

ORIGINAL ARTICLE

Reexamining Confederate symbols displayed on flags and monuments in public spaces: Two fallacies in the heritage versus hate debate

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Abstract

Objective: This article examines ongoing arguments over the meanings of Confederate symbols—especially symbols displayed on flags and monuments—to assess two fallacies that frequently influence the debate.

Method: The article explores the historical record concerning public displays of Confederate symbols.

Results: The traditional debate is based on two fallacies. First, it presupposes that the meaning of a symbol can be limited to a single referent or set of referents and fixed in time. Second, it assumes that the meaning of Confederate symbols can be divorced from hateful messages of white supremacy and bigotry.

Conclusion: A symbol cannot be limited to its original meaning because the context is constantly evolving. Even if it could be limited, the original meaning of Confederate symbols was always hateful. The debate sometimes has been cast as “heritage versus hate.” Because displays of Confederate symbols in public spaces have always been in a context of “hate”—to defend a slaveholding republic, to promote white supremacy, to defy court-ordered integration of public schools, or to promote the agenda of racist advocacy groups—the meaning of Confederate flags and monuments was never about heritage alone. Hate was always part of the message.

KEYWORDS

Confederate monuments, Confederate flags, racism and white supremacy

“Confederate symbols” are images displayed on tangible artifacts that originally memorialized the Confederate States of America (CSA), the entity created by secessionists from 1861 until 1865 as they sought to forge a slaveholding republic separate from the United States. The tangible artifacts most often include flags featuring the St. Andrew’s cross design, colloquially known as the Confederate battle emblem, and monuments depicting Confederate soldiers or allegorical figures romanticizing a generation of men who

fought for the South in the Civil War.¹ As with most tangible artifacts displaying symbolic images, flags and monuments alluding to the CSA—do not hold precise, fixed meanings (Lippard 2017, p. 65). The symbols convey different messages and memorialize different historical events for different audiences (Coski 2005; Martinez and Richardson 2000, pp. 4–9).

The purpose of this article is to reexamine the debate over Confederate symbols displayed on flags and monuments in public spaces, that is, on courthouse lawns or in front of government buildings. The debate has often been cast as a binary choice between heritage (Confederate flags and monuments are reminders of a noble Southern history) and hate (Confederate flags and monuments convey messages of white supremacy and bigotry; Strother, Piston, and Ogorzalek 2017; Wright and Esses 2017). Heritage preservationists argue a traditionalist position, namely, that Confederate symbols originally did not convey hateful messages and can be divorced from racism; therefore, public displays of the symbols are, and should be, permissible. Reconstructionists conclude that whether Confederate symbols ever conveyed benign messages are immaterial because current displays of these symbols in public spaces convey messages offensive to many Americans, especially people of color (Martinez and Richardson 2000, pp. 1–22). Occasionally, researchers have contended that the connection is more nuanced than simply reducing the debate to an either/or choice. According to this perspective, the meaning conveyed by Confederate symbols varies according to the time and place in which a display occurred (Lippard 2017, p. 60; O’Connell 2021).

The paramount contention in this article is that the reconstructionists’ position is superior to the traditionalist perspective. Heritage preservationists’ desire to recapture the “noble” meaning of Confederate symbols is based on two fallacies. First, it assumes that the original meaning of a symbol can be limited to a singular referent or set of referents fixed in time. In essence, the task of a heritage preservationist is to peel back the added layers of meaning just as a cook will peel an onion to expose its core. Heritage preservationists figuratively seek to travel back in time and recapture the original meaning of Confederate symbols. They argue that Confederate symbols were identified with a generation of men who nobly fought in the 1860s. The association with slavery, white supremacy, bigotry, and hatred occurred later, as outside agitators misappropriated flags and monuments for their own nefarious purposes. When those layers are peeled away, Confederate symbols can be recognized as reminders of a proud people and their noble heritage (Martinez 2000, pp. 244–253).

The fallacy in this argument is that the meaning of symbols changes with context. Assuming *arguendo* that Confederate symbols originally memorialized the valor of Southern men who fought and died to protect their families and a way of life, the meaning changed as the context changed. Symbols do not refer to a fixed set of ideas. The meanings of symbols are ever-changing and malleable. Even if Confederate symbols held a singular, noble meaning once upon a time, that time has passed.

More to the point, a second fallacy is the idea that Confederate symbols ever referred to noble ideas and concepts in the first place.² “Average” Confederate soldiers fought for multiple, sometimes conflicting reasons. Many soldiers were not slaveowners and did not risk their lives to perpetuate the peculiar

¹ Notice the phrase “most often include,” which indicates typical cases. A level of imprecision infuses this discussion. The phrase “Confederate flags” is a bit misleading because Confederate military units and civilian political entities displayed different flags at different times. The Confederate battle emblem design is arguably the most recognizable Confederate flag, but it is by no means the only design (Coski 2000; Lippard 2017, p. 69). Even the ways in which the Confederate battle emblem were depicted—on a square flag, as part of the second national flag and third national flag of the Confederacy, and so forth—varied. Similarly, many types of Confederate monuments existed (Mayo, 1988). Some monuments were erected in cemeteries and graveyards while others appeared on courthouse lawns. Monuments depicted generic soldiers, historical figures such as Robert E. Lee, Thomas J. “Stonewall” Jackson, and Jefferson Davis, or allegorical figures such as a winged angel, a crying woman, or Vindicatrix, a figure that suggested vindication for fighting a noble cause (Widener, 1982). Some monuments, for example memorials to faithful slaves, did not focus on military figures (Martinez and Harris, 2000). In short, any reference to Confederate flags and monuments in a short article cannot capture the plethora of tangible artifacts. The discussion therefore must focus on typical cases. The typical cases here involve flags containing the Confederate battle emblem flown over public buildings or on public property. Monuments in public spaces depicting soldiers or allegorical figures, often coupled with words that glorify the Southern Confederacy or the valor of Confederate soldiers, are typical cases for stone memorials. For more discussion on this point, see Coski, 2000; Martinez and Harris, 2000.

² This insight arguably obviates the need to explore the first fallacy—that is, determining whether a fixed, original meaning ever attaches to a symbol and whether it can be rediscovered apart from its evolving context—but for purposes of thoroughly assessing the issue, both fallacies can and should be explored.

institution. Yet slavery was inextricably linked to the CSA. Everyone in the 1860s (except small children or mentally challenged persons) knew the stakes. If the South had won the war, its leaders were determined to establish a slaveholding republic. Victory was measured as independence for a new nation dedicated to the proposition that black men, women, and children must be held in bondage in perpetuity. Whether they intended it or not, every person who freely lifted a rifle—or supplied a uniform or planted a crop or nursed a wounded soldier—on behalf of the Southern Confederacy directly or indirectly defended white supremacy. The families that supported a Confederate soldier supported white supremacy as well. As a result, any symbol of Southern men and their families from the 1860s is a symbol of white superiority and black inferiority based solely on race. Individual displays of Confederate flags and monuments may lack a racial animus—for example, an adolescent waving a small Confederate flag at a sporting event does not necessarily intend to convey a racist message—but collective displays by governments, especially in public spaces, are different. A racial animus is, and always has been, an indivisible part of the meaning of Confederate symbols displayed on tangible artifacts in public spaces (Carpenter 2001, p. 35; Helo 2020; Strother, Piston, and Ogorzalek 2017; Talbert 2017).

DISCUSSION OF FALLACY 1: THE MEANING OF SYMBOLS IS LIMITED TO A SINGULAR REFERENT OR SET OF REFERENTS FIXED IN TIME

The first fallacy suggests that the “original” and “noble” meaning of Confederate symbols can be identified and rescued from the dustbin of history. If the added layers of meaning can be jettisoned, the original meaning will be visible and accessible. This suggestion confuses the distinction between signs and symbols. It presupposes that Confederate flags and monuments are signs of the CSA: They are not.

As scholars of semiotics observe, a sign is an item or concept that communicates a meaning separate and apart from the item or concept itself. A sign therefore can be open to interpretation, but ideally the item will be displayed in a consistent manner so that the universe of possible interpretations is narrowed. If the display does not vary significantly over time, the sign will acquire a fixed, precise referent, that is, the thing that the sign denotes or stands for. The goal is to fix the meaning so that little or no ambiguity exists. In short, a sign is designed to convey a fixed, universal meaning, often a warning or an admonition, that can be understood in one and only one way by a reasonable person. A sign that is open to multiple interpretations fails in its central objective of near-universal clarity and precision (Petrilli 2017; Welby 1983).

Consider a street sign. A red octagon with a single word written in white letters—“Stop”—is designed to communicate a simple, unambiguous message with a precise, clear meaning. To a car driver, it means, “Apply your brakes so that your automobile ceases to move. Examine current conditions to ensure that no other vehicles are in your immediate path. Afterward, proceed with caution.” A stop sign must be uniform and consistent in its messaging so that all drivers, even if they do not speak the language, understand what actions they must undertake to ensure public safety. By displaying a stop sign in a clear, consistent manner, transportation planners ensure that automobile accidents can be reduced or eliminated. If a driver is confused, the sign has failed in its objective to convey clear information in a precise, unambiguous manner (Bricker 2014, pp. 8, 84–85, 103).

A symbol, by contrast with a sign, is abstract and open to multiple, competing interpretations. No interpretation can be recognized as the “true” or “original” meaning. The interpretation is imprecise and ambiguous or can change with the context or the era in which it is conveyed. Unlike a sign, which ideally is used in a limited context, a symbol is used in multiple ways at different times (Welby 1983).

As an example, holding up two fingers can suggest “V for victory,” the meaning conveyed when Winston Churchill famously flashed two fingers during World War II. During the 1960s, however, displaying those same two fingers meant “peace.” The symbol did not change; the context changed. With the new context, the meaning changed. Afterward, the meaning was no longer fixed. In the 21st century, two fingers can mean victory, peace, or a generic form of greeting, as when Richard Nixon flashed two fingers at campaign rallies or when he left political life in disgrace following his resignation in the wake of the Watergate scandal (McElroy 2019, p. 158; Schuler 1944).

Even an “official” symbol has innumerable meanings. The U.S. flag—the stars and stripes—has an agreed-upon design of 13 red-and-white stripes representing the 13 original colonies along with 50 white stars cast on a field of blue representing the current number of American states. Despite the fixed, precise design, the meaning of the flag can be, and has been, debated (Leepson 2007).

Of course, the flag represents the United States. But, what exactly is the United States? Is it a convenient political association that ensures a modicum of law and order for the citizenry? Does the flag represent a nation-state founded on high-minded principles such as faith in liberty, pluralism, free speech, and the rule of law? Is the United States a white Christian nation or a melting pot of races and ethnicities? Is the United States a racist plutocracy that pays lip service to the antiquated notion of *E Pluribus Unum*? Is it the last, best hope of earth or a fading superpower that failed to live up to its creed? Is it a combination of these things? (Wolverton 2019).

Symbols are potent reminders of ideas that resonate among large groups of people, but the value that people assign to those ideas can and will vary. The idea of the United States as a positive force for good in world history—that is, the notion of American exceptionalism—animates the thinking of many Americans. For others, both inside and outside the country, the United States is fundamentally a racist, hypocritical regime that professes to uphold values of freedom and diversity but violates its creed repeatedly. Still, others view the idea of the United States as an amalgamation of positive and negative characteristics. Thus, an American flag has a fixed referent—the United States—but the idea behind the referent can be, and often is, contentious (Leepson 2005; Wolverton 2019).

Similarly, a Confederate flag or monument is not a sign. It once was a symbol of Southern armies fighting against the Union army on numerous battlefields. It was a symbol of fighting men who gave their lives for the Southern Confederacy. It also has served as a symbol of white supremacy, dreams of a slaveholding nation, the Ku Klux Klan (KKK), general rebelliousness, defiance to court-ordered integration, Ole Miss football games, and kick-ass rock an’ roll. Which one is the “true” meaning? The answer is that all, or none, are correct. It is a fallacy to suggest that the meaning of Confederate symbols is limited to a singular referent or a set of referents fixed in time.

DISCUSSION OF FALLACY 2: CONFEDERATE SYMBOLS REFER TO A NOBLE PAST

The second fallacy is based on a fairy tale. Once upon a time, according to the tale, Confederate symbols referred to a noble past. Their meaning was clear: They honored a generation of Southerners who defended the Southern way of life. A close analysis of the fairy tale exposes its historical inaccuracy.

The tale is a romanticized view of Southern culture and history, pointing to a noble past extending much earlier than the war of 1861–1865. White Southerners founded the Jamestown colony in 1607, fought against the tyrannical English Crown in 1775, penned the Declaration of Independence in 1776, and crafted the United States Constitution in 1787. Many of the first presidents, U.S. Supreme Court justices, and leaders of Congress during the first half-century of the nation’s history hailed from the area South of the Mason–Dixon line. Southern heritage is about pride in the accomplishments of the founding generation, fidelity to family, love of honor, and well-founded suspicion about the oppressive character of big government (Martinez 2000, pp. 244–247).

Heritage preservationists contend that the idea of the Confederate States of America arose from a distrust of big government and a desire to maximize individual freedom by limiting the power of a centralized authority. The crucial era for interpreting Confederate symbols, they argue, was the Civil War and its immediate aftermath. Flags and monuments honor the sacrifices of a generation of Southerners who protected their lives, families, and way of life. White supremacists, segregationists, and KKK members subsequently hijacked Southern symbols for their own unwholesome purposes that are wholly independent of “noble” southern heritage (Martinez 2000, pp. 247–251).

To heritage preservationists who embrace the Lost Cause mythology, the secessionists of 1860–1861 were not traitors who abandoned the ideals of the American republic. They were the fierce defenders of a

noble tradition. The American government was born out of a belief that the English government had abandoned its colonies, treating them as second-class citizens and refusing to honor their rights. After repeatedly petitioning the mother country with a list of grievances, the patriots of 1776 reluctantly called for independence—not because they were lawless rabble-rousers but because England left them few options apart from continued debasement and mistreatment. The Southern leaders of the 1860s were fulfilling the legacy of the original founders. In modern parlance, secession in 1860–1861 was a war of independence 2.0, a continuation and logical extension of the earlier struggle to be free of tyranny (Coski 2000; Wilson 1980).

The virtuous men who sought to create a slaveholding republic after breaking away from the United States were not traitors deserving of rough justice at war's end. They were heroic patriots who should be venerated for upholding noble Southern values. Reluctant combatants, these men took up arms against a sea of troubles because they had exhausted all available avenues and refused to lie prostrate before a tyrannical government. They were only defeated on the battlefield owing to Butcher Grant's willingness to offer up a generation of Northern boys as cannon fodder so that he could overwhelm and bludgeon his opponents. The armies of the South capitulated not because they lacked virtue, but they lacked blood and steel (Bonekemper 2004).

From the heritage preservationist perspective, displaying Confederate symbols is an appropriate means of honoring the valor of honorable men who fought to preserve a noble ideal. Most Confederate soldiers did not own slaves or seek to desecrate the American republic. They were the most patriotic of patriots, men willing to die for the values espoused by Washington, Jefferson, Madison, and the other founders who would live free or die.

The struggle, heritage defenders insisted, was never about race, slavery, or the ethics of human bondage. To the extent that such unpleasantness has been acknowledged or addressed, it was either an unfortunate error in human relations that would have been rectified in time, or a peculiar institution whose brutality has been exaggerated by anti-Southern polemicists in the years following the war (Martinez 2000, pp. 244–253).

The fairy tale conveniently ignores the brutal realities of the CSA and, before that, the long, tortured history of slavery, racism, and white supremacy in the antebellum era (Domy 2020). With its whitewashed narrative, the Lost Cause tradition glosses over the unsavory aspects of the secession effort, memorialized by the future vice president of the Confederate States of America in his famous 1861 Cornerstone Address. “Our new government is founded upon exactly the opposite ideas; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition,” Alexander Stephens announced. “This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth” (as quoted in Jaffa 2000, p. 222; Stephens 2015).

After Appomattox, proponents of the Lost Cause mythology softened Stephens's rough edges. Slavery had been abolished, and concepts of normality in race relations were in flux. Lest Southerners lose the war and peace, Lost Cause polemicists contended that the secessionist movement was grounded on cherished constitutional principles of limited institutions of government, due process of law, and a preference for the states in federal-state relations. The war, they said, at its core was never about slavery. Moreover, the Constitution, as a compact among the states, allowed for secession in egregious cases where the central government oppressed its citizens and would not allow dissenters to petition for a redress of grievances (Janney 2013, pp. 134–135; Martinez 2000; Mitcham 2021; Wilson 1980).

Deconstructionists recoil from this sanitized view of Southern history. Many critics argue that Confederate flags and monuments have always carried an implicit or explicit message of hate. The appearance of Confederate flags and monuments in public spaces in the South occurred after white supremacy had become the overriding social and cultural context of American life (Henderson et al. 2021). The monument construction movement began in the Jim Crow era around the same time that the Confederate battle emblem appeared at monument dedication ceremonies. Dixiecrats waved the battle flag to demonstrate resistance to the Democratic Party's civil rights plank in the 1940s. Southern state legislatures incorporated the St. Andrews cross design into their state flags as a message of defiance to court-ordered school

integration in the 1950s. During the 1960s, the KKK waved the Confederate battle flag as an explicit warning to blacks that they would be terrorized if they resisted white supremacy. White supremacists in the 21st century displayed the flag to symbolize their fear that persons of color are infringing on white privilege (Coski 2000, pp. 109–114; Davis 1998; Evans 2021; Schedler 1998, p. 42).

These competing historical interpretations have led to the “heritage versus hate” argument about whether Confederate symbols should be displayed in the public landscape (Cooper and Knotts 2006; Woliver, Ledford, and Dolan 2001). Beginning especially in the 1990s, a cottage industry sprang up among researchers eager to test public attitudes on Confederate symbols, the sensibilities of partisans on each side, and the possibilities of resolving conflict through compromise. As well-meaning as these debates have been, they presuppose an equivalency between the heritage and hate schools of thought that represents a false dichotomy. In short, these studies test public opinion without weighing in on the substantive merits of each argument (Brown 2015; Cooper et al. 2021; Lees 2021; Leib 1995; Woliver, Ledford, and Dolan 2001).

To understand why the reconstructionists’ arguments prevail in the face of these twin fallacies, especially the second fallacy, the historical record can be divided into three distinct eras for systematic examination. Era 1 ranges from the 1860s, when the Civil War ended and efforts to memorialize the war began, until the 1920s, when the generation of soldiers had mostly died off and public displays of Confederate flags and the construction of monuments slowed. Era 2 begins in the 1920s, when Confederate flags and monuments mostly disappeared from the American landscape, until the 1990s, when the meaning of Confederate symbols evolved, and flags and monuments reappeared in public spaces. Finally, Era 3 covers the 21st century, as a new debate erupted over the meaning of old symbols. During Era 3, renewed calls to remove Confederate flags and monuments from the landscape have led to many artifacts disappearing from public spaces.

ERA 1: 1860s–1920s AND THE PLACEMENT OF CONFEDERATE SYMBOLS IN THE SOUTHERN LANDSCAPE

Heritage preservationists—at least those adherents who are not self-avowed white supremacists—contend that they seek to honor the memory of the brave men who fought for the Southern Confederacy and nothing more. They claim to possess no ulterior motives. Moreover, they insist that Southern fighting men were not slaveowners. They did not bear arms to preserve the peculiar institution. If it is true, as the old saying suggests, that the Civil War was a rich man’s war and a poor man’s fight, the poor man did not lay down his life to ensure that elite Southern planters retained their slaves and their exalted place in the social hierarchy. The poor man fought to preserve home and hearth, to repel Yankee invaders, and prevent an obdurate federal government from imposing its will on Southerners who wanted only to live in a state of maximum liberty (McPherson 1998).

The reasons why men fought the war can, have been, and will be debated, but what is not debatable is the appearance of Confederate flags and monuments in the Southern landscape. Public displays of Confederate symbols became commonplace, especially following the end of Reconstruction. Symbols included in funereal monuments erected in cemeteries and graveyards from the 1860s through the turn of the century frequently expressed the pain of losing loved ones in battle, but rarely did they communicate overt political content (Brundage 2005; Foster 1987). The lack of direct political content eventually changed. Late in the 19th century, the monument movement shifted from the cemetery to the courthouse square (O’Connell 2020, 2022; O’Connell and Forrest 2020). The United Daughters of the Confederacy (UDC) and the Sons of Confederate Veterans (SCV) dedicated themselves to preserving memories of their forbears as well as “winning the peace” by erecting stone monuments in public spaces to remind Americans that the Southern Confederacy may have been defeated, but values of chivalry, love of family, disdain for the federal government and—wink, wink—the inferiority of blacks lived on in the hearts and minds of all good (white) Southerners (Davis 1982; Winberry 2015). Dixie was a place where old times (i.e., an era that allowed the legal subjugation of blacks) were not forgotten. From 1893 until 1932, a United

Confederate Veterans (UCV)-affiliated magazine, *Confederate Veteran*, featured tales of noble, unreconstructed veterans who would never turn their backs on the antebellum Southland or her cherished values, including an unquestioned white supremacy (Foster 1987, pp. 7, 40–41, 28–29; Janney 2013, pp. 80–81; Martinez and Harris 2000, pp. 141–154).

When heritage preservationists display the Southern banner or argue in favor of keeping 120-year-old stone monuments in place on courthouse squares, they claim that they are honoring their ancestors, recalling men and women devoted to a simple, agrarian lifestyle consistent with the founders' desire for liberty. It is not the fault of long-dead Confederate soldiers of the 19th century that white supremacists and hatemongers of the 20th and 21st centuries hijacked Confederate symbols for racist purposes. In short, heritage preservationists hearken back to the days before Confederate symbols were associated with hate and division (Martinez 2000).

The difficulty with the heritage preservationist argument is that the historical record offers scant support for the proposition that racial animus was absent from early displays of flags and monuments. When the CSA collapsed during the spring of 1865, Southern soldiers shed their uniforms, unloaded their guns, and furled their battle flags. They were proud of their wartime service and anxious to remember the experience as honorable, even in defeat. Some defiant souls forever after remained unreconstructed Confederates. Others resigned themselves to defeat, expressing sorrow at the virtues of a cause lost and a way of life permanently altered, but ready to move on to whatever challenges lay ahead (Martinez and Richardson 2000).

The familiar St. Andrews cross design of the first national flag of the Confederacy disappeared from the Southern landscape. Some accounts suggest that victorious Union armies explicitly prohibited the display of “rebel” flags, but these reports may be apocryphal. Such a prohibition was not standard, official policy of the U.S. government. Whether unofficial enforcement of such an edict occurred in some areas is unclear. What is clear is that veterans and their families revered their honored dead and resisted any profane attempts to cheapen the meaning of flags and other Confederate symbols (Coski 2000).

The time when veterans furled their flags out of respect for the Confederate dead was short, mostly during the Reconstruction era in the second half of the 1860s and into the early 1870s. As Southerners “redeemed” their states and Union troops decamped, Confederate veterans and their families displayed unit flags, photographs of their loved ones as well as their leaders (most notably the generals Robert E. Lee and Thomas J. “Stonewall” Jackson), and locks of hair from fallen soldiers or leaders such as General Lee. Sometimes veterans draped a Confederate battle flag over a coffin or across a monument during a funeral service. Veterans' reunion ceremonies frequently featured the battle flag or a unit flag preserved from the war (Coski 2000, pp. 100–104).

Beginning just a few years after the war, stone markers and Confederate monuments appeared in cemeteries. A memorial movement arose to venerate the common soldier as a means of grieving for the lost sons, brothers, husbands, and fathers who had fallen on the battlefield or succumbed to injuries in the years following the war's end. Cemetery monuments typically featured an anonymous figure striking a non-threatening pose or a soldier defiantly facing the north to keep a watchful eye on the enemy (Evans 2021; Janney 2013, p. 229; Lees 2021; Martinez and Harris 2000, pp. 137–144).

Even as the families of dead soldiers struggled to cope with grief and loss, some partisans focused on preserving and even shaping memories of the war. Ladies' Memorial Associations (LMAs) appeared beginning in 1865 and were composed of influential local women who solicited volunteers to plan activities and raise funds to construct monuments. LMA chapters ran the gamut from small enclaves devoted to remembering the Confederate dead in their community to large associations dedicated to celebrating milestones, notably Confederate Memorial Day (Foster 1987, pp. 38–39; Janney 2008; Mendenhall 1934).

Confederate Memorial Day celebrations originated as a means of honoring the fallen soldiers in one's family, but in time, they became part of the lost cause effort to win the peace (History of the Confederate Memorial Associations of the South 1904, p. 39; Wilson 1980, p. 226). As survivors of the war died off, their heirs consciously sought to shape historical memory (Domby 2020; Janney 2013, pp. 93–95). By the 1890s, the UDC and the SCV sought to “professionalize” writing about Southern history. They also organized celebrations and pushed to erect monuments on courthouse lawns and in public spaces adjacent to

government buildings, libraries, playgrounds, and commercial businesses (Chamberlain and Yanus 2021; Cox 2019; Foster 1987, pp. 38–39; Gulley 1993, p. 130; Poppenheim 1938; Wilson 1980; Winberry 2015).

For veterans still reeling from losses on the battlefield, furling unit flags and putting away their Confederate insignia were crucial ways of preventing profane displays of military symbols (Grissom 1988, pp. 59–61). By the 1880s, as heritage preservation societies arose, Confederate memorial rituals featured Confederate flags (Coski 2005; Janney 2013, p. 156). Although the national flags of Confederacy and various unit flag designs remained important to veterans and their successors, the St. Andrew's cross pattern emblazoned on a square flag was the "official" Confederate flag, a revered symbol of the defunct CSA. Referring to the St. Andrew's design of the square battle flag, UCV commander-in-chief General Clement A. Evans remarked that it was "too dear to be furled, for it proclaims a Cause that was never lost" (as quoted in Coski 2000, p. 102).

Although the UDC and the SCV were not blatantly racist organizations, their efforts to move Confederate monuments out of cemeteries and display them throughout the Southern landscape occurred at precisely the historic moment when white supremacy became ubiquitous and extralegal lynching reached its apex (Dray 2003; Henderson et al. 2021; Martine 2016, pp. 262–274). This observation suggests that the changing nature of Confederate symbols—flags no longer packed away, and monuments no longer erected solely inside cemeteries—reflected an emerging political goal of the 1870s and 1880s, namely, promoting white supremacy (Evans 2021; Henderson et al. 2021; Lees 2021). Over 90 percent of Confederate memorabilia, specifically monuments and statues, were erected after 1895, with the majority occurring during the first two decades of the 20th century, the heyday of the Jim Crow era (Blight 2001, pp. 265–272; Gardner 2018). Even if the arguments of the heritage preservationist school are accepted, backdating the meaning of Confederate symbols to the war in the 1860s will not strip away the veneer of racism and white supremacy. Because the CSA was constructed on a cornerstone of white supremacy and support for the institution of slavery, the display of Confederate flags and monuments appears to be inextricably tied to racism and hatred even if progenitors of the heritage preservation movement are not directly tied to organized extremism (Coski 2000, pp. 103–104; Martinez 2000, pp. 244–254). Perhaps, as Key once remarked, "the politics of the South revolves around the position of the Negro" (Key 1949, p. 9).

ERA 2: 1920s–1990s AND CHANGING SENSIBILITIES

Public displays of Confederate symbols did not cease as the memorial movement faded during the 1920s. The issue reemerged in the 1940s. A pivotal moment came in 1948 when delegates from Alabama and Mississippi bolted the Democratic National Convention to protest the adoption of a civil rights plank. The States' Rights Democratic Party—colloquially known as the "Dixiecrats"—embraced many of the same concepts of racial animus that underlay the Southern Confederacy. With the absence of the peculiar institution seven decades after the ratification of the 13th Amendment, however, the Dixiecrats championed the next best thing, namely, continued segregation as the remedy for possible miscegenation and a loss of the Southern way of life. Notably, the Dixiecrats hoisted the Confederate battle flag as a symbol of their resistance to federal intervention in state affairs as well as their vehement opposition to any form of coerced race mixing (Cohodas 1993 pp. 174–176; Coski 2000, p. 109, 2005, p. 102).

The Dixiecrats' electoral defeat did nothing to quell demand for the Confederate battle flag. Public displays of the symbol became a national fad, with the St. Andrews cross appearing on small, "grave-size" flags waved at football games, parades, and on clothing. Although many flag bearers intended to convey a message of racial animus, some enthusiasts hoped to demonstrate a general feeling of rebellion and defiance (Coski 2005, pp. 101–102; Newman 2007).

The Jim Crow regime continued well into the 1950s, but signs of change appeared. In 1954, a unanimous U.S. Supreme Court handed down one of the momentous decisions in its history. *Brown v. Board of Education of Topeka* held that state laws allowing for segregated public schools were unconstitutional even if the schools were equal in quality, which they usually were not. Writing for the court, Chief Justice Earl Warren explained that "separate educational facilities are inherently unequal" and violate the Equal Protection

Clause of the 14th Amendment. *Brown* partially overruled the controlling 1896 precedent, *Plessy v. Ferguson* (*Brown v. Board of Education of Topeka* 1954; *Plessy v. Ferguson* 1896).

In the aftermath of the court's decision on May 17, 1954—"Black Monday" as Congressman John Bell Williams labeled it—Southern states discussed efforts to defy federal integration. In 1956, 19 U.S. senators and 18 House members from the South signed a Declaration of Constitutional Principles—the so-called "Southern Manifesto"—to oppose the integration of public places. That same year, state representatives began debating whether they should change their state flags to feature the Confederate battle flag (Aucoin 1996; Coski 2000; Day 2014).

The Confederate battle emblem became ubiquitous at sporting events, on t-shirts, armbands and patches, belt buckles, and posters. The prevalence of these symbols normalized reminders of white supremacy in American culture (Yearwood 2018). Throughout the 1940s and 1950s, the flag became a symbol of defiance and resentment. When nine black students sought to attend Central High School in Little Rock, Arkansas, during the fall of 1957, white protestors proudly and defiantly waved the Confederate battle flag. The KKK displayed American flags and Confederate flags at numerous rallies supporting the group's views on nativism and white supremacy (Coski 2000).

In 1963, the Civil Rights Movement gained momentum as a means for dismantling the Jim Crow system through marches, sit-ins, demonstrations, and demands for equal rights for African Americans, triggering another round of opposition and conspicuous displays of Confederate imagery. Several events coincided during that year: the assassination of Medgar Evers, a civil rights activist and field secretary of the state's National Association for the Advancement of Colored People (NAACP); a pledge by President John F. Kennedy to lobby for national civil rights legislation; and the "I Have a Dream Speech" delivered by Dr. Martin Luther King, Jr., at the People's March in Washington, D.C. (Gardner 2018). That same year, organizers in Georgia implemented a plan to add a stone carving of Confederate President Jefferson Davis and Generals Robert E. Lee and Thomas J. "Stonewall" Jackson to Stone Mountain, Georgia, the birthplace of the modern KKK. In the words of one commentator, the Stone Mountain monument had "nothing to do with honoring the Confederate dead of the 1860s and everything to do with asserting white supremacy and defying civil rights advances in the 1960s" (Gardner 2018, p. 18). By the 1970s, the Confederate battle emblem had become so identified with resistance to federal mandates for school integration that federal judges often allowed school districts to ban the symbol from schools despite cries of free speech intrusion (Coski 2000, pp. 114–119).

After the 1960s, the issue mostly lay dormant for decades until May 1992, when Georgia Governor Zell Miller announced his support for an NAACP initiative to remove the Confederate battle emblem from the Georgia state flag. Although Miller's efforts failed, his announcement energized the debate (Reingold and Wike 1998). During the 1990s and early 2000s, efforts in Georgia and other Southern states to remove Confederate symbols from state flags refocused the flag issue dominated discussions of Southern history (Martinez 2008). In Georgia, the debate may have cost a Democratic governor, Roy Barnes, his seat when he ran for reelection in 2002, although he was plagued by other issues, including the state's electoral realignment. Barnes publicly championed the removal of the St. Andrew's cross from the state flag. He got his wish in 2001, but the new flag design, which lasted only 2 years, incensed a large swath of the electorate (Hayes and McKee 2004, pp. 717–720, 722; Salzer 2003, p. 29).³

The efforts of heritage preservationists to protect the supposedly "noble," original meanings of Confederate flags and monuments from the "profane" use by racists was always a lost cause because the original meaning was always about race. Sometimes, the racial connection was muted or not explicitly stated, but it was always lurking in the background. To argue that race was not a factor in the original meaning of Confederate symbols is to rewrite history (Coski 2000, p. 117).

³ Georgia changed the state flag again, this time via referendum, in 2004. The new design featured a Confederate flag design popularly known as the "Stars and Bars" (Reksulak et al. 2007).

ERA 3: THE 21ST CENTURY AND THE REMOVAL OF CONFEDERATE SYMBOLS FROM THE SOUTHERN LANDSCAPE

The debate over the meaning of Confederate symbols has waxed and waned, but it returned with a vengeance in the 21st century. The context had changed, but the terms of the debate remained the same. Consider the 2020 Black Lives Matter (BLM) protests, which sought to eliminate racism in policing, criminal justice, and many other aspects of American society. The protests also significantly changed American discourse about the removal of Confederate memorabilia, specifically flags over state capitol domes primarily in the South and displays of Confederate monuments and statues across the nation. BLM protesters went a step further, calling for the removal of the statues of many historical figures that had oppressed and harmed racial and ethnic populations. The latter may have been a bridge too far, but public opinion on Confederate monuments was shifting. A 2020 news poll conducted by NBC News/*Wall Street Journal* found that many Americans supported removing Confederate statues. According to the poll, “51 percent of respondents believe Confederate statues should be taken down, while 47 percent disagree. That represents a significant shift from 2018, when a clear majority of Americans said that the monuments should remain, while just 35 percent said they should be removed” (Lemon 2020). The most popular solution, supported by 41 percent of respondents, was to relocate the statues in museums and move them from public places. Ten percent of Americans believed the statues should be destroyed. According to the poll, “About a third (31 percent) said that the statues should remain in place with plaques added to provide greater historical context. Only 16 percent believed the monuments should remain exactly as they are without changes” (Lemon 2020).

Removing Confederate symbols from the landscape faced barriers. In some cases, state laws protected Confederate monuments from defacement or removal (Southern Poverty Law Center 2021). In 2000, Southern state legislatures began enacting statutes to protect Civil War monuments. These measures reflected a backlash among conservative whites who were concerned about what they viewed as political correctness (a later generation bristled at “woke” culture; Bray 2020). Even if the monuments conveyed offensive messages, opponents of removing monuments argued, the stone structures were important artifacts that should be preserved (Riddle 2018).⁴

Despite the passage of these new laws, some Southern cities removed Confederate monuments, anyway. According to one commentator, “Virtually every state legislature that has successfully passed a statute on the topic has produced a law that entirely prohibits removal of Confederate monuments by localities, save certain extreme exceptions. Conversely, in those states where no statute addresses the issue of removal, the decision is left entirely to individual localities, as state officials have no legal authority on the matter” (Riddle 2018, p. 367).

Unlike earlier eras, public opinion shifted in the 21st century at least partially owing to a series of race-related murders in 2015, 2017, and 2020. The murders focused attention on Confederate symbols, unlike any events since the 1960s (Bubar 2019, p. 7). The first murder occurred on June 17, 2015, when Dylann Roof, a 21-year-old white supremacist and neo-Nazi, shot and killed nine congregants, including the senior pastor (who was also a state representative), of the historic Emanuel African-American Episcopal Church in Charleston, South Carolina. Roof’s Facebook page prominently featured a “manifesto” of his views on African Americans, Jews, Hispanics, and East Asians. He claimed that his action was retribution for African Americans attacking whites, and he hoped he would initiate a race war in America. The Facebook

⁴ Setting aside the heritage preservationist argument about protecting monuments, historians might argue that Confederate monuments should be preserved not because of what they tell us about the Civil War era, but what they tell us about the Jim Crow era. In other words, a Confederate monument reflecting white supremacy has historic value as a window into the thinking of the whites who erected the monument, not for any messages about the Southern Confederacy of the 1860s (Evans 2021; Lees 2021). Consider an analogy. In Germany, some concentration camps have been preserved as museums. Visitors do not, and are not expected to, embrace Nazi values when they traipse through Dachau and Sachsenhausen. Instead, visitors reflect, at least in theory, on the reasons why the Nazis created such camps (Bordage 1993; Foote and Azaryahu 2007; Myers 2008). Although heritage preservationists would object to this analogy, the argument for protecting Confederate monuments can run along similar lines. We should preserve Confederate monuments not to embrace the values of the Southern Confederacy, but to reflect on why whites felt compelled to erect these monuments to white supremacy.

page showed him posing with a handgun and a Confederate battle flag (Chaffin, Cooper, and Gibbs Knotts 2017; Powell 2019; Webster and Leib 2016).

The second murder occurred at the Unite the Right Rally in Charlottesville, Virginia, scheduled for August 12, 2017. The rally drew 250 white supremacists, including self-identified members of the alt-right, neo-Confederates, neo-fascists, white nationalists, neo-Nazis, Klansmen, and right-wing militias, to protest removing the Robert E. Lee statue from Richmond's famous Monument Avenue. The rally's Facebook page revealed an additional purpose, which was "to unify the right wing against a totalitarian communist crackdown, to speak out against displacement level immigration policies in the United States and Europe, to affirm the right of southerners and white people to organize for their interests just like any other group is able to do, free of persecution" (as quoted in Capek and Harris 2018, p. 14). The night before the rally, protesters marched in two-by-two formation, a Nazi routine, to the Thomas Jefferson statue on the University of Virginia campus where counterprotesters had gathered at the statue. The rally protesters carried lit tiki torches and chanted white national slogans, such as "Jews will not replace us" and "blood and soil, and white lives matter." Confederate battle flags dotted the landscape. At the campus, protesters met face-to-face with counterprotesters. A brawl erupted. The next day, after the Charlottesville City Council approved the rally, James Alex Fields, Jr., a 20-year-old white man, drove his car into a crowd of counterprotesters, killing Heather Heyer, a 32-year-old white woman, and critically injuring 20 others (Dukes 2019).

The third murder occurred on May 25, 2020. A graphic video recorded by bystanders and area security cameras showed the death of 46-year-old George Floyd, an African-American male, at the hands of police officers in Minneapolis, Minnesota. After being arrested and handcuffed for alleging passing a counterfeit \$20 bill, Floyd faced police officers who claimed that he was unruly. The officers placed Floyd in a prone position face down in the street. The lead police officer, Derek Chauvin, pressed his knee on Floyd's neck for 9 min and 29 s. Three other officers constrained Floyd, pinning down his arms and legs. Helpless and scared, Floyd cried out that he could not breathe. Even after Floyd was unconscious and paramedics had arrived, Chauvin used his knee to press on Floyd's neck. As a result of Officer Chauvin's actions, George Floyd died in the street as horrified onlookers begged the officer to cease and desist (Onwuachi-Willig 2021).

Two high-profile murders in 2020 spread the BLM protests across the nation. Police shot and killed Breonna Taylor, a 26-year-old African-American female emergency medical technician in Louisville, Kentucky, during a botched police raid (Cheney-Rice 2020). White vigilantes killed Ahmaud Arbery, a 25-year-old African-American male, while he was jogging in a Brunswick, Georgia community (Yankah 2021).

Around the same time that these events occurred, the debate over Confederate flags and monuments returned to public consciousness with highly publicized efforts to remove them from the landscape and relocate them to museums (Anastasia 2017; Evans 2021). Public opinion has been divided on the wisdom of these actions. Several polls over the years found diverse opinions among the public about the removal of rebel flags from state capitols, particularly in Georgia, South Carolina, Mississippi, and Alabama. A 1991 poll conducted among Southerners was the first to inquire about the symbolism of the Confederate flag. It found that "the vast majority of whites thought the flag was a symbol of Southern pride, while a majority of blacks thought it was a symbol of racism." The next year, a national poll revealed that 69 percent of respondents supported the flag as a symbol of Southern pride (Roper Center for Public Opinion Research n.d.).

A 1994 Harris poll focused on the removal of Confederate flags from the Georgia and Mississippi capitol domes. The poll revealed that 63 percent of respondents thought that flags should not be removed from capitol domes (Roper Center for Public Opinion Research 2015). A 2011 Pew national survey showed that "nine percent of the general American public reported a positive reaction when seeing the Confederate flag displayed compared to 30 percent that had a negative reaction, and 58 percent had neither. Respondents who viewed themselves as southerners had an 18 percent positive reaction, while 19 percent had a negative reaction. Fourteen percent of southerners responded that they displayed the Confederate flag in their homes, offices, cars, or clothing. A follow-up survey in 2015 using the same questionnaire found

13 percent of the public reacted positively when viewing the Confederate flag compared to 28 percent reacting negatively” (as quoted in Talbert 2017, p. 4).

A poll conducted following June 17, 2015, Charleston murders revealed that public opinion on the flag had not changed appreciably since 2000. In the CNN/ORC poll, 57 percent of the country saw the flag as a symbol of Southern pride, including 66 percent of all whites and 75 percent of Southern whites. However, 72 percent of African Americans viewed the flag as a symbol of racism. Whites and blacks disagreed on what should be done regarding the Confederate flag and other monuments (Roper Center for Public Opinion Research 2015).

For decades, civil rights leaders and groups as well as African-American state legislators have called for the removal of Confederate flags flying over state capitols, specifically in Georgia, South Carolina, Mississippi, and Alabama. Georgia removed the St. Andrew’s cross design from the state flag in 2001 after a contentious debate that lasted for much of the 1990s (Martinez 2008).

A year earlier, the NAACP had organized a national boycott against South Carolina for not removing the Confederate flag from the capitol dome in Columbia. In 1962, the state legislature passed a joint resolution allowing a version of the Confederate battle flag to be displayed above the capitol. Unlike Georgia, where the St. Andrew’s cross was part of the state flag design, the South Carolina emblem was separate from the state flag. Proponents claimed that the decision to display the battle flag was a celebration of the Civil War Centennial, while opponents argued the flag was flown owing to the state’s opposition to racial integration (Coski 2000, p. 114; Talbert 2017). As one researcher observed, “40 percent of citizens wanted to keep the flag on the South Carolina dome and 46 percent wanted to remove it; 17 percent believed it should be removed and not relocated, whereas 28 percent thought that it should be removed and relocated onto state grounds. Still less than half of the state’s congressional leaders wanted the flag to remain in its location” (Talbert 2017, p. 3). In 2000, the state legislature removed the flag from the capitol dome and moved it to a Confederate memorial on state capitol grounds (Martinez 2008; Webster and Leib 2016).

Public opinion in the state evolved after the 2015 Charleston church murders, with many citizens questioning the wisdom of displaying a Confederate flag as a state symbol. Even Governor Nikki Haley, a longtime flag defender, spoke about the battle emblem as a racially divisive symbol. During a speech she delivered a week after the shooting, she urged that the flag be removed. Most state legislators agreed (Webster and Leib 2016, pp. 33–34).

The origins of the Mississippi Confederate flag controversy occurred much earlier than the debate in South Carolina. Mississippi’s state flag incorporated the Confederate battle emblem into its design in 1894, nearly 30 years after the Civil War and 4 years after the state legislature revised its Constitution to include Jim Crow laws requiring segregated schools, poll taxes, and literacy tests for voting (Leib and Webster 2012). Despite citizens’ long-standing support for the flag, by the 21st century, times had changed. On June 30, 2020, Republican Governor Tate Reeves signed a bill to retire the state flag and remove it from the capitol (Rojas 2020).

The Alabama state flag, which featured a crimson St. Andrew’s cross on a field of white, was flown over the capitol dome beginning in 1895, during the era of white supremacy (Coski 2005, p. 243; Weeden 2017). In 2015, Governor Robert Bentley ordered the flag be removed from the capitol grounds and displayed with other Confederate flags at the Alabama Confederate memorial, an 88-foot sculpture erected in 1898. As of 2021, Alabama had not redesigned the state flag, but the 1895 flag is not displayed at the capitol (Robertson and Fausset 2015).⁵

As public opinion on Confederate symbols gradually shifted, movements arose to remove or replace flags and monuments. A bronze statue of Charles Linn, a Confederate navy captain and postwar city banker, in Birmingham, Alabama, was the first Confederate monument moved in this new era of reassessing Confederate symbolism (Capps 2020). Even as state officials removed or renamed statues, some protesters were impatient. They attacked monuments to Confederate President Jefferson Davis in

⁵ This analysis ignores the Florida state flag, which is ambiguous. The flag features a red saltire on a white background with the state seal superimposed in the center. The flag may have been designed as a homage to the Southern Confederacy, but the matter is open to interpretation (Mignaneli and Slinger 2020).

Richmond, Virginia, and four Confederate statues at Portsmouth, Virginia, knocking down one monument with a tow rope while the police watched (Miah 2020).

As the movement to remove Confederate monuments gained momentum, the question arose, as it often does with Confederate symbols, about the historical meaning of the edifices. According to Patricia Davis, a cultural studies scholar and associate professor at Northeastern University in Boston, “most people don’t get their history from monuments. What they get from them is a lesson in who has the power. The only reason we’re hearing about these monuments and talking about these things is because they are being removed” (as quoted in Capps 2020, p. 31).

The debate occurred at the national level as well. President Donald Trump weighed in on the controversy in 2020. Always anxious to exploit wedge issues to his advantage, the President recognized the political value in defending Confederate monuments and white supremacy (Kavi 2020). He had already expressed sympathy with neo-Nazis and white supremacists following Heather Heyer’s death at the 2017 Unite the Right Rally. In Trump’s view, there were “very fine people on both sides” (as quoted in Alcindor 2017). Moreover, several times during his presidency, Trump praised General Robert E. Lee as “the greatest strategic military mind perhaps ever” (as quoted in Karl 2020, p. 196). To the extent that he understood the issue and its historical origins, the president was comfortable with the ambiguous nature of Confederate flags and monuments.

In 2020, Trump signed two executive orders to preserve Confederate symbols. Executive Order 13933, “Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence,” was designed to combat “rioters, arsonists, and left-wing extremists” who were “identified them with Marxist ideology.” The order called for “long prison sentences to people who tear down or vandalize statues and other historical monuments.” Trump apparently was unaware of or did not care about the existence of the Veterans Memorial Preservation Act, implemented in 2003 to prohibit anyone from destroying a plaque, monument, or statue commemorating a person serving in the armed forces. The act obviated the need for an executive order. Nonetheless, Trump claimed that protestors targeting public monuments, memorials, and statues “reveal a deep ignorance of our history” and that their actions are “indicative of a desire to indiscriminately destroy anything that honors our past and to erase from the public mind any suggestion that our past may be worth honoring, cherishing, remembering, or understanding” (Trump 2020a, p. 2). He followed this action on July 3, 2020, when he signed Executive Order 13934, “Building and Rebuilding Monuments to American Heroes,” authorizing an interagency task force to establish a statuary park, National Garden of American Heroes, to celebrate the 250th anniversary of the Declaration of Independence (Trump 2020b).

Trump’s supporters shared his affinity for Confederate symbols. On January 6, 2021, attack on the U.S. Capitol by the president’s supporters included white supremacists carrying and wearing Confederate memorabilia as they sought to prevent certification of the 2020 presidential election. Marching through the Capitol, desecrating property, breaking into offices, and rifling through official papers, the insurrectionists proudly displayed their defiance to the federal government and the U.S. Constitution. One man waved a giant Confederate battle flag (Leon 2021).

In February 2021, Senator Cory Booker Democrat-New Jersey (D-NJ) and U.S. Representatives Barbara Lee Democrat-California (D-CA) and Bennie Thompson Democrat-Mississippi (D-MS) announced the reintroduction of their bicameral bill, the Confederate Monument Removal Act, to remove statues of Confederate soldiers and political leaders from the National Statuary Hall Collection in the U.S. Capitol. The collection was created in 1864 to allow states to select two statues of deceased individuals for permanent display. If the bill was passed and signed into law, states could reclaim Confederate statues displayed in the collection. Those statues not reclaimed would be removed from display and stored by the Architect of the Capitol (Rio et al. 2021). The bill has not been passed into law as of this writing.

In June 2020, despite President Trump’s displeasure at removing Confederate monuments, the Republican-led Senate Armed Services Committee adopted an amendment to the National Defense Authorization Act to create a commission charged with renaming army bases that bear Confederate names. A bipartisan team of House members, composed of numerous veterans, proposed similar legislation. Secretary of Defense Mark Esper announced his support. In 2020, 10 army bases were named for Confederate

commanders. The naming occurred in the World War I era. At the time, a War Department decision permitted Northern installations to be named for Union leaders, while Southern bases could be named for Confederates. Three of the 10 army bases included Fort Bragg in North Carolina, Fort Hood in Texas, and Fort Benning in Georgia (Baker and Cooper 2020; Neuman 2020).

By the end of 2020, Virginia had removed more Confederate monuments than any other state (71), followed by North Carolina (24). Alabama (12) and Texas (12) were tied for third place. At least 167 Confederate symbols were removed after George Floyd's death, including one Arizona Confederate symbol that was stolen from public property. By comparison, 58 Confederate monuments came down between 2015 and 2019. As of February 2021, 704 Confederate monuments remained on public display (Southern Poverty Law Center 2021).

As the new cultural emphasis on racial sensitivity intensified, significant changes occurred in the private sector as well. Quaker Oats announced a change to its 131-year-old Aunt Jemima brand of syrup and pancake mix (Kern-Foxworth 1994, pp. 61–108). The company acknowledged that the use of a stereotypical “black mammy” character was demeaning to people of color and must be changed (Hsu 2020; Martinez 2016, pp. 204–209; Smith 2021). The sports world also made changes. The National Association for Stock Car Auto Racing (NASCAR) banned the Confederate flag from its racetrack properties. Bubba Wallace, a black NASCAR driver, pushed for the change (Macur 2020). The National Football League disseminated a video apologizing for “previously failing to support players who protested police violence by kneeling during the national anthem” (Belson 2020; Streeter 2020).

CONCLUSION

An examination of the historical record illustrates twin fallacies associated with the debate over public displays of Confederate symbols on flags and monuments. As discussed in this article, the meaning of a symbol cannot be limited to a single referent or set of referents and fixed in time. Moreover, even if the meaning of a symbol could be fixed and limited, Confederate symbols displayed on tangible artifacts in public spaces cannot be divorced from hateful messages of bigotry and white supremacy. From their first displays in the 1860s, Confederate flags and monuments conveyed messages, albeit sometimes implicitly, of white supremacy.

Persons who defend public displays of Confederate symbols on flags and monuments couch their arguments as a concern for and love of Southern heritage without regard to racism. The argument assumes that these symbols conveyed an “original” or “noble” meaning that was hijacked and bastardized by racists who coopted the symbols for their own purposes long after the 1860s. This defense is disingenuous. At no time did Confederate symbols convey a benign or noble meaning.

Confederate flags were originally flown by armies that supported a would-be slaveholding republic. The erection of Confederate monuments in cemeteries and graveyards after the war memorialized the sacrifices of the men and their families that supported the Confederate cause. That cause was dedicated to the perpetuation of slavery based on a foundation of racial animus and white supremacy. Even if rank-and-file soldiers did not own slaves or entertain reasonable hopes of ever doing so, they risked their lives in service of a cause that rested on a foundation of race-based slavery and white supremacy. As Alexander Stephens acknowledged, the foundation of the Southern Confederacy rested on the presupposition that blacks were inferior to whites.⁶ In later decades, flags and monuments appeared in public spaces such as courthouse lawns, capitol domes, and public buildings during an era that celebrated white supremacy and black subjugation. The nostalgia that some whites felt and continue to feel for bygone days when blacks

⁶ Some funeral monuments were private displays of Confederate symbols, for example, a monument featuring a soldier or an allegorical figure constructed over a single grave or adjacent to a few graves of Confederate soldiers in a cemetery. In other cases, the funeral monument held a political meaning as when the figure of an armed Confederate soldier was erected at the entrance of a cemetery. Typically, the soldier faced north to keep an eye on the enemy (Martinez and Harris 2000, pp. 135–138). Private funeral monuments erected in cemeteries in the years after the war, which mostly lack overt political content, do not present the same public policy challenges as displays of Confederate symbols in public spaces or, for that matter, private Confederate monuments erected during the 21st century. See, for example, Owley et al. (2021).

labored as subhuman slaves or eked out a living in the Jim Crow regime provides a crucial context for assessing public displays of flags and monuments (Carpenter 2001; Winberry 2015).

Although private uses of Confederate symbols on tangible artifacts sometimes indicate defiance separate from racial animus—the appearance of these symbols on a belt buckle, arm patch, miniature flag, wall poster, bumper sticker, or music album cover does not necessarily mean that the person displaying the symbol views blacks as inferior or desires their subjugation, displays of Confederate symbols on flags or monuments in public spaces with the actual or tacit consent of a public entity is a different matter. A person wearing a Confederate flag t-shirt can plausibly argue that he or she bears no ill will toward persons of color. A private display differs from a public display. Offensive words and symbols used by individuals are protected by the First Amendment as free expression. When those same words and symbols become, in effect, government speech, the context changes.⁷

Confederate symbols have been firmly entrenched in American culture for generations, but in the 21st century, “the times they were a-changin’”. When these symbols are included on tangible artifacts displayed in public spaces, the hateful messages they convey are no longer tolerated to the degree they were in the past. In the aftermath of the 2015 murders in the Emanuel African-American Episcopal Church, the Unite the Right Rally in 2017, the George Floyd, Breonna Taylor, and Ahmaud Arbery killings in 2020, and the BLM protests that same year, outraged citizens pressured political and business leaders to make changes. Confederate flags came down from public spaces, Confederate monuments were removed from public spaces, and private sector entities such as Quaker Oats, NASCAR, and sports leagues strove to remove offensive images and names.

It is time to retire the old clichés and myths about noble, humble, salt-of-the-earth Confederate partisans who died defending constitutional principles. Confederate flags and monuments display a message of hate. The only genuine ambiguity is in deciding which era of hate they reflect—the hate of the antebellum years, the war years, the Reconstruction period, the Jim Crow era, the long decades of the 20th and 21st centuries, or perhaps a combination.⁸

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⁷ The issue of offensive government speech has generated many court cases as well as a voluminous body of literature. The question of whether government “hate” speech should be permitted as a question of law is distinct from the argument advanced here. The legal question is descriptive. The argument here is normative. Even if state displays of Confederate symbols are permitted under the law, they should not be permitted as a matter of efficacious public policy (Martinez 1997; Schragger 2021).

⁸ An exploration of the meaning of Confederate symbols displayed on flags and monuments in public spaces does not address the question of whether flags and monuments should be removed from the landscape, and if so, what should be done with them. Those questions are addressed in many other sources (see, e.g., Gilbert 2017; Hartley 2021; Huffmon et al. 2017; Valla 2021).

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