the United States may continue to deconsolidate. Additionally, scholars anticipate that if polarization continues between economic classes and between (and within) political parties, the United States may face an increase in anger- and discrimination-filled violence, further leading to the breakdown of

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<sup>1</sup> Confederate symbols encompass names of buildings, schools, and roadways; state and historical flags, and monuments, statues, and memorials that reference the Confederacy. Karen L. Cox, *No Common Ground: Confederate Monuments and the Ongoing Fight for Racial Justice* (Chapel Hill, NC: The University of North Carolina Press, 2021).

<sup>2</sup> Cox.

<sup>3</sup> Cox.

democracy.<sup>4</sup> Thus, the problems of political fragmentation, polarization, and populism may worsen.

Second, this thesis discusses the various forms of Confederate symbols present in the United States. For instance, Confederate symbols include not only monuments and statues but also the Confederate flag(s) as well as names and places. In fact, since the late 19th century, the organizations that support Confederate symbols have held celebrations in the Confederacy's honor, including but not limited to the birthdays of Confederate generals, Civil War reenactments, and even celebrations of Confederate Memorial Day.<sup>5</sup>

It is important to recognize that while Confederate symbolism is keenly debated today, it is not a new phenomenon; historical monuments are often under scrutiny during political or social transformations.<sup>6</sup> In the end, although Confederate symbols, including monuments, have existed since the end of the Civil War in 1865, recent events in the past decade have driven the need to analyze the effects of these symbols. Historic, modern, and emerging literature addresses Confederate symbols and their impact, yet determining whether their usage contributes to expanding the democratic divide of the United States requires this fresh analysis.

Third, this thesis conducts a comparative analysis of two cases: 1) Spain after the regime of Francisco Franco and 2) the United States, focusing on events post-2015 and the summer of 2020 in order to evaluate correlations and allow for inferences on how symbols impact democratic governance. The comparison of Spain and the United States, after their individual Civil Wars, indicates that each country's historical symbolism has had a direct impact on their democratic governance. For Spain, the country originally entered a new democratic governance under an agreement to let past atrocities remain in the past, forgotten, and to move forward with a clean slate. Yet, approximately 30 years later, their

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<sup>4</sup> Thomas Carothers and Andrew O'Donohue, *Democracies Divided: The Global Challenge of Political Polarization* (Washington, DC: Brookings Institution Press, 2019), 273, <https://doi.org/10.7864/j.ctvbd8j2p>.

<sup>5</sup> Cox, *No Common Ground*, 14.

<sup>6</sup> Thomas S. Szayna, "Confederate Statues Symbolize the Role of Racism in America," *The RAND Blog* (blog), July 16, 2020, <https://www.rand.org/blog/2020/07/confederate-statues-symbolize-role-of-racism-in-america.html>.



governance changed hands and with citizens pushing for transparency, Spain is now addressing its past and providing some closure for victims and their families. In sum, for Spain, the changing of democratic politicians with contrasting views and ideologies on how to address the past has led their country on a new path of recognition and remembrance.

Alternatively, the United States has never had a unified response to Confederate symbols. The federal government and individual state government all have different regulations and laws regarding the symbols, which has come under political scrutiny and even generated violence within the last decade. Despite these events, there are still signs of neo-Confederate resilience today.<sup>7</sup> Defenders of Confederate symbols claim that removing the symbols is erasing history. On the other hand, some historians and a majority of citizens feel that it is time for the symbols to go and that the history of the Civil War can be remembered in other ways.<sup>8</sup>

In sum, this thesis first finds that moving forward from the past atrocities of the Civil War may lead to bipartisanship and progressive governance. Second, U.S. citizens need to be equally represented for effective governance because if left unheard or unrepresented, they may turn to political protest in order to demand social and political changes. Third, if no governance progress is made, citizens may resort to violent and sometimes deadly political actions, as seen in the events of 2015, 2017, and 2020, creating a security crisis throughout the United States. Fourth, advances in technology and social media may play both positive and negative roles with regard to Confederate symbols.

Therefore, based upon empirical research and a comparative case study analysis, in order for the United States to be a cohesive democracy and not face protest and controversy from the impact of Confederate symbols, it needs to maintain legitimacy, efficacy, and

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<sup>7</sup> Mark Potok, "Three Years After Dylann Roof, Neo-Confederates Are Back," *The Daily Beast*, June 17, 2018, sec. politics, <https://www.thedailybeast.com/three-years-after-dylan-roof-neo-confederates-are-back>.

<sup>8</sup> Rachel Treisman, "Nearly 100 Confederate Monuments Removed in 2020, Report Says; More Than 700 Remain," NPR, February 23, 2021, <https://www.npr.org/2021/02/23/970610428/nearly-100-confederate-monuments-removed-in-2020-report-says-more-than-700-remai>.

effectiveness through its democratic procedures.<sup>9</sup> In order to maintain those three key functions there are four recommendations offered in this thesis.

## RECOMMENDATIONS

In order to address the impact of Confederate symbolism, the nation as a whole will need to formally address the standing of Confederate symbols on both federal and state land. The U.S. federal government as well as individual state governments will therefore need to reach bipartisan agreements to determine which Confederate symbols shall remain and which symbols may be removed, renamed, or recontextualized. These agreements need to be bipartisan so that the policy or laws can continue to be pushed through and implemented regardless of which party is currently in power. While it may be difficult to achieve, in order to make these determinations, the following measures are recommended:

1. **Adopt a Federal Law of Historical Remembrance and Education.**

Congress would need bipartisan agreement to develop and institute a unified federal law that Confederate symbols located on federal land be placed in designated historical museums or remain on historically designated Civil War battlefields.

2. **Adopt State Laws of Historical Remembrance and Education.**

Bipartisanship agreement is needed within each state and territory to develop and institute a single unified state law that Confederate symbols located on public land be placed in designated historical museums or remain on historically designated Civil War battlefields. Additionally, states and territories will address the need for a federal-level, with a unified state-level buy in, education requirement on the history of the Civil War. This unified requirement will ensure that all citizens are represented and learning the same historical material without any personal ideologies or bias.

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<sup>9</sup> Juan J. Linz and Alfred Stepan, *The Breakdown of Democratic Regimes* (Baltimore, MD: Johns Hopkins University Press, 1978).

3. **Issuance of Federal Grant Money for Assistance with State Laws of Historical Remembrance and Education.** The federal government will provide state governments federal grant money in order to assist the states with moving Confederate symbols located on public land into designated historical museums or to historically designated Civil War battlefields. Additionally, this grant money will assist with the creation and institution of a unified state-level education requirement on the history of the Civil War.
4. **Adopt a National Civil Society of Historical Symbols.** The society's purpose is to have two bipartisan representatives from each state work with citizens so the latter can have more of direct role regarding U.S. policy and law debates.

## CONCLUSION

In conclusion, there is scant literature on the direct impact and the deepening divide Confederate symbols have on U.S. democratic governance, leaving this direct correlation open for further research and findings. The findings will be dependent upon if the recommendations in Section B are implemented or how the U.S. federal government and state governments continue to address Confederate symbols moving forward. In sum, this direct correlation has become a new and emerging topic over the last decade and until there is a bipartisanship agreement between political parties as well as citizens' trust in their governance to act on their behalf, the negative impact from Confederate symbols on U.S. democratic governance will continue.

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## I. INTRODUCTION

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; & of continuing, if not adding to, the difficulties under which the Southern people labour. All I think that can now be done, is to aid our noble & generous women in their efforts to protect the graves & mark the last resting places of those who have fallen, & wait for better times.

—General Robert E. Lee,<sup>1</sup>

The American Civil War ended more than 150 years ago, yet the divide over existing Confederate symbols in the United States continues to be a pressing issue facing the country's democracy. According to scholars Loewen and Sebesta, this is because most Americans have never read key documents regarding the Civil War, the Confederacy, and the ideology behind Confederate symbolism.<sup>2</sup> Loewen and Sebesta state that Americans need to focus on the study of history and how a piece of history came to be; for instance, who created it, when, was it to prove something, were vantage points omitted, and why things have changed based on location or date.<sup>3</sup> Furthermore, American textbooks, the basis of education in the United States, do not provide direct quotes from individuals; offer materials that may offend anyone or prohibit publication; and in terms of the Civil War, may downplay slavery as the primary reason for state secession and instead quote it as states' rights.<sup>4</sup> Thus, it is argued that most Americans' knowledge about the Civil War and Confederacy is flawed and divisive. Therefore, this thesis first focuses on the causes of democratic deconsolidation in the United States and to what extent democratic governance is impacted by the deepening divide over the various forms of Confederate symbols. This

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<sup>1</sup> Lee Family Digital Archive, letter from Robert E. Lee to General Thomas L. Rosser, Lexington, VA, 13 December 1866, Lee Papers, University of Virginia Archive, <http://leefamilyarchive.org/papers/letters/transcripts-UVA/v076.html>.

<sup>2</sup> James W. Loewen and Edward H. Sebesta, *The Confederate and Neo-Confederate Reader: The "Great Truth" and the "Lost Cause"* (Jackson: University Press of Mississippi, 2010), 14.

<sup>3</sup> Loewen and Sebesta, 14.

<sup>4</sup> Loewen and Sebesta, 20.

thesis utilizes a comparative analytical case study of symbols from both the Spanish Civil War and the American Civil War. Ultimately, this thesis considers best practices in the management of Civil War symbols in the United States.

## **A. PROBLEM STATEMENT**

Confederate symbols from the American Civil War, 1861–1865, are under increased scrutiny.<sup>5</sup> Defenders argue that the symbols are instructional tools useful to educating new generations about the past and honoring the sacrifice of veteran ancestors.<sup>6</sup> On the other side, challengers reject the symbols and see them as tragic reminders of white supremacy, slavery, and an affront to the freedom and justice all U.S. citizens deserve as equals.<sup>7</sup> Attempting to straddle the center are individuals in a professional capacity who attempt to maintain a neutral and apolitical stance that understands and respects both sides. All in all, more than 150 years since the end of the Civil War, a divide remains over Confederate symbols.

Since the Black Lives Matter (BLM) organization emerged in 2013, its call to remove all white supremacist symbols as well as make political and systematic changes to address ongoing racial injustice heightened the division over these symbols. To this end, this movement has been surrounded by—and led to—numerous protests, riots, and violence; the divide over Confederate symbols keeps escalating as an arena for the retaliation against systemic racism. For instance, BLM protests broke out in 2015 in response to a neo-Confederate massacre of African-American churchgoers in Charleston, South Carolina, and again in 2017 after the deadly white supremacist Unite the Right rally in Charlottesville, Virginia.<sup>8</sup> Furthermore, the push to remove Confederate symbols intensified after the May 2020 murder of George Floyd and subsequent summer of racial

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<sup>5</sup> Confederate symbols encompass names of buildings, schools, and roadways; state and historical flags, and monuments, statues, and memorials that reference the Confederacy. Karen L. Cox, *No Common Ground: Confederate Monuments and the Ongoing Fight for Racial Justice* (Chapel Hill: The University of North Carolina Press, 2021).

<sup>6</sup> Cox.

<sup>7</sup> Cox.

<sup>8</sup> Neo-Confederates are individuals or groups who positively view the Confederate States of America and their actions during the Civil War. Cox, 5–6.



reckoning protests and riots throughout the entire United States.<sup>9</sup> In sum, these divisive symbols are at the epicenter of the country's struggle to end systemic racism.

A further divide over Confederate symbols arises from federalism. Currently, no single U.S. law or policy regulates the entities responsible for Confederate symbols on federal lands. The National Park Service, the Department of Veterans Affairs, and the Department of Defense all have roles regarding these symbols and their locations.<sup>10</sup> Then, within each entity itself, numerous policies and subsequent funding lines depend on the type of symbol, which further blurs the line toward a single policy and funding affecting all Confederate symbols located on federal lands. In addition to the federal divide, almost every Southern state has enacted its own heritage law that addresses the protection and standing of symbols that represent important historic events and certain figures. Each of these state laws only addresses the symbols on public land, not those on private land or under private ownership, which again convolutes the divisions between federal, state, and private. For instance, South Carolina's Heritage Act requires legislative approval for any change of name on a historic building or street or the relocation of any Confederate monument.<sup>11</sup>

In late 2022, the majority of Democrats and Republicans stated that they believe the U.S. democracy is in danger of collapsing.<sup>12</sup> This response came after a poll that indicated threats to democracy as the most important issue facing the United States today.<sup>13</sup> Additionally, in recent years, the symbolism divide also led to more polarization as law

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<sup>9</sup> Robert Draper, "Toppling Statues Is a First Step Toward Ending Confederate Myths," *National Geographic*, July 2, 2020, <https://www.nationalgeographic.com/history/article/toppling-statues-is-first-step-toward-ending-confederate-myths>.

<sup>10</sup> Laura B. Comay and Scott D. Szymendera, *Confederate Symbols: Relation to Federal Lands and Programs*, CRS Report No. R44959 (Washington, DC: Congressional Research Service, 2017), <https://crsreports.congress.gov/product/pdf/R/R44959>.

<sup>11</sup> "South Carolina's Confederate Monument Protection Law Upheld," Fox News, September 23, 2021, <https://www.foxnews.com/politics/south-carolinas-confederate-monument-protection-law-upheld>.

<sup>12</sup> Julia Mueller, "Majorities in Both Parties Say Democracy in Danger of Collapse: Poll," The Hill, September 1, 2022, <https://thehill.com/homenews/administration/3623711-majorities-in-both-parties-say-democracy-in-danger-of-collapse-poll/>.

<sup>13</sup> Zach Schonfeld, "Threats to Democracy Top List of Issues Facing US: Poll," The Hill, August 22, 2022, <https://thehill.com/homenews/campaign/3610753-threats-to-democracy-top-list-of-issues-facing-us-poll/>.

enforcement agencies are now being called upon to maintain security around historic monuments, which in the context of public protests has led to further questions of police neutrality and even brutality.<sup>14</sup> In this perspective, Confederate symbols present a potential security concern. As such, this thesis seeks to assess the contemporary impact of Confederate symbols in a democratic republic.

## **B. RESEARCH QUESTION**

To what extent does the deepening divide over Confederate symbols affect U.S. democratic governance?

## **C. RESEARCH DESIGN**

The ultimate goal of this thesis is to employ empirical research methods to explore how Confederate symbols may deepen the social, economic, and political divides separating U.S. citizens. It also addresses how Confederate symbols affect U.S. democratic governance. The correlation between Confederate symbols and governance is new, therefore there is scant literature directly analyzing Confederate symbolism for its direct impact on U.S. governance. Thus, this thesis uses a comparative case study analysis to evaluate correlations and allow for inferences and future policy recommendations.

In Chapter II, this thesis begins with the academic debate on a possible democratic decline within the United States, addressing issues such as polarization, populism, a security crisis, communications technology, and social media. After considering elements of the debate, this chapter includes a literature review on how the U.S. government may be facing a decline in democratic governance.

In Chapter III, this thesis discusses the various forms of Confederate symbolism present in the United States. These analytical overviews use secondary peer-reviewed literature—journal articles and books—from academics and analysts. However, as the impact of Confederate symbolism is a pressing, dynamic topic in the United States, source

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<sup>14</sup> Sabrina Moreno, “More Than Three Dozen People Were Arrested in Richmond This Week. Now, There’s a Lawsuit against City and Police,” *Richmond Times-Dispatch*, June 26, 2020, [https://richmond.com/news/local/more-than-three-dozen-people-were-arrested-in-richmond-this-week-now-theres-a-lawsuit/article\\_afe31c51-891b-53f8-85dc-58c592a0186f.html](https://richmond.com/news/local/more-than-three-dozen-people-were-arrested-in-richmond-this-week-now-theres-a-lawsuit/article_afe31c51-891b-53f8-85dc-58c592a0186f.html).

material such as news media, blog posts, and social media may also provide useful evidence and data.

Next, in Chapter IV, this thesis conducts a comparative case-study analysis of two cases: Spain and the United States. Spain was chosen as a case study because after the end of Francisco Franco's dictatorship, the country left its authoritarian past behind, changed courses with how it dealt with civil war symbols post-Franco's demise, and moved forward democratically without repeating history. In contrast with Spain, the United States continues to wrestle with its past, including the Civil War and slavery, and more recent events post-2015 show how Confederate symbolism plays a role in current social inequalities and systemic racism. Historical events and outcomes, symbolism stemming from historical events, and how those events and symbols directly influenced a country's governance detail the framework of comparative analysis.

The final chapter concludes with a presentation of the findings from the case studies in order to provide a deeper understanding of how historical symbolism impacts democratic governance. Based on the findings, four policy recommendations are provided as well as areas for further research.

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## II. UNITED STATES DEMOCRATIC GOVERNANCE

This chapter first analyzes the academic debates on the various causes of democratic divide in the United States. It starts with the literature on polarization, whether it is the polarization of beliefs between—or within—party lines, or populism, where the beliefs are separated between the elite and common people. In addition to the separation of parties and people by polarization and populism, U.S. citizens have begun to turn to deadly threats of political violence in order to feel represented and heard by politicians, thus security crisis is also a factor in leading the United States towards a democratic crisis. Add on the wave of technology and social media influences and scholars are finding that these factors are only intensifying the effects of polarization, populism, and the security crises threatening the democratic governance of the United States.

### A. DEMOCRATIC DIVIDE

First, many scholars mark the beginning of democratic governance with the U.S. Constitution in 1789. This document lays out the fundamental principles of U.S. governance, separates it into three powers with established checks and balances, and essentially allows the people to self-govern.<sup>15</sup> Furthermore, the Founding Fathers designed the framework of the U.S. Constitution after taking into account human nature, emotional reactions, and forces that left previous democracies unstable and divided while still providing established rights and freedoms to the people.<sup>16</sup> Alternatively, scholars Levitsky and Ziblatt argue that the United States did not become fully democratized until the end of the Civil War in 1865.<sup>17</sup> In either case, American society is feeling the effects of U.S.

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<sup>15</sup> “Constitution FAQs,” National Constitution Center, accessed October 29, 2021, <https://constitutioncenter.org/learn/educational-resources/constitution-faqs>.

<sup>16</sup> Jonathan Haidt and Tobias Rose-Stockwell, “The Dark Psychology of Social Networks,” *The Atlantic*, November 12, 2019, <https://www.theatlantic.com/magazine/archive/2019/12/social-media-democracy/600763/>.

<sup>17</sup> Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Crown, 2018), 204.

democratic governance being divided and possibly failing.<sup>18</sup> In this context, a corpus of literature addresses the root causes of the decline in democratic governance.

## 1. Polarization

In accounting for the role of polarization in democratic decline, scholars concur that polarization is the greatest contributor but differ on its underlying causes in the United States.<sup>19</sup> In *Democracies Divided: The Global Challenge of Political Polarization*, Carothers and O'Donohue contended that polarization started in society, worked its way up through its elite members, and then into the political parties throughout the past few decades—stretching back to the 1950s with several periods of intensification.<sup>20</sup> Polarization, according to scholars McCoy and Somer, contributed to democratic decline in that citizens are not heard or fully represented by their parties; instead, they only receive two options that may or may not lead to a desirable outcome.<sup>21</sup> Building on these ideas, Mounk further traces the beginning of polarization to an economic decline and falling living standards.<sup>22</sup> He elaborated that this development has affected the democratic process because the political and wealthy elite use their status and power to determine political outcomes instead of listening to the overall population that democracy serves.<sup>23</sup> Similarly, Sides, Tesler, and Vavreck cited identity disparity such as race and culture.<sup>24</sup> Also,

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<sup>18</sup> Carothers and O'Donohue, *Democracies Divided*; Levitsky and Ziblatt, *How Democracies Die*; and Yascha Mounk, *The People vs. Democracy: Why Our Freedom Is in Danger and How to Save It* (Cambridge, MA: Harvard University Press, 2018).

<sup>19</sup> Political polarization occurs when issues and opinions differ in the overall population, and the divide continues and expands until there is no democratic agreement. Carothers and O'Donohue, *Democracies Divided*; Mounk, *The People vs. Democracy*; Richard H. Pildes, "The Age of Political Fragmentation," *Journal of Democracy* 32, no. 4 (2021): 146–59, <https://doi.org/10.1353/jod.2021.0058>; John Sides, Michael Tesler, and Lynn Vavreck, "The 2016 U.S. Election: How Trump Lost and Won," *Journal of Democracy* 28, no. 2 (2017): 34–44, <https://doi.org/10.1353/jod.2017.0022>; and Milan W. Svolik, "Polarization versus Democracy," *Journal of Democracy* 30, no. 3 (July 2019): 20–32, <https://doi.org/10.1353/jod.2019.0039>.

<sup>20</sup> Carothers and O'Donohue, *Democracies Divided*, 10.

<sup>21</sup> Jennifer McCoy and Murat Somer, "Overcoming Polarization," *Journal of Democracy* 32, no. 1 (January 2021): 2, <https://doi.org/10.1353/jod.2021.0012>.

<sup>22</sup> Mounk, *The People vs. Democracy*.

<sup>23</sup> Mounk, 4.

<sup>24</sup> Carothers and O'Donohue, *Democracies Divided*; Sides, Tesler, and Vavreck, "The 2016 U.S. Election."

according to Galston, the levels of education and geographical differences between citizens add to polarization, which in turn weakens democracy as those educated citizens attempt to boost their interests and drive further class divisions and inequality.<sup>25</sup> Galston as well as Levitsky and Ziblatt also found that political parties exacerbate polarization through control of the press—both during elections and throughout their terms—which, in turn, hampers democratic progress because politicians focus on themselves, not on representing their constituents (if elected).<sup>26</sup> Carothers and O'Donohue as well as Linz and Stepan agreed, concluding that political polarization weakens a system that is struggling to pass legislation. This situation will negatively impact democracy because policies and laws are at a standstill. In the meantime, economies and workers struggle.<sup>27</sup> According to Galston and Pildes, this partisan polarization prevents legislation on critical issues and further diminishes the citizens' trust in politicians as well as in the overall democratic system.<sup>28</sup> Thus, a broadly held view infers that political polarization may continue to weaken U.S. democracy if opposing views and opinions do not reach compromise and consensus to benefit the entire population.

## 2. Populism

In addition to polarization, a corpus of literature argues that populism is a significant threat to democracy and liberalism.<sup>29</sup> Populism, Mounk posited, is rising because the wealthy and elite politicians are perceived to control government at the expense

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<sup>25</sup> William A. Galston, "The Populist Challenge to Liberal Democracy," *Journal of Democracy* 29, no. 2 (2018): 5, <https://doi.org/10.1353/jod.2018.0020>.

<sup>26</sup> Galston, "The Populist Challenge to Liberal Democracy"; Levitsky and Ziblatt, *How Democracies Die*, 2.

<sup>27</sup> Carothers and O'Donohue, *Democracies Divided*; Linz and Stepan, *The Breakdown of Democratic Regimes*.

<sup>28</sup> Galston, "The Populist Challenge to Liberal Democracy"; Pildes, "The Age of Political Fragmentation."

<sup>29</sup> Galston posits that populism occurs amid a separation of citizens from the elite and political leaders as citizens feel that their values and ideals no longer align but conflict; therefore, the elite no longer represent the citizens as outlined in governance, and citizens push to govern themselves. Populism does not apply specifically to either right or left-wing ideals. Generally, all populists maintain that the institutionalized structures and legislative processes no longer represent the citizens and stand in the way of their wills. Galston, "The Populist Challenge to Liberal Democracy"; Mounk, *The People vs. Democracy*; Pildes, "The Age of Political Fragmentation."

of the public, taking away rights, thus separating liberalism from democracy and forming illiberal control.<sup>30</sup> In addition, Carothers and O'Donohue maintained that the 2016 U.S. election of Republican president Donald Trump showed how a president can capitalize on—and even deepen—polarization, as he did not claim to represent all citizens and instead focused on the ideals of a zealous base of followers.<sup>31</sup> Mounk agreed, finding that this election reawakened many citizens' eyes to the possibility of authoritarianism and the need to defend the values embodied in the Constitution.<sup>32</sup> Thus, scholars Fitzi, Mackert, and Turner further warn that populism has given rise to new grassroots formations that lack central controls or leadership.<sup>33</sup>

Nevertheless, another group of scholars argues that populism is a symptom—not just a cause—of democratic polarization and decline. For instance, although some scholars cite President Trump's election as the beginning of populist polarization, scholars Levitsky and Ziblatt traced the divide to the 1980s with an acceleration during the 2000s, with the division only worsening during Trump's term.<sup>34</sup> Moreover, Freedom House cited several key developments in its 2020 report such as Trump's politicized misrepresentation in regard to the COVID-19 pandemic, which was followed by aligned states, further dividing politicians, government, and the people.<sup>35</sup> Similarly, according to Pager and Romm, President Joe Biden and the Democratic-controlled U.S. Congress are also politically polarized within their own party—between moderate and progressive wings—so that they are struggling to pass legislation.<sup>36</sup> In contrast, Tubbs determined in his U.S.-focused

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<sup>30</sup> Mounk, *The People vs. Democracy*; Galston, "The Populist Challenge to Liberal Democracy."

<sup>31</sup> Carothers and O'Donohue, *Democracies Divided*; Mounk, *The People vs. Democracy*; Sides, Tesler, and Vavreck, "The 2016 U.S. Election."

<sup>32</sup> Mounk, *The People vs. Democracy*.

<sup>33</sup> Gregor Fitzi, Juergen Mackert, and Bryan S. Turner, eds., *Populism and the Crisis of Democracy: Volume 2: Politics, Social Movements and Extremism* (New York: Routledge, 2017).

<sup>34</sup> Levitsky and Ziblatt, *How Democracies Die*, 9.

<sup>35</sup> "United States: Freedom in the World 2021 Country Report," Freedom in the World 2021, accessed November 4, 2021, <https://freedomhouse.org/country/united-states/freedom-world/2021>.

<sup>36</sup> Tyler Pager and Tony Romm, "At an Economic Inflection Point, Biden Leans into Expansive, Populist Agenda," *Washington Post*, September 26, 2021, <https://www.washingtonpost.com/politics/2021/09/16/biden-economy/>.



research that despite visible democratic decline tipping points—including, for example, the economic inequalities and educational gaps between the poor and the wealthy—the U.S. democracy is not divided.<sup>37</sup> In fact, Tubbs contended that democracy is functioning as designed in the Constitution because the separation of powers and checks and balances remain intact. However, he did acknowledge that if the United States continues down its current path, it may reach a tipping point of polarization.<sup>38</sup> Likewise, Linz and Stepan advised that if democratic procedures are not followed and officials are not held to standards, then the country will continue down a path of democratic decline.<sup>39</sup> Therefore, according to the literature, whether it is populism or the polarization of beliefs between—or within—party lines, in order for U.S. democracy to remain stable and not decline, it needs to maintain legitimacy, efficacy, and effectiveness through its democratic procedures.<sup>40</sup>

### 3. Security Crisis

Another body of literature argues that security crises can lead to democratic decline. For instance, Kleinfeld stated that political violence may affect democracy itself as citizens feel so many different social triggers and pressures fracturing their common identities.<sup>41</sup> For instance, citizens may resort to political violence as a tool because they feel their identities are being threatened by social and political events, such as the COVID mask mandates or Black Lives Matter protests.<sup>42</sup> Separately, Kornegay posited that overt racism ascended during President Obama’s and President Trump’s terms, correlating with far-right nationalists making consistent threats of deadly violence throughout the United

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<sup>37</sup> Christian D. Tubbs, “Conditions of Democratic Erosion: Has U.S. Democracy Reached a Tipping Point?” (master’s thesis, Naval Postgraduate School, 2018), <http://hdl.handle.net/10945/61290>.

<sup>38</sup> Tubbs.

<sup>39</sup> Linz and Stepan, *The Breakdown of Democratic Regimes*.

<sup>40</sup> Linz and Stepan.

<sup>41</sup> Rachel Kleinfeld, “The Rise of Political Violence in the United States,” *Journal of Democracy* 32, no. 4 (October 2021): 160–76.

<sup>42</sup> Kleinfeld.

States.<sup>43</sup> Kornegay also warned that the largest threat to U.S. democracy's security is from citizens who persistently feel insecure about their well-being and the overall economy, regardless of their ethnicity or political beliefs.<sup>44</sup> Kleinfeld concurred that this violence is particularly apparent in the far right-wing population, but since President Joe Biden's election in 2020, far-left groups are also starting to turn to security disruptions in democracy.<sup>45</sup> Thus, the literature concurs that U.S. democracy is facing a security crisis as citizens are turning to deadly threats of political violence in order to feel represented and heard by their politicians.

Outside of the domestic security crisis in the United States, Kornegay advised that Russia and China currently pose a threat to U.S. democracy through various underhanded tactics.<sup>46</sup> For instance, Russia may be the leading underground actor spreading disinformation targeting elections in the United States.<sup>47</sup> Kornegay also posited that U.S. democracy campaign propaganda is portraying China as a threat to the United States due to China infecting its ideals in radical left political parties.<sup>48</sup> Additionally, Corker et al. hypothesized that previously Venezuela—which is now under corrupt leadership and experiencing human rights violations—represents a security interest threat to the United States.<sup>49</sup> As such, the autocratic government of Venezuela warned Venezuelans that the United States was going to attack their country and that the only way for this to stop was for U.S. citizens to speak out against their democracy and voice concerns against the attack.<sup>50</sup> In short, according to this research, the United States needs to control and secure

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<sup>43</sup> Francis Kornegay, *Black Remobilization and the Crisis in American Democracy and Security in the U.S. Election of 2020: Part I* (Pretoria, South Africa: Institute for Global Dialogue, 2020), <https://www.jstor.org/stable/resrep30615>.

<sup>44</sup> Kornegay.

<sup>45</sup> Kleinfeld, "The Rise of Political Violence in the United States."

<sup>46</sup> Kornegay, *Black Remobilization*.

<sup>47</sup> Kornegay.

<sup>48</sup> Kornegay.

<sup>49</sup> Deepening Political and Economic Crisis in Venezuela: Implications for U.S. Interests and the Western Hemisphere, Senate, 114th Cong., 1st sess., March 17, 2015, 86.

<sup>50</sup> S. Deepening Political and Economic Crisis.

its democracy from internal security crises before external factors accelerate the decline in U.S. democracy.

#### **4. Technology and Social Media Influence**

Other research contends that advancing digital technology and social media are further contributing to the U.S. increase in polarization, populism, and security crises, thus exacerbating its democratic regress.<sup>51</sup> Regarding social media, Pildes as well as Carothers and O'Donohue held that these platforms enable polarization via misinformation or disinformation. Tweets and web posts quickly spread virally online and may directly influence the views of political elites and how they vote on current legislation.<sup>52</sup> Fitzi, Mackert, and Turner concluded that the social media search algorithms allow individuals to only see like-minded posts from other individuals, thus allowing the confirmation bias toward previously established beliefs, despite any flaws or errors in the posts themselves.<sup>53</sup> Pildes also warned that the social media revolution might even make it almost impossible to keep citizens' views and ideals organized or concise; they appear as distorted and highly fractured, driving further divisions over political issues.<sup>54</sup> Mounk observed that social media has shifted the power balance between politicians and citizens, thus affecting democracy because the power of leadership is always in question.<sup>55</sup> In regard to conventional media, according to Freedom House's "United States: Freedom in the World 2021 Country Report," news outlets and broadcasters have become incredibly polarized and routinely influence and spin their coverage.<sup>56</sup> In sum, scholars find that social media and communications technology are significant factors intensifying polarization, populism, and the security crises threatening democracy in the United States.

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<sup>51</sup> Mounk, *The People vs. Democracy*, 16.

<sup>52</sup> Carothers and O'Donohue, *Democracies Divided*; Pildes, "The Age of Political Fragmentation."

<sup>53</sup> Fitzi, Mackert, and Turner, *Populism and the Crisis of Democracy: Volume 2*.

<sup>54</sup> Pildes, "The Age of Political Fragmentation."

<sup>55</sup> Mounk, *The People vs. Democracy*.

<sup>56</sup> Freedom House, "United States."

## **B. CONCLUSION**

Ultimately, scholarship finds evidence of democratic deconsolidation in the United States based on four factors. First, a broadly held view infers that political polarization may continue to weaken U.S. democracy if opposing views and opinions do not reach compromise and consensus to benefit the entire population. Second, whether it is populism or the polarization of beliefs between—or within—party lines, in order for the United States' democracy to remain stable and not decline, it needs to maintain legitimacy, efficacy, and effectiveness through its democratic procedures.<sup>57</sup> Third, the United States needs to control and secure its democracy from internal security crises before external factors accelerate its decline in democracy. Fourth, scholars find that social media and communications technology are significant factors that are only intensifying the polarization, populism, and the security crises threatening democracy in the United States.

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<sup>57</sup> Linz and Stepan, *The Breakdown of Democratic Regimes*.

### III. CONFEDERATE SYMBOLISM

After a historical event, a symbol may be created or crafted in commemoration. Directly, for the American Civil War, Confederate symbols include monuments and statues; a flag; names of schools, highways, parks, bridges, counties, cities, lakes, dams, roads, military bases, other public works; and holidays and other observances.<sup>58</sup><sup>59</sup> As of January 2022, the Southern Poverty Law Center (SPLC) identified a total of 2,089 public instances of Confederate symbolism in the United States. However, from their establishment until today, the numbers of Confederate symbols have never been documented comprehensively, so the totals, such as the one taken by the SPLC, rely heavily upon independent research and public submissions.

Symbolic memorialization stems from the physical location of the object, what it represents, who created it, and who upholds its values and beliefs.<sup>60</sup> For instance, scholar Szayna found that monuments and statues are public pieces of art that have become symbolically important to people with economic and political power; the public then views the monuments and statues as focal points to reinforce the nation's power structure.<sup>61</sup> Furthermore, in terms of Confederate symbolism, scholar Cox stated that a monument or statue is also seen as a representation of the creator's system of beliefs and not just a stone pillar.<sup>62</sup> Therefore, when evaluating Confederate symbolism it is important to consider three key factors: the symbol's form, the symbol's creator, and the symbol's location\.

Given these three factors for consideration, this chapter first discusses the forms of Confederate symbolism and how Confederate symbols may be a form of influence on how future generations remember the history of the Confederacy as well as a commemorative

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<sup>58</sup> "Whose Heritage? Public Symbols of the Confederacy 2nd Edition," Southern Poverty Law Center, February 1, 2019, <https://www.splcenter.org/20190201/whose-heritage-public-symbols-confederacy>.

<sup>59</sup> Southern Poverty Law Center.

<sup>60</sup> Gene Klein, "Confederate Monuments and Their Impact on the Collective Memory of the South and the North," *Southeastern Geographer* 61, no. 3 (2021): 242, <https://doi.org/10.1353/sgo.2021.0018>.

<sup>61</sup> Szayna, "Confederate Statues Symbolize."

<sup>62</sup> Cox, *No Common Ground*, 14.

symbol. Second, the chapter discusses the two primary conflicting views on Confederate symbolism: defenders and challengers to the Confederacy and everything it represents. Finally, given the number of symbols and two conflicting viewpoints, the chapter concludes by considering how Confederate symbolism may have a direct impact on the United States' democratic governance.

## **A. FORMS OF CONFEDERATE SYMBOLISM**

The American Civil War, 1861–1865, ended with the Confederate South's defeat, followed by the abolishment of slavery, guaranteed equal protection under the law for all citizens, and the right to vote for African American males. Despite the end of slavery, Confederate symbols began to populate throughout the United States. Monuments in Civil War cemeteries and battlefields in recognition of the deceased Confederates who were buried there were the first form of Confederate symbolism.<sup>63</sup>

After the Reconstruction period, historian Cox found that Confederate monuments and statues began to appear outside of cemeteries in places such as parks, streets, and other public spaces in the South.<sup>64</sup> The grounds in front of local courthouses and state capitols eventually became the primary location for Confederate monuments.<sup>65</sup> In addition to monuments and statues, the Confederate battle flag became a symbol of the Confederacy as well as an abundance of places, things, and holidays dedicated to Confederate leaders. Subsequently, more than 150 years later, Confederate symbols are still prominently displayed throughout the South and in some instances beyond. See Figure 1.

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<sup>63</sup> Cox, 20.

<sup>64</sup> Cox, 20.

<sup>65</sup> Cox, 20.

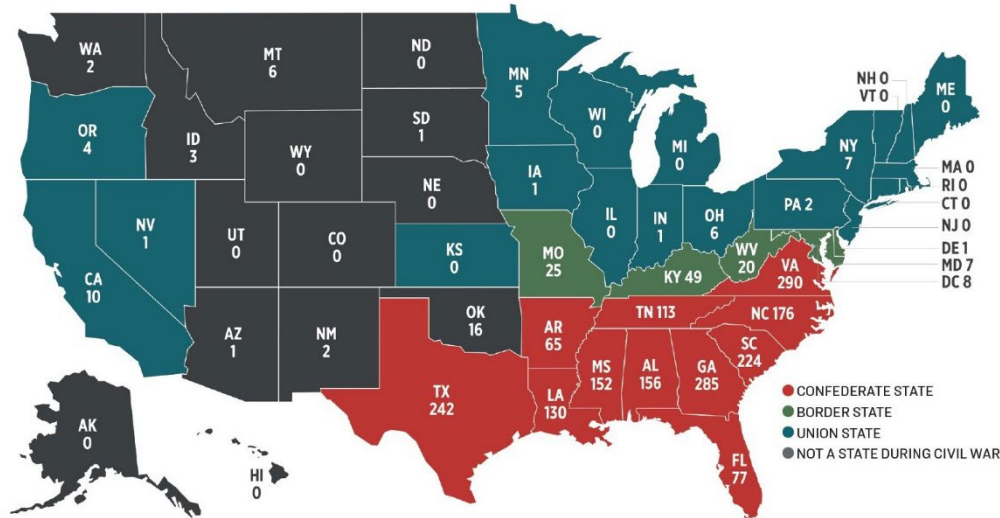


Figure 1. Total Number of Confederate Symbols in Each State as of January 2022<sup>66</sup>

## 1. Monuments and Statues

As of January 20, 2022, out of 2,089 public Confederate symbols, only 723 are considered monuments or statues.<sup>67</sup> Thus, monuments and statues are only approximately one-third of all Confederate symbols.<sup>68</sup> The SPLC states that the vast majority of these monuments and statues are memorials to Confederate soldiers that are “inscribed with colorful language extolling their heroism and valor, or, sometimes, the details of particular battles or local units. Some go further, however, to glorify the Confederacy’s cause.”<sup>69</sup> In terms of dedications of the monuments and statues, the 2019 SPLC report found that 604 were before 1950, 28 between 1950–1970, and 34 were after 2000, numbers that do not add up to the findings of 723 in 2022.<sup>70</sup> In sum, the number of Confederate monuments and statues is not precise as there is no single record that tracks them throughout the United

<sup>66</sup> Source: “Whose Heritage? Public Symbols of the Confederacy 3rd Edition,” Southern Poverty Law Center, 2022, 23, <https://www.splcenter.org/sites/default/files/whose-heritage-report-third-edition.pdf>.

<sup>67</sup> The remaining symbols are in the form of names, holidays, or a flag. Southern Poverty Law Center, 9.

<sup>68</sup> Southern Poverty Law Center, 30.

<sup>69</sup> Southern Poverty Law Center, “Whose Heritage? 2nd Ed. 2019.”

<sup>70</sup> Southern Poverty Law Center.

States. Moreover, in recent years some of these monuments have been removed or relocated, making the exact tracking of numbers difficult.

## **2. Confederate Flag**

The Confederate flag seen most often today never stood as the official symbol of the Confederacy during the Civil War.<sup>71</sup> Throughout the war and before the South's defeat in 1865, the Confederacy flew three national flags: the Stars and Bars, Stainless Banner, and the Blood-Stained Banner.<sup>72</sup> In the end, "the flag we see most often today is a rectangular version of the square battle flag that was flown by the Army of Northern Virginia, the South's primary in the Civil War."<sup>73</sup> It is also known as the Southern Cross, Dixie flag, or rebel flag.<sup>74</sup> The flag has a red background with a blue X that has 13 white stars representing the 11 Confederate states as well as Missouri and Kentucky, although those two states never seceded.<sup>75</sup> In Figure 2 is a lithograph from 1897 that displays four of the prominent designs of the Confederate flag.<sup>76</sup>

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<sup>71</sup> "Whose Heritage?: Public Symbols of the Confederacy 1st Edition," The Southern Poverty Law Center, January 1, 2016, 8, [https://www.splcenter.org/sites/default/files/com\\_whose\\_heritage.pdf](https://www.splcenter.org/sites/default/files/com_whose_heritage.pdf).

<sup>72</sup> Erin Blakemore, "How the Confederate Battle Flag Became an Enduring Symbol of Racism," *National Geographic*, January 12, 2021, <https://www.nationalgeographic.com/history/article/how-confederate-battle-flag-became-symbol-racism>; Southern Poverty Law Center, "Whose Heritage? 1st Ed. 2016."

<sup>73</sup> Southern Poverty Law Center, "Whose Heritage? 1st Ed. 2016," 8.

<sup>74</sup> Southern Poverty Law Center, 8.

<sup>75</sup> Southern Poverty Law Center, 8.

<sup>76</sup> Blakemore, "How the Confederate Battle Flag."



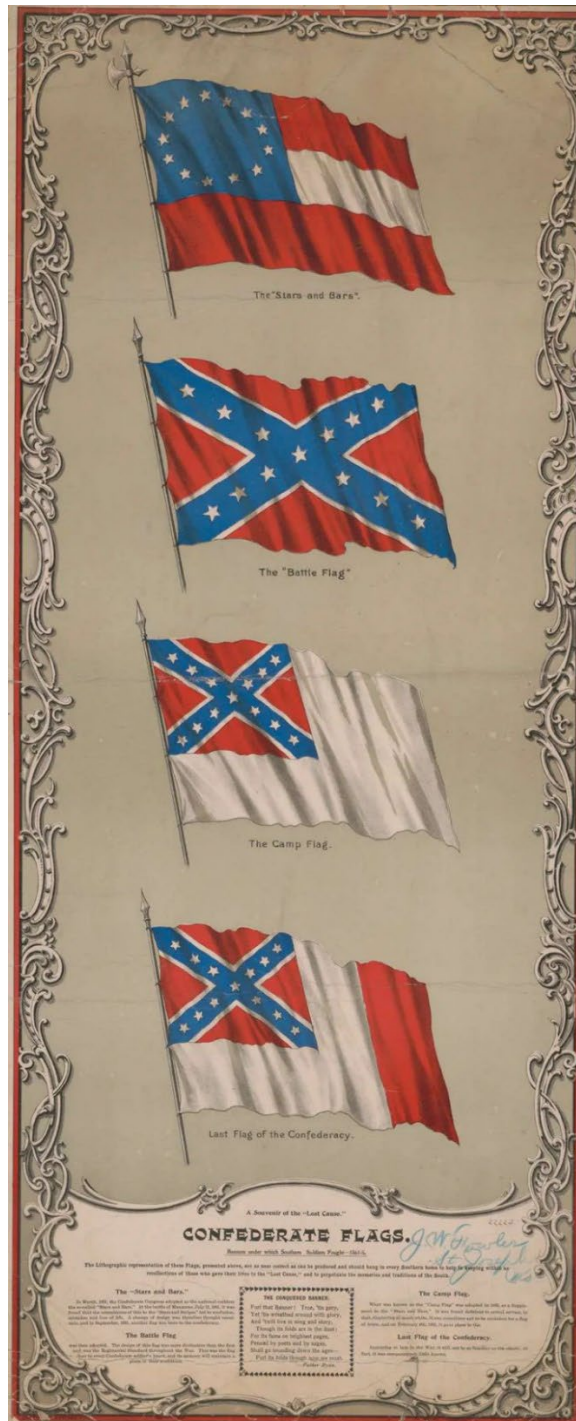


Figure 2. 1897 Lithograph Showing Four Prominent Designs of the Confederate Flag.<sup>77</sup>

<sup>77</sup> Source: Blakemore.

The Confederate Battle Flag began to surface post-Reconstruction and was even added to the state flag of Mississippi in 1894.<sup>78</sup> The Equal Justice Initiative (EJI), a legal advocacy group, claimed that, in 1956, Georgia placed the Confederate flag onto its state flag in opposition to the 1954 Supreme Court decision of *Brown v. Board of Education*.<sup>79</sup> The Confederate flag was also used as an intimidation symbol by the Ku Klux Klan. It was also flown over the state capitols of Alabama and South Carolina.<sup>80</sup> The SPLC found that as of 2016, the state flags of Alabama, Arkansas, Florida, Georgia, and Mississippi all still have remnants of the Confederate flag on their state flags.<sup>81</sup>

Journalist Blakemore claimed that the Confederate flag has also morphed into a popular fad as a large-scale business that prints the flag on T-shirts, knick-knacks, and bumper stickers.<sup>82</sup> Blakemore also stated that the Confederate flag became a general symbol of rebellion as it was tied to the band Lynyrd Skynyrd and *The Dukes of Hazzard* television show.<sup>83</sup> These various uses of the Confederate flag has amplified the original battlefield symbolism of the South and taken on new symbolism from those who have chosen to model or display the flag today.

So, how is the symbolism of the Confederate flag similar or different from monuments and statues? Scholars Crankshaw, Brent, and Brent found that symbolic flags are considered to have more loyalty and intentional values than other memorialized symbols because the flags symbolize the direct ideas and actions of the group in

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<sup>78</sup> Blakemore; Stephanie R. Rolph, “The History of Mississippi’s State Flag,” Mississippi History Now, February 2013, <https://www.mshistorynow.mdah.ms.gov/issue/the-history-of-mississippi%27s-state-flag>.

<sup>79</sup> “The Truth About Confederate-Named Schools,” Equal Justice Initiative, September 16, 2020, <https://eji.org/news/the-truth-about-confederate-named-schools/>.

<sup>80</sup> *Encyclopedia Britannica*, s.v. “Ku Klux Klan,” accessed April 14, 2022, <https://www.britannica.com/topic/Ku-Klux-Klan>; The Ku Klux Klan is a white supremacist organization founded by veterans of the Confederate army in order to resist Reconstruction and restore white domination. Blakemore, “How the Confederate Battle Flag.”

<sup>81</sup> In 2021, Mississippi removed the Confederate flag from their state flag. This will be expanded upon in the next chapter. Southern Poverty Law Center, “Whose Heritage? 1st Ed. 2016,” 8.

<sup>82</sup> Blakemore, “How the Confederate Battle Flag.”

<sup>83</sup> In the *Dukes of Hazzard* television show, the orange Dodge charger is called “The General Lee,” in reference to Confederate General Robert E. Lee, and has a depiction of the Confederate flag on the roof. Blakemore.

representation.<sup>84</sup> The authors differentiated between monuments and flags, in that a flag represents an ideology while a monument is a form of memorial.<sup>85</sup> Therefore, when the Confederate flag is flown it is not only in commemoration of the Confederacy in battle but also as a rallying symbol for Confederate beliefs.<sup>86</sup> Furthermore, Crankshaw, Brent, and Brent found that the Lost Cause movement utilized the Confederate flag as a symbol in their reestablishment of white supremacy without slavery in a post-Civil War United States.<sup>87</sup> Thus, as a symbol of the Confederacy, the flag is not seen as a memorial but instead as an active symbolic representation of the Confederacy's foundational beliefs in white supremacy.

### **3. Names and Holidays**

There are a great number of places, things, and state holidays named after and celebrated in honor of Confederate leaders. For example, during World War I and into the 1940s, ten U.S. Army bases located in former Confederate states were named in honor of Confederate military leaders.<sup>88</sup> Additionally, the U.S. Naval Academy and U.S. Military Academy also have buildings that were named in honor of Confederate officers, as well as ships, including the USS Chancellorsville, a missile cruiser named for a Confederate victory of the Civil War, and a USNS oceanographic ship named after Matthew Fontaine Maury, who served in the Confederate navy.<sup>89</sup>

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<sup>84</sup> Ned Crankshaw, Joseph E. Brent, and Maria Campbell Brent, "The Lost Cause and Reunion in the Confederate Cemeteries of the North," *Landscape Journal* 35, no. 1 (2016): 1.

<sup>85</sup> Crankshaw, Brent, and Brent, 1.

<sup>86</sup> Crankshaw, Brent, and Brent, 1.

<sup>87</sup> "The Lost Cause: Definition and Origins," American Battlefield Trust, July 14, 2021, <https://www.battlefields.org/learn/articles/lost-cause-definition-and-origins>; The Lost Cause myth was centered on six parts. First, secession had little to do with the institution of slavery; second, slavery was portrayed as a positive good; third, the Confederacy only lost due to the North having more resources and men; fourth, Confederate soldiers should be portrayed as heroic, gallant, and saintly; fifth, Confederate General Robert E. Lee is the most sanctioned symbol of the cause; and last, southern women supported the cause and should be portrayed as pure and saintly. Crankshaw, Brent, and Brent, "The Lost Cause."

<sup>88</sup> Barbara Salazar Torreon, *Confederate Names and Military Installations*, CRS Report No. IN10756 (Washington, DC: Congressional Research Service, 2021), 3, <https://sgp.fas.org/crs/natsec/IN10756.pdf>.

<sup>89</sup> Connor O'Brien, "The Pentagon Has 3 Years to Strip Confederate Names from Bases. Here's What Comes Next," *Politico*, January 1, 2021, <https://www.politico.com/news/2021/01/05/pentagon-confederate-name-bases-455180>.

Outside of the military, the SPLC's database shows that there are over 741 roadways named after Confederate leaders.<sup>90</sup> In addition to roadways, in 2020 the *Wall Street Journal* conducted a study and found over 100 public places such as towns, schools, libraries, parks, and roads that have Confederate names.<sup>91</sup> The SPLC has similar findings from 2022 and shows a greater breakdown of 104 counties and municipalities, 38 parks, 51 buildings, six bodies of water, six bridges, and seven commemorative license plates.<sup>92</sup>

Over the last 30 years, EJI has been working to challenge poverty and racial injustice as well as provide research and recommendations for assistance in criminal justice reform.<sup>93</sup> In 2020, EJI located over 240 schools in 17 states that are named after Confederate leaders.<sup>94</sup> The EJI claimed that during the 1950s–1960s the schools were given these Confederate names to maintain racial hierarchy and resist racial integration in opposition to the Supreme Court's 1954 *Brown v. Board of Education* decision.<sup>95</sup>

In addition to names of places and establishments, the six states of Alabama, Arkansas, Mississippi, South Carolina, Texas, and Virginia have official state holidays in commemoration of the Confederacy.<sup>96</sup> The nine holidays are “Alabama (Robert E. Lee Day, Jefferson Davis’ Birthday, Confederate Memorial Day); Arkansas (Robert E. Lee Day); Mississippi (Confederate Memorial Day, Robert E. Lee’s Birthday); South Carolina (Confederate Memorial Day); Texas (Confederate Heroes Day); Virginia (Lee-Jackson Day).”<sup>97</sup> In sum, scholar Szayna found that “Historical figures associated with the

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<sup>90</sup> Southern Poverty Law Center, “Whose Heritage? 3rd Ed. 2022,” 9.

<sup>91</sup> Lindsay Huth, Taylor Umlauf, and Valerie Bauerlein, “Confederate Names Are Common in the U.S.—and Not Just on Statues,” *Wall Street Journal*, June 26, 2020, sec. U.S., <https://www.wsj.com/articles/confederate-names-are-common-in-the-u-s-and-not-just-on-statues-11593176400>.

<sup>92</sup> Southern Poverty Law Center, “Whose Heritage? 3rd Ed. 2022,” 9.

<sup>93</sup> “Equal Justice Initiative,” Equal Justice Initiative, accessed June 30, 2022, <https://eji.org/>.

<sup>94</sup> Equal Justice Initiative, “The Truth About Confederate-Named Schools.”

<sup>95</sup> Equal Justice Initiative.

<sup>96</sup> Southern Poverty Law Center, “Whose Heritage? 1st Ed. 2016,” 12.

<sup>97</sup> Southern Poverty Law Center, 12.

Confederacy is part of the larger debate about the role of racism in this country and the treatment of African Americans.”<sup>98</sup>

## **B. CONFLICTING VIEWS ON CONFEDERATE SYMBOLISM**

Post–Civil War Confederate symbolism has been adopted and promoted by various organizations and individuals. Buffington and Waldner argued that all forms of Confederate symbolism simply allow individuals to understand the history and specific landmarks of the Civil War.<sup>99</sup> In contrast, Crankshaw, Brent, and Brent stated that the symbol may not be in representation of the event or person itself, but rather the symbol represents the individuals’ representation of the historical past from their point of view and how they intend the future to remember the event.<sup>100</sup>

It is argued here that the promotion of Confederate symbolism may not just be in commemoration but also as a form of influence on how future generations remember the Confederacy. In essence, these are two opposing camps: defenders of Confederate symbolism and challengers to Confederate symbolism.

### **1. Defenders of Confederate Symbolism**

The United Daughters of the Confederacy (UDC), Sons of Confederate Veterans, and other various individuals and organizations are defenders of Confederate symbolism.<sup>101</sup> It was in the late 1800s and early 1900s that these defenders began to honor and memorialize Civil War ancestors for future generations by erecting hundreds of Confederate symbols all across the United States.<sup>102</sup> Defenders state that these symbols are historical markers and instructional tools that are utilized for educational purposes for

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<sup>98</sup> Szayna, “Confederate Statues Symbolize.”

<sup>99</sup> Melanie Buffington and Erin Waldner, “Defending and De-Fencing: Approaches for Understanding the Social Functions of Public Monuments and Memorials,” *Journal of Social Theory in Art Education* 32, no. 1 (January 1, 2012): 11.

<sup>100</sup> Crankshaw, Brent, and Brent, “The Lost Cause,” 1.

<sup>101</sup> Cox, *No Common Ground*; Klein, “Confederate Monuments and Their Impact”; Crankshaw, Brent, and Brent, “The Lost Cause.”

<sup>102</sup> Cox, *No Common Ground*.

all future generations regarding the sacrificial honor of Confederate soldiers.<sup>103</sup> Additionally, in regard to the location of the approximate 700 monuments and statues, scholar Szayna found that defenders claim that monuments and statues that depict military leaders of the Confederate South should remain on military bases as they represent their skills and contributions to the U.S. military profession.<sup>104</sup>

Other scholars equate the Lost Cause narrative of the late 1800s and early 1900s with defenders and their interpretations of the Civil War. For instance, Klein stated that after the end of the Civil War, the Lost Cause narrative provided a way for defenders of the South to portray that the war was about states' rights and that slavery was a benefit to those who were enslaved.<sup>105</sup> Crankshaw, Brent, and Brent also argued that the Lost Cause narrative allows defenders a chance to navigate and direct how the new economic and social order would adjust while still justifying white supremacy.<sup>106</sup>

Outside of the Lost Cause, ex-Confederate leaders and their organizations also become defenders. These ex-Confederates and their various organizations such as the Ku Klux Klan, Red Shirts, and Knights of the White Camellia all have become known as neo-Confederates in their holding of white supremacy beliefs.<sup>107</sup> As defenders, these organizations have been adapting Confederate symbols to further their organizations, embrace the original Southern heritage, and celebrate white-supremacist ideals.

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<sup>103</sup> Cox, 22.

<sup>104</sup> Szayna, "Confederate Statues Symbolize."

<sup>105</sup> Klein, "Confederate Monuments and Their Impact," 242.

<sup>106</sup> Crankshaw, Brent, and Brent, "The Lost Cause," 5.

<sup>107</sup> In 1868 the Knights of White Camellia originated in Louisiana and in 1874 the Red Shirts originated in Mississippi, both organizations were state versions of the Ku Klux Klan who wanted the Democratic party and white supremacy to rule. Loewen and Sebesta, *The Confederate and Neo-Confederate Reader: The "Great Truth" and the "Lost Cause,"* 24; H. Leon Prather, "The Red Shirt Movement in North Carolina 1898–1900," *The Journal of Negro History* 62, no. 2 (1977): 174–84, <https://doi.org/10.2307/2717177>; Justin A. Nystrom, "Knights of the White Camellia," 64 Parishes, accessed August 26, 2022, <https://64parishes.org/entry/knights-of-the-white-camellia>.

## 2. Challengers to Confederate Symbolism

There are a number of scholars and activists who challenge the continued presence of Confederate symbolism. These challengers believe that this symbolism is an affront to the freedom and justice that all U.S. citizens deserve as equals. Challengers see Confederate symbols as a reminder of white supremacy and inequality and a way for defenders to glorify the South's heritage.<sup>108</sup> Also, historian Cox, a challenger to Confederate symbols, found that, "Monument defenders continue to argue that Confederates went to war to defend states' rights, leaving out the fact that states' rights meant the right to perpetuate slavery."<sup>109</sup>

Additionally, Cox has found that challengers to Confederate symbols have continuously voiced their grievances against Confederate symbolism since their establishment.<sup>110</sup> She stated that African Americans, out of fear of being attacked or lynched, secretly vandalized Confederate monuments from the moment of their erection and expressed their contempt against all symbols representing the failed Confederacy in leading African American newspapers such as the *Chicago Defender*.<sup>111</sup> However, Cox claimed that in the aftermath of violent white supremacist events in 2015 in Charleston, South Carolina, and in 2017 in Charlottesville, Virginia, that African Americans and fellow challengers have bonded with renewed strength and stamina to stand up for their equality and the removal of what they perceive as symbols of injustice.<sup>112</sup>

Coinciding with this new strength, the BLM organization began in 2013 with the goal of eradicating systemic racism, white supremacy, and violence inflicted on African Americans.<sup>113</sup> Based on their standing, the BLM began centering their protests and

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<sup>108</sup> Cox, *No Common Ground*, 13.

<sup>109</sup> Cox, 22.

<sup>110</sup> Cox, *No Common Ground*.

<sup>111</sup> Cox, 67; Karen L. Cox, "With These Racist Markers in Place, There Can Be No Peace," CNN, June 5, 2020, <https://www.cnn.com/2020/06/01/opinions/confederate-monuments-george-floyd-protests-history-cox/index.html>.

<sup>112</sup> Cox, *No Common Ground*; Cox, "With These Racist Markers in Place, There Can Be No Peace."

<sup>113</sup> "Black Lives Matter," Black Lives Matter, accessed March 22, 2022, <https://blacklivesmatter.com/>.

movements around Confederate symbols as they found it assisted with the challengers' mindset and possibly lead to the removal of all white supremacist symbols, including Confederate symbols.<sup>114</sup>

In sum, challengers argue that defenders "were motivated not just to honor their veteran ancestors but to vindicate them as well, a term they repeatedly used in their writings."<sup>115</sup> Furthermore, the defending UDC "insisted that its members simply wished to honor the memory of their fallen forebears," and "the plaques commissioned for these statues frequently referenced the 'rightness' of the Confederate cause," contradicting their verbal claims.<sup>116</sup>

Regardless of their locations, since the erection of Confederate monuments and statues, scholar Cox drew into question the shifting logic that defenders use to justify why these monuments should remain.<sup>117</sup> For instance, defenders have claimed monuments should remain to protect the heritage of Confederate Americans, and then post-9/11 they additionally claimed the removal would be likened to the Taliban's destruction of cultural artifacts.<sup>118</sup> Additionally, scholar Lowery stated that Confederate monuments were erected in order to rewrite history to claim that the Civil War was fought in honor of states' rights.<sup>119</sup> Yet, she claimed the monuments exclude not just African American Southerners but all diverse people, such as Indians, Asians, Jews, and Latinos who also call the South home.<sup>120</sup> Thus, Cox argued that defenders have had to adapt their reasoning for the existence of the monuments because they are not actually about historical representation but instead promote white supremacy.<sup>121</sup>

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<sup>114</sup> "Black Lives Matter."

<sup>115</sup> Cox, No Common Ground.

<sup>116</sup> Draper, "Toppling Statues Is a First Step."

<sup>117</sup> Cox, No Common Ground, 13.

<sup>118</sup> Cox, 13–14.

<sup>119</sup> Malinda Maynor Lowery, "We Are the Original Southerners," *The New York Times*, May 22, 2018, sec. Opinion, <https://www.nytimes.com/2018/05/22/opinion/confederate-monuments-indians-original-southerners.html>.

<sup>120</sup> Lowery.

<sup>121</sup> Cox, No Common Ground, 14.



## C. CONCLUSION

Since the late 19th century, the organizations that erected the various forms of Confederate symbols have held celebrations in the Confederacy's honor such as the birthdays of Confederate generals, Civil War reenactments, and even the celebrations of Confederate Memorial Day.<sup>122</sup> Yet, at the same time, these pieces of symbolism have also sparked protests.

Politicians may memorialize Confederate symbols as a part of their campaigns, which over time have brought different meanings and portrayals of these elements.<sup>123</sup> For example, some pieces of Confederate symbolism have become political art, where viewers are instructed on how to interpret the meaning and remember the historical significance from a certain vantage point.<sup>124</sup> Thus, those politicians who stand behind Confederate symbolism are seen as instilling the values of the prior Confederate states, despite their loss.<sup>125</sup>

Monuments and statues are symbols that represent the accomplishments and feats of historical figures and how they played a role in the shaping of the United States.<sup>126</sup> Yet today, the statues of Confederate leaders who were defeated in the Civil War have turned into publicized focal points for challenges to systemic racism.<sup>127</sup>

It is important to recognize that while Confederate symbolism is keenly debated today, this is not a new phenomenon: historical monuments are often under scrutiny during political or social transformations.<sup>128</sup> In the end, although Confederate symbols, including monuments, have existed since the end of the Civil War in 1865, recent events have driven the need to analyze the effects of Confederate symbols.

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<sup>122</sup> Cox, 14.

<sup>123</sup> Crankshaw, Brent, and Brent, "The Lost Cause," 1.

<sup>124</sup> Buffington and Waldner, "Defending and De-Fencing," 6.

<sup>125</sup> Buffington and Waldner, 6.

<sup>126</sup> Szayna, "Confederate Statues Symbolize."

<sup>127</sup> Szayna.

<sup>128</sup> Szayna.

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#### IV. COMPARATIVE CASE STUDY OF HISTORICAL SYMBOLISMS' IMPACT ON DEMOCRATIC GOVERNANCE

Spain struggled with how to best move forward cohesively and peacefully following the 1936–1939 Spanish Civil War and the 1975 end of Francisco Franco's dictatorship. Spain's first stance was the 1977 Pact of Forgetting, which was given a legal basis under the Spanish 1977 Amnesty Law. This amnesty law ensured that all mentions of the Civil War were to be kept out of everything from social conversations to politics, while political parties on the left and right were in agreement that there would also be no investigations or prosecutions stemming from the past. So, according to Encarnacion, instead of truth and justice it was simply forget and move forward.<sup>129</sup>

Yet, beginning in the 1980s and by the 2000s, historians began to reconstruct the history of Francoist repression for archival purposes, consequently creating a repository of collective memories.<sup>130</sup> The public recognition of this material drove Spain to adopt the 2007 Law of Historical Memory.<sup>131</sup> This law essentially started the recognition of Franco's regime as illegitimate and began providing paths to closure and compensation for Spanish Civil War victims and their families. Even further, legacy Francoist officials were no longer in key positions to keep family members of civil war victims quiet in their drive for remembrance and therefore Spain's path of democracy began to shift from silence to acknowledgement.

In contrast with Spain, the United States did not formally adopt a national law to address symbols of the Civil War. In fact, federal and state governments are all represented by different political parties with different laws and policies regarding the symbolism. Therefore, without one bipartisan law the United States has faced repeated protests against Confederate symbols, charging they are markers for white supremacy and systemic racism.

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<sup>129</sup> Omar G. Encarnacion, *Democracy without Justice in Spain: The Politics of Forgetting* (Philadelphia, PA: University of Pennsylvania Press, 2014), 3, ProQuest Ebook Central.

<sup>130</sup> Helen Graham, *The Spanish Civil War: A Very Short Introduction* (New York: Oxford University Press, 2005), 140–41.

<sup>131</sup> Graham, *The Spanish Civil War*.

Most recently, in the last decade the U.S. has faced three extreme violent cases that have called for further governmental actions against the standing of Confederate symbols. It has been through these three events that the United States has seen how its political governance exhibits signs of neo-Confederate resilience today.<sup>132</sup> In sum, there is still no single legislation or law and defenders of Confederate symbols claim that removing the symbolism equates to erasing history, while on the other hand historians and polling citizens feel that it is time for the symbols to go and that the history of the Civil War can be engaged in other ways.<sup>133</sup>

#### A. SPAIN, POST-CIVIL WAR

The Spanish Civil War, 1936–1939, began with a military coup by right-wing Spanish military officers under the direction of General Francisco Franco. The goal was to overthrow Spain’s leftist republican government in part because of the growing civilian political opposition to republican reforms.<sup>134</sup> Scholar Graham noted that it was not only republicans who comprised the leftist republican government but it was also supported by communists, the parliamentary socialist movement, and the anti-parliamentary anarcho-sindicalists.<sup>135</sup> The opposing right wing, under Franco’s leadership, was supported by radical conservatives and Spain’s fascist party.<sup>136</sup>

Given the division of political parties, scholars Palmer and Encarnacion claimed that this war became a battle between fascism and democracy and has since been labeled as the first battle between right-wing authoritarianism and liberal democracy.<sup>137</sup> The three-year conflict tore Spain apart, and by the time the republicans surrendered in Madrid in March 1939, thousands had turned on one another, hundreds of thousands were murdered

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<sup>132</sup> Potok, “Three Years After Dylann.”

<sup>133</sup> Treisman, “Nearly 100 Confederate Monuments Removed in 2020.”

<sup>134</sup> Helen Graham, *The Spanish Civil War a Very Short Introduction* (New York: Oxford University Press, 2005), 10.

<sup>135</sup> Graham, 13.

<sup>136</sup> Graham, 17.

<sup>137</sup> Alex W. Palmer, “The Battle Over the Memory of the Spanish Civil War,” *Smithsonian Magazine*, July 2018, <https://www.smithsonianmag.com/history/battle-memory-spanish-civil-war-180969338/>; Encarnacion, *Democracy without Justice in Spain*, 1.

for their political beliefs, and close to a million lives were lost.<sup>138</sup> With Franco's victory over the republican army, Spain continued under his violent and heavy-handed dictatorship until his death in November 1975.<sup>139</sup>

Scholar Palmer stated that despite the nationalists' victory over the republicans, both sides were responsible for committing widespread atrocities throughout the three years.<sup>140</sup> In fact, Palmer further elaborated that the nationalists were responsible for torturing, shaming, and killing those to have been perceived political opponents, while on the other side the republicans were responsible for mass executions of alleged fascists and the slayings of thousands of Catholic individuals.<sup>141</sup> In the end, the unhealed wounds and divisions from the Spanish Civil War remain today. For instance, current Spanish politics are still divided between the right-wing conservatives and defenders of Franco against the secular liberal left, who are descendants of the defeated republicans.<sup>142</sup> Therefore, the chances of a single policy or law addressing the Spanish Civil War may never appease all of Spain's political parties.

## **1. Pre 2007**

Franco died in 1975 and in 1976, Spain began the transition back to a democratic country. The entire country, including politicians, had anxieties, fears, and apprehensions about repeating their troubled past and where the future would lead them. Overall, they were ready to let the past be the past and move forward.<sup>143</sup> In 1977, right and left national parties came to an unwritten political arrangement called the Pact of Forgetting, which held no accountability for all the tortures, executions, forced exiles, and lives lost by both sides

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<sup>138</sup> Palmer, "Battle Over the Memory."

<sup>139</sup> Encarnacion, *Democracy without Justice in Spain*, 1.

<sup>140</sup> Palmer, "Battle Over the Memory."

<sup>141</sup> Palmer.

<sup>142</sup> Palmer.

<sup>143</sup> Omar G. Encarnacion, "Forgetting, in Order to Move On," *New York Times*, January 22, 2014, <https://www.nytimes.com/roomfordebate/2014/01/06/turning-away-from-painful-chapters/forgetting-in-order-to-move-on>.

during the Spanish Civil War.<sup>144</sup> Scholar Faber stated that for the Spanish right, this transition placed no blame and allowed the country to leave the past behind and focus on the future; some sectors of the left agreed and felt that returning to the past was unnecessary and may spark new violence based upon old hatred.<sup>145</sup> However, Faber noted that for other parts of the left, the idea of just forgetting did not allow the republicans to properly mourn and historically honor their victims under the abuse of Franco. In contrast, the Franco regime had spent the previous 40 years honoring its victims with symbols such as monuments and street names.<sup>146</sup>

Despite the disagreements, the Pact of Forgetting was granted legal standing under the comprehensive 1977 Amnesty Law, permitting Spain to nominally reconcile and transition to a new democratic country; both parties agreed that there would be no investigations or prosecutions of anything concerning the Spanish Civil War.<sup>147</sup> This law also guaranteed amnesty to political prisoners and to all members of Franco's regime.<sup>148</sup> Last, under the amnesty law, "The pact of forgetting has meant that mere mention of the Civil War has been kept out of everything, from politics to dinner-party conversations."<sup>149</sup>

Even with the Pact of Forgetting, the transition to a new democratic government still saw periods of political violence and instability. Between 1975 and 1980, Spain had 460 politically motivated deaths and both right-wing and left-wing organizations caused about 400 deaths in terrorist attacks.<sup>150</sup> Moving forward, in the 1980s, Spain went through a socialist government that tried to reform the Francoist judicial system by lowering the

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<sup>144</sup> Encarnacion, *Democracy without Justice in Spain*, 1–2.

<sup>145</sup> Sebastiaan Faber, *Memory Battles of the Spanish Civil War* (Nashville, TN: Vanderbilt University Press, 2018), 60.

<sup>146</sup> Faber, 60.

<sup>147</sup> Faber, 60; Encarnacion, *Democracy without Justice in Spain*, 2.

<sup>148</sup> Virginia Matteo, "Remembering Franco's Legacy: How Spain Broke the Pact of Forgetting," Owlcation, December 18, 2017, <https://owlcation.com/humanities/Pact-of-Forgetting-el-Pacto-del-Olvido-Francos-Spain>.

<sup>149</sup> Encarnacion, *Democracy without Justice in Spain*, 3.

<sup>150</sup> Matteo, "Remembering Franco's Legacy."

retirement age of judges so those closely sided with the Franco regime would retire.<sup>151</sup> However, Encarnacion claims it was the military that held the authoritarian power in the new Spanish democracy.<sup>152</sup> In fact, on February 23, 1981, military staged a coup that ultimately failed yet left the government remembering the terror of the Spanish Civil War and that the military could disrupt any political order.<sup>153</sup> In the end, both the socialist administration and the failed coup reminded the government of the desire to forget the past and not reopen any old wounds.

Thus, from 1977 to the 21st century, the government of Spain was committed to disremembering the entire past, including any anniversary dates of remembrance.<sup>154</sup> While unusual, this Pact of Forgetting did not hinder Spain from building a successful democratic government; some even have found that this pact may have been a positive factor in Spain adapting to its new democratic government.<sup>155</sup> In fact, scholar Faber stated that forgetting the past for Spain was seen as a virtue, or perhaps a duty. However, now Spaniards are choosing to no longer forget but to honor and remember.<sup>156</sup> This change of path began as a republican-led movement by citizens, with the help of archaeologists, began to unearth mass graves, recover and identify bodies, and provide families closure from the Spanish Civil War.<sup>157</sup>

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<sup>151</sup> Encarnacion, *Democracy without Justice in Spain*, 68–69.

<sup>152</sup> Encarnacion, 70.

<sup>153</sup> Encarnacion, 70; Narcís Serra and Peter R. Bush, *The Military Transition: Democratic Reform of the Armed Forces* (Cambridge, UK: Cambridge University Press, 2010); Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore, MD: The Johns Hopkins University Press, 1996), 108.

<sup>154</sup> Encarnacion, “Forgetting, in Order to Move On.”

<sup>155</sup> Encarnacion.

<sup>156</sup> Sebastiaan Faber, *Memory Battles of the Spanish Civil War* (Nashville, Tennessee: Vanderbilt University Press, 2018), 1.

<sup>157</sup> Graham, *The Spanish Civil War: A Very Short Introduction*, 141; Palmer, “Battle Over the Memory.”

## 2. Post 2007

In the 21st century, after Spanish democracy was consolidated by the October 1982 elections, Spain began to significantly reckon with its past.<sup>158</sup> This reckoning was brought on between the late 1990–2009 when a grassroots network of citizens' associations made social and political demands.<sup>159</sup> Faber wrote that the grassroots citizens' political rallies and demands opened doors to new initiatives, exhumations, court cases, and formal appeals.<sup>160</sup> In 2000, for instance, a part of the grassroots network the Association for the Recovery of Historical Memory (ARHM) was founded by Emilio Silva, an individual who wanted to exhume unmarked graves to locate his grandfather who died during the Spanish Civil War.<sup>161</sup> The ARHM set about to require Spain's government to fund investigations and exhumation of bodies so that families would be able to locate their loved ones.

Furthermore, Faber found that some of the ARHM's branches also utilized technological advances in broadcasting and communications to show the investigations into Franco's repression and to acknowledge and honor its victims.<sup>162</sup> This initiative received global news coverage concerning the need for a reckoning with the past; thus, in 2006, the Congress of Deputies declared it the "Year of Historical Memories."<sup>163</sup> In the end, Matteo stated that this grassroots movement began not because Spain's current government was unsuccessful or due to Franco's regime being overthrown; instead, it was because the prior reformed government had included Francoist officials who were vested in keeping their past quiet.<sup>164</sup>

In December 2007, Spain's Congress of Deputies sought to formally recognize the notorious mass killings by both sides of the Spanish Civil War by instituting the Law of

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<sup>158</sup> Linz and Stepan, *Problems of Democratic Transition and Consolidation*, 108.

<sup>159</sup> Faber, *Memory Battles*, 2.

<sup>160</sup> Faber, 2.

<sup>161</sup> Matteo, "Remembering Franco's Legacy"; Graham, *The Spanish Civil War: A Very Short Introduction*, 142.

<sup>162</sup> Faber, *Memory Battles*, 61.

<sup>163</sup> Matteo, "Remembering Franco's Legacy"; Encarnacion, *Democracy without Justice in Spain*, 1.

<sup>164</sup> Matteo, "Remembering Franco's Legacy."



Historical Memory.<sup>165</sup> While this historical memory law did not overturn the 1977 Amnesty Law, it did contain seven parts to bring about reparations to victims of Franco's regime.<sup>166</sup> First, it condemned Franco's dictatorship as illegitimate and unjust. Second, it began the modest compensation of the victims of the Spanish Civil War and their families.<sup>167</sup> Third, it granted Spanish citizenship to prior members of the International Brigade as well as to children and grandchildren of Spanish republican exiles.<sup>168</sup> Fourth, the state would help to exhume mass graves.<sup>169</sup> Fifth, the law also prohibited any Francoist symbolism, such as monuments, plaques, street names, etc., on public spaces.<sup>170</sup> Sixth, the law prohibited political use of the Valley of the Fallen (Franco's burial monument) and seventh, deemed the Spanish Civil War Archive a Center of Historical Memory, where monuments that possessed a significant historical or cultural reflection were to be protected.<sup>171</sup>

However, the Law of Historical Memory was not favored by all citizens. In fact, Faber stated that the Law of Historical Memory left many politicians and citizens dissatisfied, feeling it was too weak, and others saw it as more of a personal issue than of public concern.<sup>172</sup> Faber further claimed that this revisiting of the past led to the display of republican and Francoist precursor versions of Spain's national flag at political rallies as well as intense and violent debates regarding the relationship of Spain's democratic present with its historical civil war and Franco's dictatorship.<sup>173</sup> In sum, Faber claimed, "If there is any real effort, transformation, or sacrifice, the other party is expected to bear

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<sup>165</sup> Encarnacion, *Democracy without Justice in Spain*, 1.

<sup>166</sup> Faber, *Memory Battles*, 59; Encarnacion, *Democracy without Justice in Spain*, 3.

<sup>167</sup> Encarnacion, "Forgetting, in Order to Move On"; Faber, *Memory Battles*, 59.

<sup>168</sup> Faber, *Memory Battles*, 59.

<sup>169</sup> Faber, 59.

<sup>170</sup> Faber, 59.

<sup>171</sup> Encarnacion, *Democracy without Justice in Spain*, 4; Faber, *Memory Battles*, 59.

<sup>172</sup> Faber, *Memory Battles*, 59.

<sup>173</sup> Faber, 59–60.

the brunt. For the Right, the Left should finally realize that it is better to leave the past in the past. For the Left, the Right should finally acknowledge what it owes to its victims.”<sup>174</sup>

Despite the differences, in 2019 the government moved Franco’s coffin from the Valley of the Fallen to a smaller cemetery and removed many statues and street signs depicting Franco and his regime.<sup>175</sup> Despite these changes, the ARHM estimated that around 114,000 victims still remain in mass unmarked graves.<sup>176</sup> Thus, in September 2020 a new draft bill was approved by the Spanish cabinet to further address the civil war and Franco’s dictatorship legacy.<sup>177</sup>

The democratic Memory Bill would take action beyond the 2007 Law of Historical Memory and rectify many issues from Spain’s past that were never addressed when the country transitioned to democracy.<sup>178</sup> For one, it considers shutting down associations that glorify Franco and his regime as well as extending Spanish citizenship and honors to descendants of those who fought for the republican side of the Spanish Civil War.<sup>179</sup> Additionally, the bill would turn the Valley of the Fallen into a collective memory location and not a state-run civil war memorial.<sup>180</sup> Furthermore, it would create a civil war democratic memory and human rights prosecutor’s office with a nationally funded DNA lab to assist with exhumation of victims from mass graves.<sup>181</sup> In regard to history, this bill would also alter how Francoism would be taught in schools across Spain.<sup>182</sup> Finally, the

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<sup>174</sup> Faber, 60–61.

<sup>175</sup> Guy Hedgecoe, “Spain Tackles Franco’s Ghost (Again),” POLITICO, September 15, 2020, <https://www.politico.eu/article/spains-tackles-francos-ghost-again/>.

<sup>176</sup> Hedgecoe.

<sup>177</sup> Carlos E. Cué, “Spain Drafts Bill Against Remaining Legacy of Franco Era,” El País, September 15, 2020, [https://english.elpais.com/spanish\\_news/2020-09-15/spain-drafts-bill-against-remaining-legacy-of-franco-era.html](https://english.elpais.com/spanish_news/2020-09-15/spain-drafts-bill-against-remaining-legacy-of-franco-era.html).

<sup>178</sup> Hedgecoe, “Spain Tackles Franco’s Ghost (Again).”

<sup>179</sup> Cué, “Spain Drafts Bill Against Remaining Legacy of Franco Era.”

<sup>180</sup> Cué; Hedgecoe, “Spain Tackles Franco’s Ghost (Again).”

<sup>181</sup> Cué, “Spain Drafts Bill Against Remaining Legacy of Franco Era”; Hedgecoe, “Spain Tackles Franco’s Ghost (Again).”

<sup>182</sup> Cué, “Spain Drafts Bill Against Remaining Legacy of Franco Era.”

bill, unlike the 2007 law, states that any infringements will face penalties as high as 150,000 Euros (approximately US\$150,000 in 2022).<sup>183</sup>

In sum, from the end of the Spanish Civil War until today, historical memory has been a political topic in Spain, with contrasting government views and ideologies on how to address the past. In 2020, journalist Hedgecoe stated that the new democratic Memory Bill would likely face harsh debate and he was correct, because it was not until July 14, 2022, that the bill was backed by Spain's parliament and set to receive Spanish senate approval.<sup>184</sup> The bill's final adoption is expected by the end of 2022.<sup>185</sup>

## **B. UNITED STATES, POST-CIVIL WAR**

The battle over Confederate symbols and their meanings began during the Lost Cause and Reconstruction periods and have continued through the 20th and 21st centuries. Throughout this time, Confederate symbols have been utilized by various individuals and organizations to represent multiple meanings and calls for actions. For instance, these symbols have been utilized by white supremacists to glorify and honor their superiority while on the other hand it is a focal point for African Americans' call to end racial inequalities and systemic racism.

Most recently, three critical events utilized Confederate symbols as the rallying point behind racial inequalities and the drive for democratic governance to stand up and finally end systemic racism in the United States. These events are the 2015 white supremacist massacre in Charleston, South Carolina; the 2017 Unite the Right Rally in Charlottesville, Virginia; and the 2020 death of George Floyd (and the following summer of racial reckoning). In sum, every Confederate symbol has an origination story, yet over the past 150-plus years that story may have taken on new or multiple meanings convoluting how society is viewing the symbolism today.

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<sup>183</sup> Cué.

<sup>184</sup> Hedgecoe, "Spain Tackles Franco's Ghost (Again)."

<sup>185</sup> Matthew Holroyd, "Spain's Parliament Backs Law to Entrench Memory of Franco's Victims," euronews, July 14, 2022, <https://www.euronews.com/2022/07/14/spains-parliament-backs-law-to-entrench-memory-of-francos-victims>.

## 1. 2015

On June 17, 2015, Dylann Roof, a 21-year-old white supremacist and high school dropout, walked into a Bible study at Emanuel A.M.E. Church in Charleston, South Carolina, and murdered nine African American members while sparing the life of one woman so she would declare a race war on his behalf.<sup>186</sup> In the aftermath, the Federal Bureau of Investigation (FBI) found Roof's social media posts displaying the Confederate flag, a handwritten journal of racist views, pictures of himself holding his weapon at historical Civil War sites, and declaring the need for racial action against African Americans to "take back America."<sup>187</sup> Dylann Roof was found guilty on 33 counts of federal hate crimes and sentenced to death.<sup>188</sup>

Social media began discussing how this neo-Confederate massacre of African American churchgoers opened up the recent national reckoning on how the United States should be addressing Confederate symbols.<sup>189</sup> First in response, South Carolina's General Assembly came together and enacted their Heritage Act of 2000 that "Protects all historical monuments and names of buildings, requiring a two-thirds vote from the General Assembly to make any changes in response."<sup>190</sup> On July 10, 2015, the voting was complete, and the Confederate flag that was still being flown on South Carolina's statehouse lawn was removed.<sup>191</sup>

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<sup>186</sup> Meg Kinnard, "5 Years After Church Massacre, South Carolina Protects Confederate Monuments," PBS NewsHour, June 17, 2020, <https://www.pbs.org/newshour/nation/5-years-after-church-massacre-south-carolina-protects-confederate-monuments>; Brett A. Barnett, "League of the South's Internet Rhetoric: Neo-Confederate Community-Building Online," *Journal of Hate Studies* 13, no. 1 (2016): 151.

<sup>187</sup> Kinnard, "5 Years After Church Massacre, South Carolina Protects Confederate Monuments."

<sup>188</sup> Treisman, "Nearly 100 Confederate Monuments Removed in 2020."

<sup>189</sup> Neo-Confederates are individuals or groups who positively view the Confederate States of America, their actions during the Civil War, and white supremacist ideologies. Mark Potok, "Three Years After Dylann Roof, Neo-Confederates Are Back," *The Daily Beast*, June 17, 2018, sec. politics, <https://www.thedailybeast.com/three-years-after-dylan-roof-neo-confederates-are-back>.

<sup>190</sup> Kinnard, "5 Years After Church Massacre, South Carolina Protects Confederate Monuments."

<sup>191</sup> Barnett, "League of the South's," 151; Kinnard, "5 Years After Church Massacre, South Carolina Protects Confederate Monuments."

Following South Carolina's action, scholars and reporters began coverage of political leaders in various other Southern states who also began to call for the removal of the Confederate flag from state flags, city and public properties, as well as products produced by the government, such as license plates.<sup>192</sup> Crankshaw, Brent, and Brent stated that the removal of the flag should be a relatively easy task as the flag itself is an encapsulation of the Confederate battle cry and loyalty that no longer stands.<sup>193</sup> In addition to the actions of politicians and governments, reporters and scholars also noted that businesses Amazon, eBay, Sears, Walmart, and car racing association NASCAR were all removing and ceasing usage or sales of Confederate symbols.<sup>194</sup>

This retroactive responsive continued beyond the removal of the Confederate flag; it also began to formulate into protest movements against all Confederate monuments throughout the United States.<sup>195</sup> In several cities, from Maryland down to South Carolina, Confederate monuments were vandalized by protestors. Political leaders began calling for the removal of Confederate monuments on public properties in Tennessee and New Orleans, Louisiana.<sup>196</sup> Scholars anticipated that the removal of Confederate monuments and the flag would spread to include renaming Confederate landmarks and military bases.<sup>197</sup>

In 2015, in light of the drive to remove Confederate symbols, the SPLC began tracking the exact numbers and locations of each.<sup>198</sup> In the end, by April 2017, the SPLC found that approximately 60 public Confederate symbols, of the over 1,500 documented by 2016, were removed.<sup>199</sup>

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<sup>192</sup> Barnett, "League of the South's," 152; Crankshaw, Brent, and Brent, "The Lost Cause."

<sup>193</sup> Crankshaw, Brent, and Brent, "The Lost Cause."

<sup>194</sup> Potok, "Three Years After Dylann"; Barnett, "League of the South's," act 153.

<sup>195</sup> Barnett, "League of the South's," 153.

<sup>196</sup> Barnett, 153.

<sup>197</sup> Barnett, 154.

<sup>198</sup> Treisman, "Nearly 100 Confederate Monuments Removed in 2020."

<sup>199</sup> "Weekend Read: The State of the Confederacy in 2017," Southern Poverty Law Center, April 28, 2017, <https://www.splcenter.org/news/2017/04/28/weekend-read-state-confederacy-2017>.

## 2. 2017

In 2017, several cities and states were continuing with the removal of Confederate symbols in response to the 2015 massacre and wide protests. The most notable was in February 2017, in Virginia, when Charlottesville's city council voted to remove a Confederate statue of General Robert E. Lee from a downtown park and rename two parks that were named for Confederate generals.<sup>200</sup> In response, some residents sued, leading a judge to block the removal of the statue for six months during litigation.<sup>201</sup> During this period, in April, Charlottesville's city council voted to sell the statue and have the buyer remove it. In May, a neo-Confederate demonstration against its removal was met by counterprotesters, leading to three arrests and one officer injured. In July, 50 Ku Klux Klan members were met and outnumbered 20 to 1 by counterprotesters, leading to police use of pepper spray and 22 arrests.<sup>202</sup>

Yet the biggest response occurred August 11–12, 2017, when hundreds of far right extremists and white supremacists gathered for a Unite the Right rally at Emancipation Park, formerly Lee Park, and the location of the debated statue.<sup>203</sup> The rally was organized and led by members of the neo-Confederate group League of the South in order to protest against the removal of Confederate symbols.<sup>204</sup> The Anti-Defamation League (ADL) claimed that the rally represented over 50 extreme right groups, and as seen in Figure 3 the estimated 600 participants represented more than 30 states and even Canada, Sweden, and

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<sup>200</sup> Elliott C. McLaughlin, "Charlottesville Rally Violence: How We Got Here," CNN, August 14, 2017, <https://www.cnn.com/2017/08/14/us/charlottesville-rally-timeline-tick-tock/index.html>.

<sup>201</sup> McLaughlin.

<sup>202</sup> McLaughlin.

<sup>203</sup> Top radical right influencers Jason Kessler (organizer), Richard B. Spencer, Bradley Dean Griffin, Christopher Cantwell, Matthew Heimbach, David Duke, Michael Hill, and Augustus Sol Invictus were present; as well as the Traditionalist Worker Party, KKK, Vanguard America, League of the South (organizer), Identity Evropa and Proud Boys organizations. McLaughlin; "The People, Groups and Symbols at Charlottesville," Southern Poverty Law Center, August 15, 2017, <https://www.splcenter.org/news/2017/08/15/people-groups-and-symbols-charlottesville>.

<sup>204</sup> McLaughlin, "Charlottesville Rally Violence."

South Africa.<sup>205</sup> Additionally, the ADL also claimed that participants from anti-government militias participated in the rally yet later claimed to not be in support of white supremacists (Figure 4).<sup>206</sup> Therefore, Confederate symbols are not only emblematic of white supremacy but are also linked with anti-government organizations generally.

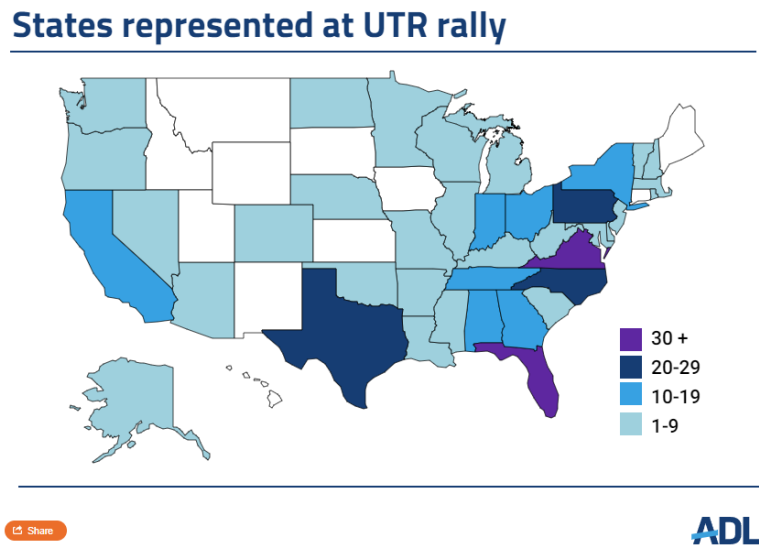


Figure 3. States Represented at the Unite the Right Rally<sup>207</sup>

<sup>205</sup> The ADL is an anti-hate organization that works to protect democracy and ensure a worldwide inclusive society. “Two Years Ago, They Marched in Charlottesville. Where Are They Now?,” ADL, August 8, 2019, <https://www.adl.org/resources/blog/two-years-ago-they-marched-charlottesville-where-are-they-now>.

<sup>206</sup> ADL.

<sup>207</sup> Source: ADL.

## Unite the Right Attendees Count by Sub-movement



\* Graphic represents 330 attendees identified by ADL's Center on Extremism

Share

ADL

Figure 4. Unite the Right Rally Attendees by Sub-movement<sup>208</sup>

On August 11, the night before the planned rally, there were violent protests and a clash between white nationalists and counter protestors that caused police to declare an unlawful assembly and for Governor Terry McAuliffe of Virginia to declare a state of emergency.<sup>209</sup> The next day, despite police attempts to block the rally, right-wing extremist protesters violently advanced and in the end many people were injured, one counterprotester killed, and two police officers died when their helicopter crashed while

<sup>208</sup> ADL.

<sup>209</sup> McLaughlin, "Charlottesville Rally Violence."



patrolling the event.<sup>210</sup> In the end, the ADL and SPLC labeled this protest one of the largest hate rallies to be seen in decades.<sup>211</sup>

The first and largest response to this deadly protest was from politicians. On the evening of the event, President Donald Trump issued condolences to the families of those who lost their lives, as well as a blanket statement against hatred and violence.<sup>212</sup> Yet, both Republicans and Democrats immediately called for a stronger statement from the president that would directly condemn actions by white supremacists and neo-Confederate groups; however, this demand was not addressed until Trump's statement on Monday.<sup>213</sup> Nonetheless, African American Kenneth Frazier, Merck CEO, stepped down from Trump's manufacturing council in protest of Trump's lack of response condemning the actions of white supremacists and neo-Confederates.<sup>214</sup>

In opposition to Trump, Virginia's state and local leaders immediately attended a rally the next day at an African American church to express that they did not agree with the ideology and actions of the rally's leaders and they were ready to begin the healing process as best they could.<sup>215</sup> Additionally, Americans across the United States held hundreds of protests marching in solidarity against the deadly rally.<sup>216</sup>

Furthermore, the ADL claimed that this event sparked two additional responses of white supremacist activities.<sup>217</sup> First, white supremacists expanded their propaganda to promote their ideologies and gain followers; second, white supremacists began a larger

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<sup>210</sup> "A Year Ago, the Charlottesville Rally Shined a Light on White Supremacists and Sparked Overdue Conversations," PBS, August 10, 2018, <https://www.pbs.org/newshour/show/a-year-ago-the-charlottesville-rally-shined-a-light-on-white-supremacists-and-sparked-overdue-conversations>.

<sup>211</sup> "Who We Are," ADL, accessed August 20, 2022, <https://www.adl.org/about-adl>; McLaughlin, "Charlottesville Rally Violence."

<sup>212</sup> McLaughlin, "Charlottesville Rally Violence."

<sup>213</sup> McLaughlin.

<sup>214</sup> McLaughlin.

<sup>215</sup> McLaughlin.

<sup>216</sup> McLaughlin.

<sup>217</sup> ADL, "Two Years Ago."

series of violent attacks throughout the United States.<sup>218</sup> In fact, CNN journalists claimed that sources informed them that the uneasy political climate allowed white supremacists to have a broader platform to stage their rallies and protests.<sup>219</sup> For instance, CNN reported of white supremacists' free speech and no to Marxism rallies occurring in Boston on August 19, 2017, on September 11 at Texas A&M College, and Florida and California.<sup>220</sup>

However, social media was a factor after the Charlottesville rally. For instance, it has become much easier to search and find images from the rally, which has proven to be a problem for right-wing protestors who wished to remain anonymous.<sup>221</sup> The ease of finding images on these open-source platforms has led to repercussions against attendees such as being banned from social platforms and travel, getting rejected by family and friends, as well as losing their jobs<sup>222</sup> Moreover, some attendees were convicted of violent crimes in relation to the rally. There were also civil lawsuits at both the state and federal levels regarding the conspiracy to plan the rally and promote the subsequent violence that ensued.<sup>223</sup>

In November, 2021, a jury in the civil case against the organizers of the rally found the neo-Confederate group League of the South and two of its leaders liable of a civil conspiracy under Virginia state law and ordered the group to pay \$1 million in punitive damages and the two leaders to pay \$500,000.<sup>224</sup> This coincided with SPLC's 2021 findings that there was a significant decrease within the neo-Confederate category due to financial challenges facing neo-Confederate groups in the wake of a civil lawsuit brought against group leaders by Integrity First for America and no significant protests from the

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<sup>218</sup> The violent attacks have resulted in at least 73 murders since Charlottesville, including the deadly white supremacist shooting rampages in Parkland, Pittsburgh, Poway, and El Paso. ADL.

<sup>219</sup> McLaughlin, "Charlottesville Rally Violence."

<sup>220</sup> McLaughlin.

<sup>221</sup> ADL, "Two Years Ago."

<sup>222</sup> ADL.

<sup>223</sup> ADL.

<sup>224</sup> "Neo-Confederate," Southern Poverty Law Center, accessed August 4, 2022, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/neo-confederate>.

left to rally against.<sup>225</sup> However, “a dedicated and loyal following of neo-Confederate extremists continue to plot online and will use efforts to remove Confederate monuments, rename parks, schools and other public spaces as a way to rally other extremists to their ideology, recruit new members and fundraise from the larger radical right movement.”<sup>226</sup>

### 3. 2020

Another push to remove Confederate symbols intensified after the May 25, 2020, murder of George Floyd by a Minneapolis police officer and the subsequent summer of racial reckoning protests and riots throughout the United States.<sup>227</sup> In fact, as many as 15–26 million people participated in protests calling for changes to racial injustice.<sup>228</sup> In addition to protestors, major corporations, college sports associations, musicians, church leaders, and politicians all took to social media to denounce racism and call for nationwide changes.<sup>229</sup> It may be argued that these nationwide protests, riots, and calls for action were a cry for the United States to reexamine the legacy of racial injustice still present today.<sup>230</sup>

In several cities, these protests and riots were centered around Confederate symbols, often leading to the vandalism and destruction of said symbols. In response, “on June 26, 2020, President Trump issued an executive order to further criminalize vandalism and ‘violence’ charges against monuments across the United States, including Confederate statues in places where state and local authorities have removed them.”<sup>231</sup> In sum, this was the first, and to this day only, executive order that acknowledges the destruction of historical symbols and places a penalty regardless of their location on either federal or state land.

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<sup>225</sup> Southern Poverty Law Center.

<sup>226</sup> Southern Poverty Law Center.

<sup>227</sup> Draper, “Toppling Statues Is a First Step.”

<sup>228</sup> Southern Poverty Law Center, “Neo-Confederate.”

<sup>229</sup> Camila Domonoske, “Report: 59 Confederate Symbols Removed Since George Floyd’s Death,” NPR, accessed August 4, 2022, <https://www.npr.org/2020/08/12/901771780/report-59-confederate-symbols-removed-since-george-floyds-death>.

<sup>230</sup> Treisman, “Nearly 100 Confederate Monuments Removed in 2020.”

<sup>231</sup> Cox, No Common Ground, 5.

Arguably, this new wave of protests led Mississippi to allow voters to weigh in on a new flag design that would be without Confederate symbolism.<sup>232</sup> In January 2021, after 73% of voters favored the flag's change, Mississippi removed the Confederate Battle Flag from their state flag.<sup>233</sup>

In the end, between 2019 and 2021, after all three major events, the United States saw the largest decline in neo-Confederate numbers with several prominent groups losing chapters.<sup>234</sup> In fact, in 2021, the SPLC found that the number of groups dropped to 16 from 31 reported in 2020.<sup>235</sup> Even more important is that the number of significant protests by neo-Confederates has diminished, yet they continue to utilize online social platforms to display their ideology and recruit new members who are opposed to removing Confederate symbols from public spaces.<sup>236</sup>

In addition to the numbers of neo-Confederate groups dropping, public Confederate symbols are also on the decline. In 2021, the SPLC reported that during 2020, 168 Confederate symbols were either renamed or removed from public locations.<sup>237</sup> However, as of January 20, 2022, 2,089 public Confederate symbols still remain in the United States. For a complete 2020 interactive list of symbols removed, see SPLC's 2020 Confederate Symbol Removals website at 2020 Confederate Symbol Removals (splcenter.org). In sum, although the number of symbols is starting to decline, they are still present and associated with violent political protests and calls for the end to systemic racism.

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<sup>232</sup> Southern Poverty Law Center, "Neo-Confederate."

<sup>233</sup> Southern Poverty Law Center.

<sup>234</sup> Southern Poverty Law Center.

<sup>235</sup> Southern Poverty Law Center.

<sup>236</sup> Southern Poverty Law Center.

<sup>237</sup> "SPLC Reports Over 160 Confederate Symbols Removed in 2020," Southern Poverty Law Center, February 23, 2021, <https://www.splcenter.org/presscenter/splc-reports-over-160-confederate-symbols-removed-2020>; "2020 Confederate Symbol Removals," Southern Poverty Law Center, accessed August 20, 2022, <https://www.splcenter.org/data-projects/2020-confederate-symbol-removals>.

## C. CONCLUSION

The comparison between Spain and the United States in facing the legacies of civil war indicates that each country's historical symbolism has had a direct political impact and correlation with their democratic governance. For Spain, the country originally entered a new democratic governance under an agreement to let the past atrocities remain in the past and move forward with a new clean slate. Yet, some 30 years later their government changed hands and with citizens pushing for closure, Spain is now in a realm of addressing their past and providing closure for victims and their families. In sum, for Spain, the current governmental views and ideologies of democratic politicians and civil society organizations has correlated with their country's new path of recognition and remembrance.

Alternatively, the United States has never had a unified response to historical Confederate symbols. The federal government and each individual state government all have different regulations and laws regarding the symbolism and within the last decade this has come under increased scrutiny. Nonetheless, symbols of neo-Confederate resilience remain.<sup>238</sup> Even further, defenders of Confederate symbols still claim that removing the symbolism equates to erasing history, while on the other hand many historians and a majority of citizens feel that it is time for the symbols to go and that the history of the Civil War can be engaged in other ways.<sup>239</sup>

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<sup>238</sup> Potok, "Three Years After Dylann."

<sup>239</sup> Treisman, "Nearly 100 Confederate Monuments Removed in 2020."

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## **V. CONCLUSION**

The preceding chapters address debates on the root causes of division in the United States. Specifically, this thesis employs empirical research methods to explore how Confederate symbols correlate with the social, economic, and political divides separating U.S. citizens and provides an answer on how the divided U.S. democratic governance is further being impacted by the deepening split over Confederate symbols. For the United States, the root issues affecting democratic governance that are further exacerbated by Confederate symbols stem from polarization, populism, technology and social media as well as deadly political violence occurrences that citizens felt necessary in order to feel seen and heard by their politicians and government.

Prior to this thesis, scant literature directly analyzed Confederate symbols and their correlation within U.S. governance. Therefore, this thesis utilized comparative case study analysis of historical symbolism in Spain versus Confederate symbolism in the United States. Following is an evaluation of this analysis that allows for inferences and future policy recommendations. Based upon the empirical research and this comparative case study analysis, in order for the United States to be a cohesive democracy and not face further decline from the impact of Confederate symbols, it needs to maintain legitimacy, efficacy, and effectiveness through its democratic procedures. In sum, in order to maintain those three key functions, this chapter contains four recommendations for the future of U.S. governance regarding its impact from Confederate symbolism.

### **A. COMPARATIVE CASE STUDY FINDINGS AND ANALYSIS**

For Confederate symbols and their impact on U.S. democratic governance, this thesis finds four conclusions, which are elaborated on in this section.

1. Leaving the past atrocities of the Civil War behind may lead to bipartisanship and progressive governance.
2. U.S. citizens need to be equally represented for effective governance because if left unheard or unrepresented, they may turn to political protests and rallies in order to demand social and political changes.

3. If no governance progress is made, citizens will resort to violent and sometimes deadly political actions creating a security crisis throughout the United States.
4. Digital advances in technology and social media may play both a positive and negative role in regard to Confederate symbols and their symbolic representations.

The first finding is that leaving the past atrocities of the U.S. Civil War behind may lead to bipartisanship and progressive governance. For example, after the 1975 end of Francisco Franco's autocratic dictatorship, Spain's government chose to leave behind its authoritarian past and move forward democratically. In order to not repeat history, the Spanish government thought it was best to push past their polarization of beliefs between—and within—party lines to choose a path of forget and move forward, where all historical symbolism from their civil war remained in place and there would be no political conversations regarding the atrocities from either side of the war.

Unlike Spain, since 1789 when the U.S. Constitution was established, the United States' democratic governance was already underfoot, prior to the 1861–1865 American Civil War. Furthermore, U.S. governance, unlike Spain, allows for a great deal of power to remain at the individual state level. This breakdown of power between federal and states allows for the adoption of different state legislations and heritage laws addressing Confederate symbols within the United States. Thus, many Southern politicians and elite societal members use their status to enact state laws that allowed for Confederate symbols to be erected on public land despite what the overall state population desired.

Additionally, over the past 150-plus years, in the United States this state-driven political polarization has lacked bipartisanship agreement, allowing for various political parties to go back and forth between subsequent terms on the viewpoint and standing of Confederate symbols. Thus, individual state democratic systems have become weakened due to legislations and laws being at a standstill and allowing for Confederate symbols to



not only remain but also to take on multiple ideologies over the years.<sup>240</sup> In sum, this partisan polarization has let the impact of Confederate symbols play a role in citizenship division and has led to diminished trust of politicians as well as the overall democratic system.<sup>241</sup>

The second finding is that U.S. citizens need to be equally represented for effective governance because if left unheard or unrepresented, they may turn to political protests and rallies in order to demand social and political changes. For example, in the 21st century populism occurred in Spain as citizens were starting to separate as they were no longer in agreement with their elected officials in regard to the recognition and remembrance of their civil war.<sup>242</sup> Therefore, a grassroots network of citizens' associations began making social and political demands that opened doors to new initiatives, exhumations, court cases, and formal appeals.<sup>243</sup> Thus, this grassroots movement led to Spain's governance instituting the 2007 Law of Historical Memory. As demanded by citizens, this law recognized the violent actions of Franco's regime and began establishing remembrance and retribution. The law also instituted that Spain safeguard their historical monuments at the Spanish Civil War Archive, a Center of Historical Memory, and enforced Francoist symbols to be removed from public spaces.

Unlike Spain, in the 21st century the United States still did not have one unified legislation or law regulating Confederate symbols, their locations, or protection. It is still divided between individual states and the federal government. Of note, in the year 2007 at least six states still had their own preservation laws regarding Confederate symbols and numerous historical preservation boards and Republican legislative majorities continued to stand in the way of a unified response to how Confederate symbols should be handled in the United States. Thus, U.S. citizens still felt that the wealthy and elite politicians were

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<sup>240</sup> Carothers and O'Donohue, *Democracies Divided*; Linz and Stepan, *The Breakdown of Democratic Regimes*.

<sup>241</sup> Galston, "The Populist Challenge to Liberal Democracy"; Pildes, "The Age of Political Fragmentation."

<sup>242</sup> Galston, "The Populist Challenge to Liberal Democracy."

<sup>243</sup> Faber, *Memory Battles*, 2.

controlling the government based on their own ideals and those of a zealous base of followers instead of representing all citizens' interests in regard to the Confederate symbols remaining throughout the United States.<sup>244</sup> Yet, at this point in the United States, there had been no recent substantial uptick or movement from citizens to push governance to address the standings of Confederate symbols.

The third finding is that if no governance progress is made citizens will resort to violent and sometimes deadly political actions creating a security crisis throughout the United States. For example, in Spain the 2007 Law of Historical Memory was not favored by all politicians and citizens. In fact, citizens disagreed on the overall economic impact of the symbols, which lead to a security crisis of political rallies and intense violent debates regarding the relationship between Spain's current democratic governance and its Francoist past.

Similar to Spain, the United States' populist division and lack of governance on Confederate symbols led to a security crisis where ideological groups and citizens were sponsoring political rallies and violent events with Confederate symbols acting as the epicenter in order for their ideological opinions to be heard loudly by politicians. Furthermore, it also led to new grassroots formations on both the far right and far left, which left the United States vulnerable to the violent and tragic events of 2015, 2017, and 2020. These three occurrences all utilized Confederate symbols as epicenters for their demands on white supremacy, systemic racism, and calls for unified political justice. In sum, since 2015 U.S. citizens are now more radically calling upon their politicians and governance to reach a compromise and consensus regarding Confederate symbols in order to benefit the entire population and lead to a progressive governance.

Additionally, in September 2020 in response to the governance security crisis in Spain, a draft Democratic Memory Bill was introduced to further address their civil war's history. This bill, approved by the Congress of Deputies on July 14, 2022, will essentially shut down associations that glorify Franco and his regime, turn the Valley of the Fallen

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<sup>244</sup> Carothers and O'Donohue, *Democracies Divided*; Mounk, *The People vs. Democracy*; Sides, Tesler, and Vavreck, "The 2016 U.S. Election."

into a collective memory location and not a state-run civil war memorial, alter how Francoism would be taught in schools across Spain, and infringements against any symbolism would face penalties as high as 150,000 Euros (US\$150,000 in 2022).<sup>245</sup><sup>246</sup> In comparison, the United States is still steadfast in allowing Confederate symbols to play a long-term role in calls of racial inequalities, which has allowed for the past Confederates' atrocities to fester and create the current violent and political occurrences seen throughout the last decade. In sum, the negative impact of Confederate symbols on the U.S. governance is seen through the influences of polarization, populism, and security crises due to the lack of a single mutually agreed-upon legislation.

The fourth finding is that digital advances in technology and social media may play both a positive and negative role in regard to Confederate symbols and their symbolic representation. For example, despite the differences of political governance between Spain and the United States, both countries utilized digital technology and social media platforms to express their standing on historical symbols. In Spain, the 1990s–2009 grassroots movement utilized social media platforms in order to broadcast their demands, not only so they were heard but also to increase their membership. Citizens of Spain also utilized the platforms to announce awareness of political rallies in order to increase participation. Additionally, the ARHM utilized technological advances in broadcasting and communications to allow nationwide access to the investigations into Franco's repression and the honoring of its victims, thus leading to the 2007 year of historical memories.

In comparison, the U.S. tragic events of 2015, 2017, and 2020 were broadcasted nationwide across countless networks and social media platforms pushing both federal and state governances to acknowledge that Confederate symbols had become the epicenter of white supremacy and systemic racism and the controversial impact they have on society needs to be reached before another security crisis transpires. Thus, after each occurrence

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<sup>245</sup> Carlos E. Cué, "Spain Drafts Bill Against Remaining Legacy of Franco Era," *El País*, September 15, 2020, [https://english.elpais.com/spanish\\_news/2020-09-15/spain-drafts-bill-against-remaining-legacy-of-franco-era.html](https://english.elpais.com/spanish_news/2020-09-15/spain-drafts-bill-against-remaining-legacy-of-franco-era.html); "Félix Bolaños: 'La memoria es un derecho de la ciudadanía. Un derecho de las víctimas' [Prensa/Notas informativas]," 14 July 2022, MPR, accessed September 13, 2022, <https://www.mpr.gob.es/prencom/notas/Paginas/2022/140722-ley-memoria-democratica.aspx>.

<sup>246</sup> Cué, "Spain Drafts Bill Against Remaining Legacy of Franco Era."

the United States saw quick federal and state actions in the removal or renaming of symbols. However, as time passes the issue of Confederate symbols and their standing slowly falls to the back of legislative governance and faces even further hindrance as political administrations change, to then reemerge with a new event or call to action. In sum, Confederate symbols are being utilized in various degrees as a source for citizens to project their voices and desires to governance and to be heard and represented fairly.

While the use of technology and social media platforms was seen as having a positive impact on Spain's democratic governance, as scholars Carothers et al. discussed, one must keep in mind that social media platforms allow for communications to spread virally, and oftentimes they are based on firsthand communications spreading mis- or disinformation.<sup>247</sup> This was the case in the United States: citizens took to social media to spread their ideologies nationwide as well as recruit membership and turnouts for political rallies and events, some of which turned violent as seen in 2015, 2017, and 2020. Thus, the viral spread of misinformation regarding Confederate symbols represented in the three events played an integral role in how citizens, politicians, and the nation felt the U.S. democratic governance reacted to address the ongoing divide of the symbols long time standings.

In addition, digital technology and social media are not always an advantage, and in the United States their spotlight on Confederate symbols may oftentimes be a misrepresentation of their symbolism. For example, social media algorithms populated by each event allowed individuals to only see like-minded posts from other individuals, forcing a confirmation bias despite any misinformation in the posts themselves.<sup>248</sup> Furthermore, the use of social media circling the events made it almost impossible to keep citizens' views and ideals organized and not distorted or highly fractured, thus driving further political divisions regarding Confederate symbols.<sup>249</sup> In addition to social media, news outlets and broadcasters have been seen as becoming incredibly polarized and

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<sup>247</sup> Carothers and O'Donohue, *Democracies Divided*.

<sup>248</sup> Fitzi, Mackert, and Turner, *Populism and the Crisis of Democracy: Volume 2*.

<sup>249</sup> Pildes, "The Age of Political Fragmentation."

routinely influence their personal ideologies into the coverage of these tragic events.<sup>250</sup> In sum, the use of technology and media regarding Confederate symbols has called into action their true symbolism and the lack of democratic governance on their standing.

Last, the deepening divide over Confederate symbols negatively affects U.S. democratic governance through polarization, populism, security crises, and technological and social media influences. Therefore, in order for the United States to be a cohesive democracy and not face further decline from the impact of Confederate symbols, it needs to maintain legitimacy, efficacy, and effectiveness through the recommended democratic procedures detailed in the next section.

In conclusion, the deepening divide over Confederate symbols will continue to impact U.S. democratic governance through these four findings until politicians listen to citizens, reach a bipartisan agreement, and follow through on legislation that addresses the overall concerns of citizens and institutes an agreed-upon law regarding the standings of Confederate symbols in the United States. If not, the lack of a single U.S. law or policy regulating the entities responsible for the protection and well-being of Confederate symbols on federal and state lands will continue to be one factor in the polarization between political parties, and citizens' protests and rallies will lead to more waves of discrimination-filled violence toward symbols and continue to negatively affect the democratically divided nation.

## **B. RECOMMENDATIONS**

In order for the United States' democracy to remain stable and not face further decline from the impact of Confederate symbolism, the nation as a whole will need to formally address the standing of Confederate symbols both on federal and state lands. The U.S. federal government as well as individual state governments will therefore need to reach bipartisan agreements to determine which Confederate symbols shall remain for historical remembrance and which symbols may be removed or renamed. While it may be difficult to achieve, if the following recommendations are met, Confederate symbols may

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<sup>250</sup> Freedom House, "United States."

no longer be an epicenter for political divisions or a representation of systemic racism. In sum, journalist Draper expressed it best in his *National Geographic* article title and lead: “Toppling Statues Is a First Step Toward Ending Confederate Myths.” “The statues rewrote history, reflecting the values of those who erected them. Removing them won’t erase history,” instead it may be one step closer to a unified nation.<sup>251</sup>

Therefore, given the comparative historical remembrance analysis and findings of Spain and the United States, the following four recommendations attempt to implement practices from Spain as well as additional recommendations that will benefit United States’ governance.

### **1. Adopt a Federal Law of Historical Remembrance and Education**

First, based on the findings of this research, it would be prudent for a bipartisanship agreement within the U.S. Congress to develop and institute a single unified federal law that Confederate symbols located on federal land be placed in designated historical museums or remain on historically designated Civil War battlefields. In order to reach this law, the federal government will need to consider the original location of Confederate symbols within Civil War cemeteries or battlefields as a formal and final resting place of reflection and recognition of the deceased Confederate soldiers who were originally buried there.<sup>252</sup> Additionally, the federal government will need to designate the best location for the historically designated museum of Civil War history. In sum, this bipartisanship agreement will allow for peaceful remembrance and education of where the past has led the United States today as well as for the security of the artifacts and citizens.

Furthermore, the recommendation to adopt a federal law of historical remembrance will allow a network of federal agencies to assist in developing a unified federal strategy that will ensure the security of our democratic governance and indicate to society that the federal government can come together for the common good and security of the United

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<sup>251</sup> Draper, Robert. “Toppling Statues is a First Step Toward Ending Confederate Myths.” *National Geographic*. July 2, 2020. <https://www.nationalgeographic.com/history/article/toppling-statues-is-first-step-toward-ending-confederate-myths>.

<sup>252</sup> Cox, No Common Ground, 20.

States, allowing the nation to move forward without having to be reminded daily of the racially unjust past and decisions of Civil War ancestors.

Last, bipartisanship agreement for a single unified federal law may be difficult as the United States is oftentimes referred to and seen as a divided world. Therefore, some incentives for those supporters to buy into this law are to correct monopolistic government power; to invest, build, and ensure uniform access to Confederate symbols and public education on the history of the Civil War; and to achieve a better society so that all can have access to liberty and freedom while enjoying a basic ability to pursue happiness.<sup>253</sup>

## **2. Adopt State Laws of Historical Remembrance and Education**

Second, based on the findings of this research, it would be prudent for a bipartisanship agreement within each individual state and territory to develop and institute a single unified state law that Confederate symbols located on public land be placed in designated historical museums or remain on historically designated Civil War battlefields. In order to reach this law, individual states and territories will need to consider if there are Civil War cemeteries or battlefields within their boundaries that are home to any original locations of Confederate symbols. If so, this may act as a formal and final resting place of reflection and recognition of the deceased Confederate soldiers who were originally buried there.<sup>254</sup> If not, individual states and territories will need to designate the best location for a historically designated museum of Civil War history that will be the location of all Confederate symbols. In sum, this bipartisanship agreement will allow for peaceful remembrance and education of where the past has led the United States today as well as for the security of the artifacts and citizens.

Although Confederate symbols have existed mainly in Southern states, with a few rare instances they can be found in other locations since the end of the Civil War in 1865. Recent events in the past decade have driven the need to analyze the effects of Confederate symbolism and how to ensure the safety of all citizens. Moving forward, to ensure a non-

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<sup>253</sup> Seth David Radwell, *American Schism* (Austin, TX: Greenleaf Book Group Press, 2021), 375.

<sup>254</sup> Cox, *No Common Ground*, 20.

violent and racially equal society, it is now time for state governments to realize that Confederate symbols in places such as courthouses, state capitols, schools, parks, streets, public landscapes, and state celebrated holidays are not the way to celebrate the South and slavery. Instead, as also recommended at the federal level, these pieces of symbolism should be placed in designated museums or at culturally significant locations.

Additionally, based on the findings of this research, it would be prudent for these laws to also address the need for a federal-level, with a unified state-level buy in, education requirement on the history of the Civil War. This unified requirement will ensure that all citizens are being presented and learning the same historical material without any personal ideologies or bias. Last, it will also ensure that a significant piece of U.S. history will not be forgotten and instead used to educate citizens of where the U.S. once was and where it has come since.

### **3. Issuance of Federal Grant Money for Assistance with State Laws of Historical Remembrance and Education**

Third, based on the findings of this research, it would be prudent for the federal government to provide state governments federal grant money in order to assist the states with moving Confederate symbols located on public land into designated historical museums or to historically designated Civil War battlefields. Additionally, this grant money will assist with the creation and institution of a unified state-level education requirement on the history of the Civil War.

In order for states to qualify for the federal grant program, Congress, in its legislative capacity, will need to first determine what it wants to accomplish every fiscal year and then regulate whether the grant-in-aid program is the best means for states to achieve their goals regarding Confederate symbols.<sup>255</sup> This decision is based on both internal and external factors such as party leadership, ideologies of members, voter inputs, organized interest groups, and final approval of the president.<sup>256</sup> Therefore, as discussed

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<sup>255</sup> Robert Jay Dilger and Michael H. Cecire, *Federal Grants to State and Local Governments: A Historical Perspective on Contemporary Issues*, CRS Report No. R40638 (Washington, DC: Congressional Research Service, 2019), 1, <https://sgp.fas.org/crs/misc/R40638.pdf>.

<sup>256</sup> Dilger and Cecire, 2.



in the analysis of findings, in regard to the location and protection of Confederate symbols, a bipartisanship agreement needs to be met both in the federal and individual state governments. If this agreement is in place, state governments should have no pushback on receiving federal grant money to assist with the location of Confederate symbols and education of the Civil War.

#### **4. Adopt a National Civil Society of Historical Symbols**

Fourth, based on the findings of this research, it would be prudent for the United States to adopt a National Civil Society of Historical Symbols. This civil society shall encompass two bipartisan representatives from each state. The purpose of the society will be to allow citizens to have more of direct role regarding U.S. policy and law debates. For example, one positive governance action that they may discuss is that of Mississippi in 2020 when the state allowed citizens to vote on keeping the current state flag versus adopting a new state flag that removed the Confederate flag. Effectively, the Mississippi state governance listened to its citizens' vote and chose to adopt the new state flag minus the Confederate flag.

The primary goal of this group will enable elected bipartisan state representatives to oversee governmental actions, whether they be positive, negative, or mismanaged and then provide feedback to not only their government but also to each other to determine recommendations for better courses of action. Furthermore, this civil society will be tasked with discussing how each individual state is addressing Confederate symbols, whether it is moving, renaming, or removing the symbols and the effectiveness of the subsequent laws implemented that have allowed for an effective governance. Additionally, this civil society will also be able to provide positive influence on Congress' decision to provide federal grant money to individual states to assist in their Confederate symbols' state laws and education. In sum, instituting a National Civil Society of Historical Symbols will allow citizens a voice in governmental actions, ensuring that they feel heard and represented by state governances and ensuring that laws are progressing and not delayed between political party representatives.

### **C. FUTURE RESEARCH**

Scant literature is available on the direct impact and the deepening divide Confederate symbols have on U.S. democratic governance. Most literature either focuses on Confederate symbols or democratic governance, not both. Therefore, this direct correlation is largely open for further research and findings dependent upon if the recommendations are implemented or how the U.S. federal government and state governments continue to address Confederate symbols. For example, continual research may focus on how governance moves forward with the removal or relocation of Confederate symbols as well as the renaming of places, things, and holidays or events. A second area for further research may focus on new events that place Confederate symbols as epicenters, such as political protests or rallies that may or may not become violent and turning into security crises as seen in 2015, 2017 and 2020. In sum, this direct correlation has become a new and emerging topic over the last decade and until there is a bipartisanship agreement between political parties as well as citizens' trust in their governance to act on their behalf, the negative impact from Confederate symbols on U.S. democratic governance will continue.

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