

Presentation to Commission Reviewing Baltimore's Public Confederate Monuments

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"Every monument built in memory of the Confederacy will perpetuate that which it would be more creditable in the actors to desire to have forgotten." — Frederick Douglass (of Baltimore), 12/1/1870.

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Introduction

I'm impressed with what I understand to be your process for dealing with Baltimore's Confederate public history landscape. You seem able and qualified. As well, the process your mayor has put in place provides people with a route to voice their views. Eli Pousson's research and paper also impressed me. The signs placed around each monument are an effective part of



Sign in front of Taney monument

the process. Their very existence implies that the city may be removing its stamp of approval that the monuments' locations in prominent places otherwise suggest. Thus the signs themselves speak to the need of some residents to *de*-legitimize the monuments and the cause they extol. This may curb vandalism while providing an important alternative outlet — your hearings — for citizens to voice their opposition to the monuments.

I. History Education In The United States

The education most K-12 schools provide to our citizens continues to lack substance, even competence, in U.S. history. The introduction to *Lies My Teacher Told Me: Everything Your American History Textbook Got Wrong* makes this point, with footnotes. One reason is poor teacher preparation. Too many high school teachers in history/social studies did not major in history, sociology, political science, or any other field related to the American past. One teacher in six never took a single college course in history! This means they cannot get students to *do* history — unearthing and evaluating primary sources, coming to conclusions, etc. Instead, they simply rely on textbooks.

Unfortunately, as three of my recent articles show (see Bibliography, below), these textbooks are sadly lacking in their treatment of the Confederacy. Not one quotes any of the Southern states' declarations of secession as to why they seceded. Instead, they mystify the Confederate cause, making it mainly for states' rights. Actually the states seceded for slavery and said nothing positive about states' rights. Partly these poor textbooks result from the fact that the famous historians listed as their authors mostly did not write them.¹

These errors did not result from accident. My first full-time teaching experience, at Tougaloo College, a historically black institution in Mississippi, introduced me to "history as weapon." From deliberately inaccurate high school textbooks, my students had learned terrible lies about Reconstruction. Mississippi had passed its law requiring Mississippi history twice — in middle school and high school — as part of its response to *Brown v. Bd.* after 1954. The course was specifically designed to reinforce "our Southern way of life."

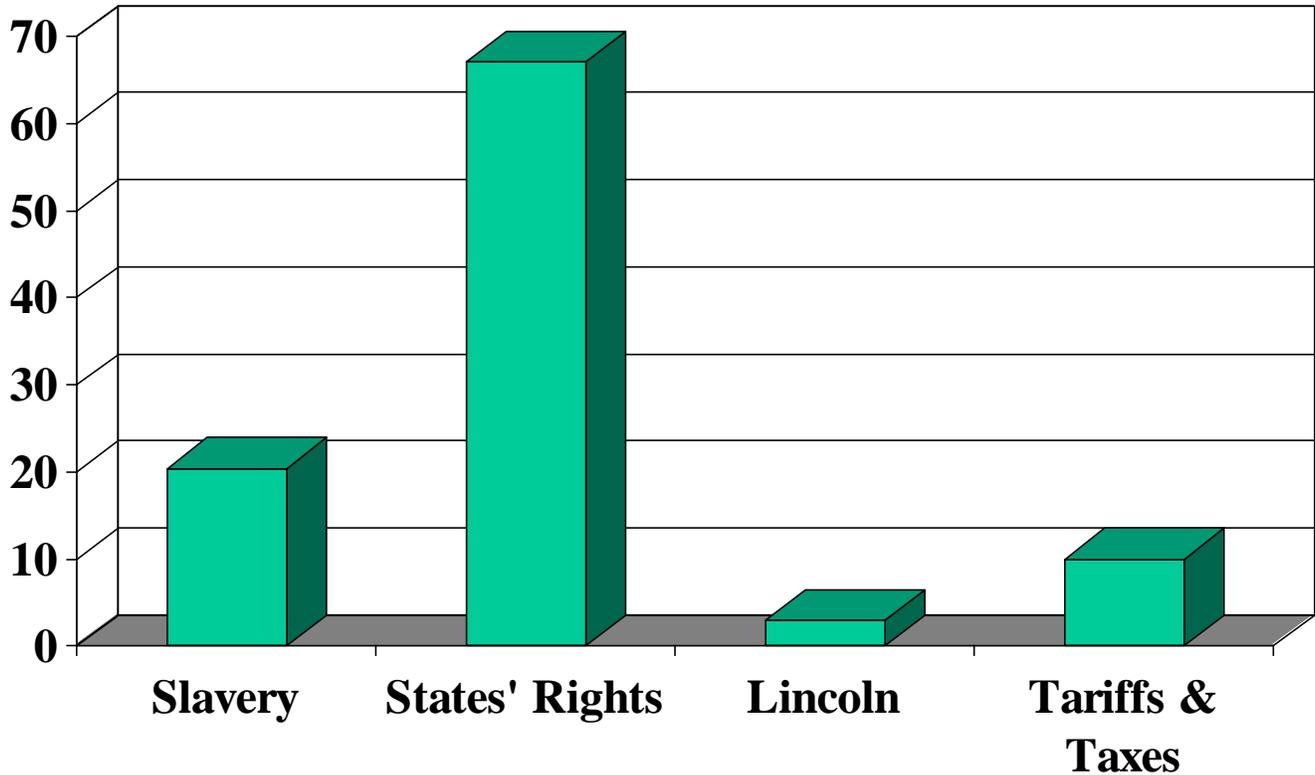
When I moved to the University of Vermont, I found that inaccurate history was a national problem. My first-year "UVM" students knew astounding "facts" about our past that never happened and did not know all kinds of important things that *did* happen. Thus I learned that Mississippi merely exemplified the problem of biased inaccurate history in a more exaggerated form, as it did some other national problems. This realization persuaded me to research and write *Lies My Teacher Told Me: Everything Your American History Textbook Got Wrong*, a rejoinder to some of the most egregious errors in U.S. history books. *Lies Across America: What Our Historic Sites Get Wrong* exposes similar errors, again usually deliberate, in monuments, museums, and historical markers.

For the last five years, I have noted the sesquicentennial of the Civil War by asking audiences all across the U.S. why it occurred. Of course, they correctly reply, "Because the South seceded," whereupon I ask them, "Why did the South secede?" Eventually they give four alternatives:

¹My exposure of this fraud led to a front-page *New York Times* story, "Schoolbooks Are Given F's in Originality," by Diana Jean Schemo, 7/13/2006, nytimes.com/2006/07/13/books/13textbook.html?fta=y&_r=0.

- for Slavery
- for States' Rights
- due to the Election of Lincoln
- because of issues about Tariffs and Taxes.

Then we vote: audience members agree that they will not abstain nor vote more than once.



% of Respondents Saying Why the South Seceded

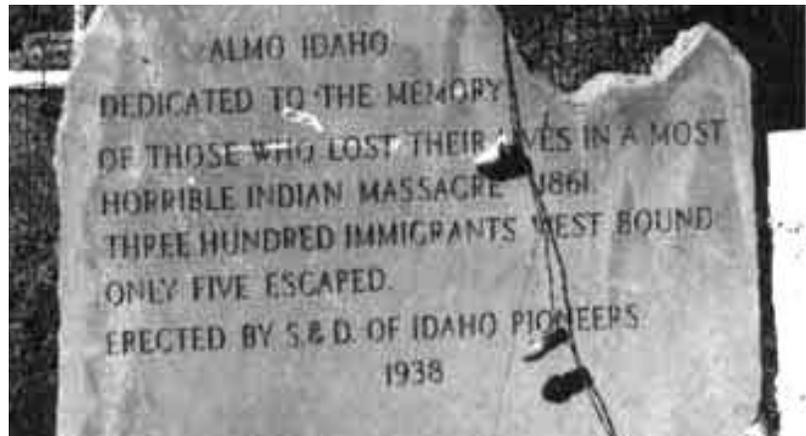
Across the U.S., here are the results. These respondents come from central Florida and North Dakota, southern California and Cuyahoga County, Ohio. Predominantly African American audiences, such as the teaching staff of the Memphis Public Schools, answer as badly as predominantly white audiences. College students answer the same; so do museum members in their 60s and 70s. Especially disheartening are the results from K-12 teachers, since their charges will be running the country fifty years from now, having absorbed this bad information in their youth.

Because of your expertise, and because one of you actually handed out and quoted from the South Carolina and Mississippi declarations of "the immediate causes" for secession, I know that you do not have to be persuaded that the Confederate cause amounted to treason on behalf of slavery. I participated in two extensive discussions in Rockville about their Confederate monument. The Rockville discussants, despite their relative lack of historical expertise, also agreed that the Confederate states seceded for slavery. Even those who argued for leaving the monument where it is were careful *not* to claim that the Southern states seceded for states' rights or about tariffs and taxes. But this is new information to most American citizens.

In addition to mystifying secession, neo-Confederates make Robert E. Lee saintly, claim that thousands of African American troops fought for the Confederacy (so the war *couldn't* have been about slavery), and, just before your October 29 hearing, argued that Abraham Lincoln, not Henry Wirz, was responsible for the murderous conditions at Andersonville Prison in Georgia. None of those claims relies on fact either. (Unfortunately, an important web resource on the Civil War created by Baltimore's Pratt Free Library (see Bibliography) repeats the fictional claim about "Afro-Confederates.")

II. Historiography

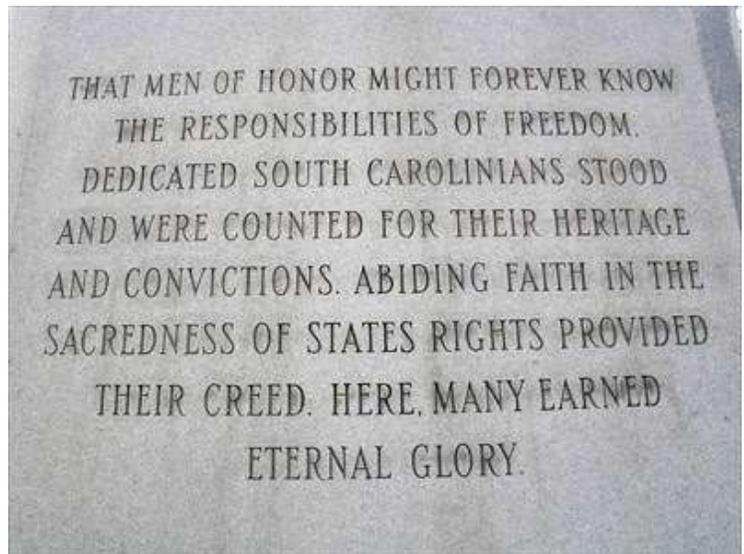
To understand why Americans get the Confederacy so wrong, we must look at *when* they started to do so. Every history textbook, monument, museum, or historical marker is a tale of two eras: what it's about and when it went up. A historical marker from Almo, Idaho, makes that point vividly.



This marker turns out to represent only one era — 1938 — because in 1861 nothing much happened in southern Idaho. Three hundred emigrants in their wagon train were *not* massacred; 30 were not; 3 were not; it never happened at all. I use this stone as a teaching tool to introduce audiences to "historiography" — the "study of the writing of history." Historiography instructs us to ask, "Who wrote this?" "Who *didn't* write it?" "When was it written?" "With what audience and what purpose in mind?" Almo's beautiful marker should go to a museum. There display labels might help visitors see that during the Nadir of race relations (1890-1940, as discussed below), whites — "Sons and Daughters of Idaho Pioneers" — would believe a fantastic tale about "savage" Indians with no historical justification whatever.²

²Loewen, *Lies Across America: What Our Historic Sites Get Wrong* (NY: Simon and Schuster, 2007), 75-79, shows that this massacre did not and could not have occurred and cites the relevant research.

South Carolina's monument at Gettysburg provides a second example. Erected in 1965, it does get the date right about the Battle of Gettysburg. But that's about all. As noted earlier, South Carolina's "Declaration of



the Immediate Causes" shows how *opposition* to states' rights provided their soldiers' creed at Gettysburg. In 1965, however, South Carolina's white leadership *did* favor states' rights — in opposition to U.S. court decisions ending segregated schools and requiring registering voters without regard to race. Appendix A is my essay about this monument from *Lies Across America*.

III. The Confederacy In Maryland, 1862-64.

Contrary to the laudatory and triumphal sentiments expressed by Baltimore's three large Confederate monuments and Montgomery County's monument, when Confederate forces came through Maryland, they were not viewed fondly. The Rockville monument tells viewers what to think:

To our heroes of Montgomery Co. Maryland
That we through life may not forget to love the Thin Gray Line

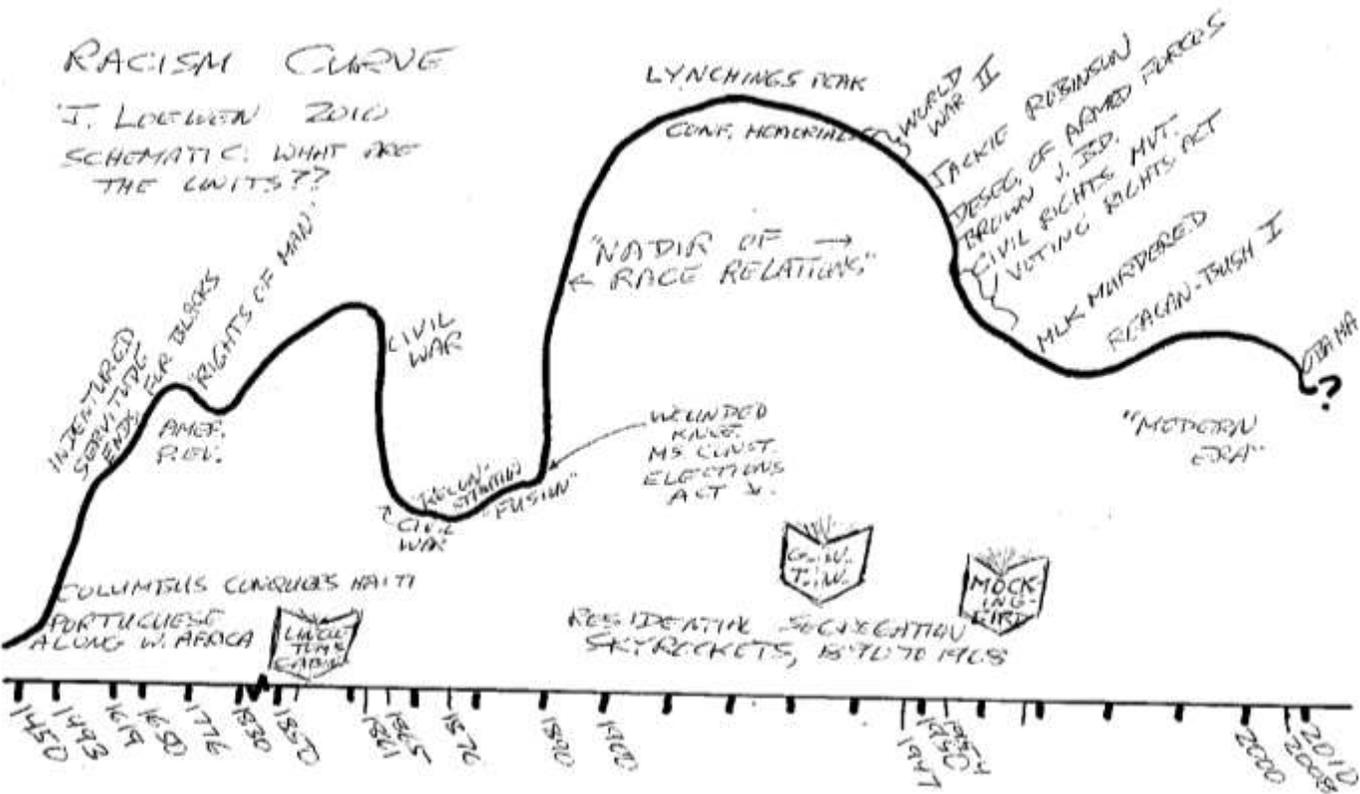
In fact, the Thin Grey Line came through Montgomery County and adjoining Frederick County at least three times, en route to Antietam, Gettysburg, and Washington. Lee's army expected to find recruits and help with food, clothing, and information. This did not happen.

The first time, Maryland residents greeted *Union* soldiers "as liberators" when they came through on the way to Antietam, according to historian William F. Howard.³ The second time, Lee's Confederates captured every African American they encountered, including more than a hundred in the vicinity of the Rockville monument, and sent them in shackles to Virginia. The last time, Confederate cavalry leader Jubal Early demanded and got \$300,000 from the leading merchants of Frederick, lest he burn their town, a sum equal to at least \$5,000,000 today. During most of the war, the Maryland legislature met in Frederick, because it was securely Unionist, while Annapolis was not.

³William F. Howard, "Lee's Lost Orders," *Civil War Quarterly*, 9 (6/87), 27.

IV. The Nadir Of Race Relations, 1890 — 1940

After the Civil War, as we shall see, sentiments changed. Most of Maryland, including Frederick, Montgomery county, and Baltimore, went neo-Confederate. During the Nadir of race relations, 1890 — 1940, so did the entire United States, to a degree. In this period, lynchings rose to their all-time high. Sundown towns — communities that were (some still are) all white on purpose — sprang up across the North. African Americans were thrown out of all kinds of occupations where they had enjoyed some success, from organized baseball to postal carrier.



Racism Curve. Admittedly impressionistic; no units on the vertical axis; perhaps useful, nevertheless.

Historians date the beginning of the Nadir of race relations to 1890 nationally because late in that year, three terrible events took place. In South Dakota, what used to be called the Battle of Wounded Knee but is now known more accurately as the Massacre of Wounded Knee took the lives of more than 200 already-surrendered Dakota Indians. Native Americans sank into their Nadir culturally and even demographically.

Second, white Democrats in Mississippi forced through a new state constitution that removed African Americans from citizenship, in defiance of the 14th and 15th Amendments. The U.S. did nothing. Seeing this, every other Southern state and states as far away as Oklahoma followed suit by 1907.

Third, Maryland Senator Gorman led Democrats in the U.S. Senate to defeat the "Federal Election Bill," more or less by a single vote. After their victory, Democrats tried to tar Republicans as "nigger lovers."

Columbus Day became a national holiday late in the Nadir. In these decades, textbook authors did not mention that he started the trans-Atlantic slave trade from west to east (Native Americans, to Spain and the Canary



Alexandria's Confederate monument (left), put up *before* the Nadir, shows a pensive South, perhaps contemplating the cost of attempted secession. Richmond's Confederate monument (right), put up *during* the Nadir, shows a triumphant South, secure in the process of securing white supremacy.

Islands). Nor did they tell that his son started it from east (Africa) to west (the West Indies and North and South America). Historians vilified U.S. Grant during the Nadir as one of our worst presidents. His attempts to deal with the two most pressing problems facing the nation — black/white race relations and relations with Native Americans — now won him no credit. History written during the Nadir also made the Nadir itself invisible. Today, only one American in a hundred has heard of it.

V. The Nadir Of Race Relations In Maryland, 1866 — 1940

In most states, the Nadir of race relations set in around 1890. During Reconstruction in the South, African Americans had voted reasonably freely, despite violent opposition by some white Democrats. The combination of most black voters plus a sizable minority of white voters enabled Republicans to contest and usually win statewide elections across the South. In most of the North, which did not go through political Reconstruction of course, Republicans nevertheless enjoyed political ascendancy while arguing for an end to legal discrimination against African Americans. We might call that era "ideological Reconstruction" in the North.

Maryland avoided both forms of Reconstruction. Of course, not having seceded, Maryland never went through political Reconstruction. It did vote down slavery in 1864, but racist Gov. Thomas Swann, in office



Like most monuments that ostensibly mark the Spanish American War, Baltimore's carries the dates of our war against the Philippines, 1898-1902, which is what it's really about. The Spanish American War was allegedly anti-imperialist, while our war against the Philippines was directly imperialist. Baltimore's monument needs a historical marker to explain these wrong dates and tell why Americans didn't want to say "Philippines War."

from January of 1866 to January 1869, embarked on a campaign of "Redemption" and "restoring to Maryland a white man's government. His strategy was built on the platform of entrenching white power and displacing independent African Americans."⁵ Since overt proponents of white supremacy regained control so quickly in Maryland, many former Confederates relocated to Maryland to avoid experiencing Reconstruction in their formerly Confederate home states. After the Civil War, Maryland did not really admit African Americans to equal citizenship; indeed, it did not ratify the 14th Amendment — the equal rights amendment — until 1959!

Unlike most other states, then, which waited until after 1890 to celebrate the Confederacy, politicians in Maryland began to argue for white supremacy on the landscape as well as in the state legal codes almost as soon as the Civil War ended. They began by putting up statues to Roger Taney, whose notorious *Dred Scott* decision, as well as his open hatred of abolitionists and of President Lincoln, made him *non grata* to the anti-racist thinking of Reconstruction. As I argue in my separate paper on Taney (Appendix C), Maryland Democrats memorialized Taney to celebrate *Dred Scott* and thus show opposition to racial justice.

Opposition to racial justice was tied to the erection of all five Confederate monuments in Baltimore, including that to Severn Teackle Wallis. In 1861, Wallis was elected to the Maryland House, where he became a leader of the pro-Confederate faction. He denounced Maryland's governor for not assembling the legislature or a convention to consider secession. His apologist, Bernard Steiner, admits Wallis "was regarded as the forefront of the movement to take Maryland out of the Union." Eventually the U.S. jailed him and a dozen other like-

⁵"Thomas Swann," in *Wikipedia*, accessed 11/2015.

minded legislators on the eve of a possible secession vote in September, 1861. I believe further research will show that these “achievements” prompted his remembrance on the landscape.⁶ All five monuments thus are additional examples of “history as weapon.” Even the last one, the Lee/Jackson Monument, is a product of the Nadir. Its 1948 dedication is artifactual, delayed by materials shortages during World War II.⁷

During the Nadir, like other Northern states, Maryland got its fair share of sundown towns, including all of Garrett County, islands in the Chesapeake, suburbs of D.C., and various other towns. In some towns whites held mini-riots to drive out their small black communities. Some places, including Oakland and Tilghman Island, put up signs saying something like “Nigger / Don't Let The Sun Go Down On You In _____.”

Within Baltimore, the Democratic city council passed an apartheid ordinance (later passed by Louisville, St. Louis, Atlanta, et al.) requiring residential racial segregation. In *Buchanan v. Warley* in 1917, the U.S. Supreme Court outlawed these ordinances — almost the only positive decision it rendered on racial discrimination between 1890 and the 1930s. Ironically, they did so on the basis that a *white* right was infringed upon: the right of white sellers to sell their home for more money to a black buyer than its market value in the white community. Despite this nevertheless constructive decision, Baltimore, like other cities across the nation, became much more residentially segregated between 1890 and 1940. Sociologists use D, the Index of Dissimilarity, to measure residential segregation, partly because it is so clear intuitively. When $D = 0$, every block in the city has exactly the same racial composition. When $D = 100$, pure apartheid reigns: not one black lives on any white block, and not one white lives on any black block. Baltimore's D grew from less than 50 (somewhat integrated) in 1890 to 90.1 (near-apartheid) by 1940.⁸

During all these years, even during and after the Civil Rights Movement, Baltimore's Confederate monuments furnished the city with a white supremacist landscape that complemented its intensified residential segregation. Sited in prominent places, they signaled to everyone that the city venerated Confederate “heroes” and the Confederate cause. They continue to do so.

VI. The Modern Era

Now we are in a new era, post-Civil Rights and post-Dylann Storm Roof. In this era, across the United States, Nadir monuments to the Confederacy are being questioned, challenged, removed to museums, and even destroyed. In South Carolina, after Roof's murderous rampage, Gov. Haley proposed removing the Confederate flag from its place of honor in front of the Capitol. She got one of the reasons for removal right: the flag offended nonwhites, especially African Americans. The Baltimore monuments similarly celebrate a movement, an ideology, an armed revolt, and ultimately a government whose stated reason for being was to keep African Americans in chains.

There is an even more important reason to remove these monuments. They miseducate all of us —

⁶See S. Teackle Wallis, *Correspondence between S. Teackle Wallis, esq., of Baltimore, and the Hon. John Sherman, of the U. S. Senate...* (Baltimore: 1863), where he carefully avoids claiming he was for the Union or opposed secession. Also see Bernard C. Steiner, “Severn Teackle Wallis: First Paper,” *Sewanee Review*, 15 #1 (1/1907), 65-72. Steiner, writing in 1907 when secession is a dead cause, avers that Wallis, while pro-Confederate and an open advocate at times of disunion, was not pro-secession!

⁷As well, the racism of the Nadir only *began* to turn around in 1940. Note the overt hostility Jackie Robinson faced in 1947 as he struggled to become the first black player in Major League Baseball since the Nadir in 1890.

⁸1940 figure from Karl E. and Alma F. Taeuber, *Negroes in Cities: Residential Segregation and Neighborhood Change* (Chicago: Aldine, 1966), 40. 1890 figure estimated from comparable cities in the above and other sources.

whites and nonwhites alike. They tell us to revere as heroes people — Jackson, Lee, Taney, Wallis — who should *not* be revered as heroes, owing to their work on behalf of white supremacy. Indeed, they were erected to revere these men largely *because* of their work on behalf of white supremacy. The larger monuments also glorify the Confederate cause by their hieratic scale itself. Their very existence, size, materials, and prominent locations imply that we all should honor their cause. Roof's reverence for the Confederacy took an extreme form, to be sure, but such extremism arises within a context of the more widespread admiration for the Confederate cause expressed in — and partly produced by — these monuments.

VII. Arguments For Doing Nothing

Some persons will argue against destroying the monuments by claiming that Baltimore would be removing revered sculptures that help earn it the nickname "Monument City." To those persons, I suggest a compromise (see Section IX below) that does move the monuments but also remembers them exactly where they now stand and does not destroy any of them.

Some will argue against even moving the monuments, claiming that where they now stand is somehow part of their history. Literally that is true, of course: they have been in place for decades. I would note, however, that cities are always changing. Just between 1993 and 2010, nineteen monuments and sculptures in Baltimore have been removed from view entirely.⁹ Still others have been moved. Moreover, there is nothing historically significant about the siting of any of these monuments. They do not stand on ground that has anything to do with what they are about. Lee and Jackson, for example, did *not* hold their famous final parting in Baltimore.

As a white person, as well as a sociologist and student of race relations, let me suggest that sometimes whites, accustomed to a landscape that makes us feel comfortable, are loath to change anything, even a detail such as the location of a statue, especially if someone *else* pushes us to. Unfortunately, those on the other side of this situation will surely conclude that they have not been heard if they are told that nothing — not even the *location* of these monuments — can be changed.

Some persons will likely claim that *any* change violates "our Confederate heritage." One answer to this is the counter-claim that the Confederate heritage of African Americans is slavery. Thus the counterpart to Robert E. Lee's splendid uniform or his wife's lovely gowns is the ragged clothing their field hands typically wore. Unlike, say, St. Patrick's Day, Confederate heritage celebrations are intrinsically divisive.

Some will claim "you are erasing the past," especially if you choose to destroy any of the monuments. This assertion blurs the crucial distinction between recalling and revering, between remembering and celebrating. You can answer it completely by immediately installing historical markers at each site, telling of the monument that was here, when it was put up, why it went up at that time, its previous history (some have been moved), why and when it was removed, and where it now is. Such markers teach not only history but also historiography.

Some will try to reduce this matter to an absurdity by constructing false parallels. Must Baltimore tear down its Washington Monument, for example? After all, he was a slaveowner! Or, as an op ed in the *Baltimore Sun* noted recently, must Spain remove "all public recognition" of Salvador Dali? After all, he supported Franco!

You can answer this objection by noting that no one is without sin, but applying a simple rule allows for

⁹Cindy Kelly, *Outdoor Sculpture in Baltimore* (Baltimore: Johns Hopkins U. P., 2011), ix.

clearer thinking. Simply ask: *why* was this person, issue, or event memorialized? Was Washington, for example, memorialized *because* he was a slaveowner? Or because he held the army together through seven long years of war, then was our first president, then supplied a graceful example of stepping down from power? Did Dali get recognized *because* he supported Franco? or for other reasons?

My paper on Roger Taney (Appendix C) shows that Baltimore did *not* honor him because he freed his own slaves before becoming Chief Justice, nor for any other noble act. Rather, white supremacists in Baltimore honored him *because* of the white supremacy of his most famous decision, *Dred Scott*, precisely the reason why many Baltimoreans now want him removed.

In the case of the Lee/Jackson Monument, it is telling that each year on Martin Luther King Jr. weekend, neo-Confederates gather to play "Dixie" and wave Confederate flags there. "Dixie" of course is a lament for slavery. Singing it and waving flags on King weekend is a stick in the eye of those who stand for racial justice. As well, the statue lies. For example, it claims Lee and Jackson "waged war like gentlemen." In fact, as we noted, Lee's army captured every African American civilian they encountered on the way to Gettysburg and took them back to Virginia as slaves. That is a war crime today and in 1863.

A philosophy professor, suggested a final *reductio ad absurdum* in a recent *Baltimore Sun* op ed.¹⁰ He argued that the very wrongness of the Lee/Jackson monument, for example, can prompt viewers "to learn and reflect." That can occur, I suppose, but it becomes a bizarre argument for *bad* history. Should we then adopt the *worst* available history textbook, so students will "learn and reflect?" We have seen how that didn't work in Mississippi — my students merely learned the bad history they were taught in high school. Monuments are even more problematic. After all, they are hieratic in size and written in stone. Such authoritative pronouncements encourage viewers to believe them, not to question them. Imagine a lone individual handing out a fact sheet showing what is wrong with the Confederate cause in front of the Soldiers and Sailors Monument. S/he would be dwarfed by it and come across as an eccentric, railing haplessly against the established opinion, established even in granite. Left where they are, these monuments simply do not provide useful teachable moments. On the contrary, they each *inaccurate* history every day.

We must also note that none of the people who propose leaving the monuments as they are, to provide teachable moments, has ever done anything to teach against them. They have not stationed themselves at a statue on the weekend, showing passers-by what is wrong with it and then regaling them with accurate information about the past. They have not written up a broadside to leave at the site. They have not argued for an interpretive historical marker to provide corrective information.

VIII. Arguments Against Doing Nothing

Those who argue to leave the monuments alone fail to understand that the status quo is not tenable. The statue honoring Confederate soldiers and sailors erected in 1903 by the Maryland Daughters of the Confederacy has already been vandalized with the phrase "Black Lives Matter." Only your "Special Commission to Review" signs stave off further attacks, and they are temporary, as is the pause they enable.

As well, the status quo promotes bad history. It's simply wrong to claim that the Confederate and Union causes were somehow morally equivalent. Slavery and freedom are *not* morally equivalent. True, the Union did not go to war to end slavery. It went to war to hold the nation together. But that too is a more laudable goal than

¹⁰Alexander E. Hooke, "Politically incorrect statues provide teachable moments," *Baltimore Sun*, 10/27/2015, baltimoresun.com/news/opinion/oped/bs-ed-confederate-lessons-20151027-story.html.

secession for slavery. And by 1862 the U.S. *did* find itself fighting to end slavery.

Baltimore's Confederate monuments have always been intertwined with bad history. When Maryland's Governor dedicated the Lee/Jackson monument, for example, he called it "symbolic of our unity of purpose, as a nation." Of course, this statement is perfectly and completely false! In 2015, neo-Confederates waving Confederate flags in front of Lee and Jackson explained that they were there to "honor them as great Americans." Actually, Lee and Jackson tried not to *be* Americans and in so doing committed treason as defined by the U.S. Constitution. "They fought for the principles that they believed in," is another common claim. Such a statement so vague as to be content free. I am not claiming that the Confederacy is morally equivalent to the Third Reich, but Adolf Hitler fought for the principles he believed in.

Confederate monuments also intrinsically promote bad race relations. Note the argument in my Roger Taney paper. White supremacists put up that monument owing to Taney's service on behalf of white supremacy. Lauding Taney cannot be separated from white supremacy. Neither can lauding the Confederacy. Letting stand these monuments implies that the powers-that-be in Baltimore, notably its city government, still laud white supremacy. This sends bad messages to African Americans as well as to white supremacists.

IX. What Should Be Done With These Five Monuments?

As I said in response to a question asked of me on October 29, early in the process of decided what to do with its Confederate monument, Montgomery County announced that it would remove the statue from its place adjacent to the courthouse. That reduced the decibel level of the ensuing discussions. Now people were merely debating what to do with it or where to put it, not *whether* to move it. My first suggestion, then, is that you make a similar initial recommendation for your monuments. Again, the status quo is not viable; making this recommendation publicly should buy you some more time by staving off public pressure to vandalize or even destroy the monuments.

What should be done as a permanent solution?

Various answers have been suggested in other locales, from doing nothing to destroying the statues. Doing nothing tells one group they have not been heard at all. That's not viable, as we have just noted. At the other extreme, destroying the statues removes any chance to use them as teaching vehicles in the future. As well, it tells another constituency that they have not been heard at all. Might there be a workable alternative somewhere in the middle?

At the Montgomery County hearings, one suggestion was to melt down the statue and shape the bronze into a new sculpture that symbolized inclusion and diversity. Another was to return the monument to the United Daughters of the Confederacy (UDC). When someone pointed out that the UDC no longer had an active chapter in Montgomery County, another suggested that the monument be delivered to their national headquarters in Richmond, Virginia. The UDC put up two of your five monuments, so that might be a viable alternative for them.¹¹ However, the UDC might simply find private landowners in prominent locations and reinstall the statues in Baltimore. The likely solution in Montgomery County will be to move it to a museum setting, indoors or on the grounds. There it can be contextualized with a kiosk or labels that convey accurate information about the role this artifact played during the Nadir of race relations when it went up.

Across the U.S., other Confederate monuments and plaques are getting various treatments. Some have

¹¹Of course, I recognize that the UDC has no claim on those monuments; they belong to the City of Baltimore.

already gone into storage, where they will probably stay.

- Stone Mountain, Georgia, is far too large to move. The state has decided to place atop it a monument to Martin Luther King Jr. with a tower and a replica of the Liberty Bell. It will symbolize the line from King's "I Have A Dream" speech, "Let freedom ring from Stone Mountain of Georgia."
- The various huge monuments along Monument Avenue in Richmond would also be challenging to relocate. Richmond is considering contextualizing them with historical markers that give an accurate account of what the Confederacy was about and why the monuments went up during the Nadir. I also suggested complementing the Confederates with additional monuments, such as one to Elizabeth Van Lew and Mary Bowser.¹²
- The statue of Jefferson Davis on the campus of the University of Texas has already come down and will wind up in a museum, contextualized. Other Confederate statues as well as one of Woodrow Wilson may be removed to locations as yet unspecified.

I suggest that Baltimore should move all of its Confederate monuments to one place. I do not presume to tell you where that should be. It should provide pedestrian access, so visitors who see the monuments will also see the historical markers or kiosks that provide context. Visibility from moving vehicles would be a detriment, missing the educational purpose of their display. It might be connected with an existing institution, perhaps a college or history museum; it might be an underused portion of a park. Competent historians can create a single context, appropriate to all of them, explaining the role these statues played during the era of intense white supremacy when they went up. Of course, each statue would also get its own marker, telling the actions of Wallis, say, that "earned" him his statue and then its removal to this "Nadir Park."

This solution will make Baltimore a model for the nation in handling this problem of pro-Confederate public history. At the same time, it will further reinforce Baltimore's claim as "Monument City."

I did not make this recommendation to the Commission on October 29 because I had not then developed it. Surely it makes much more sense than trying to contextualize *each* statue in situ or at different places to which they might be removed. Why tell the story five times when you can do a really good job telling it once?

As noted earlier, each present location of these monuments should get a competent historical marker that tells passers-by what was here, where it went, and why. Each marker will tell a story of three eras: the Civil War itself, the era when the statue went up, and the era when it came down.

X. What Should Be Done About Robert E. Lee Park And Other Confederate Names?

Names merely honor people. They communicate nothing substantive about the past. All "Robert E. Lee Park" conveys is that "Lee was really important and we honor him." As I said on *All Things Considered* (see Bibliography), those last three words need to be rethought.

Any park, school, street, or other public place that honors Confederate leaders because they were Confederate leaders should now be renamed. Such men should not be honored — not for such a cause.

¹²Van Lew and Bowser would complement the existing monuments in several important ways. Both are women, of course. They were Unionists during the Civil War and performed exceptional service for the United States cause as spies, which would lend some balance to the Confederate nature of the avenue. During Reconstruction, both were Republicans, which would diversify the avenue politically; President Grant appointed Van Lew postmistress of Richmond.

Some neo-Confederates make a special case for Lee, claiming he was a cut above other Confederate leaders. The saintly portrait of Lee that they now paint is at variance with how they portrayed him earlier. Appendix B presents material on Lee in his own words, those of one of his slaves, and of the KKK's chief historian. Baltimore did not honor General Lee because of his service as president of what is now Washington and Lee College. Nor did Baltimore honor him because he supposedly advocated good race relations after the Civil War. On the contrary, Baltimore honored him because he commanded the Confederate armies in the service of Confederate values, notably slavery. Appendix B4 shows further that after the Civil War, former Confederates thought, probably correctly, that Lee shared their view of white supremacy and supported the Ku Klux Klan.¹³ It follows that Robert E. Lee Park should be renamed. Baltimore should honor him no more.

The rich history of Baltimore and Maryland provides more suitable candidates for parks, schools, etc., that need to be renamed. Completely missing in Baltimore — so far as I know — is recognition on the landscape for any white person who played a positive role in helping Baltimore or the nation deal with racial injustice. This pattern is common in America. Monument Row in Richmond honors Confederate after Confederate ... and Arthur Ashe. Until the recent action by the University of Texas, its campus honored Jefferson Davis, generals Robert E. Lee and Albert Sidney Johnston, even the Confederate Postmaster General ... and Martin Luther King Jr. No wonder white kids can feel they have no humanitarian heroes of their own! No wonder black kids can feel whites have always been racist! That's what the landscape teaches.

One candidate for recognition is Samuel P. Lee, Rear Admiral in the U.S. Navy during the Civil War. Like his cousin Robert E. Lee, he grew up and lived in Virginia. When Virginia seceded, however, he stayed with his country, as did about 40% of officers from Virginia. When asked why, Lee famously replied "When I find the word Virginia in my commission I will join the Confederacy." He became a resident of Maryland, living in Silver Spring for some time, maybe in the famous Blair Mansion, which still stands. So he has more connection with Maryland than Robert E. Lee!¹⁴ Lake Roland Park would be fine too. But changing from (Robert E.) Lee Park to (Samuel P.) Lee Park might be a delicious irony. Among other things, it would teach that Robert E. Lee's decision was a choice, a choice some of his compatriots derided.

Other deserving candidates for replacement names include James Monroe Deems, composer and Union officer from Baltimore; Christian Fleetwood, non-com officer from Baltimore and Medal of Honor winner; and Republican politicians in Maryland in the period 1863-68, especially those who led the state to change its constitution in 1864 to outlaw slavery. Baltimore can find more, once it begins to look.¹⁵

Conclusion

Yours is a serious and important charge. You need to come up with an important and permanent solution. Simply removing the monuments, perhaps into some sort of storage, won't do. It just kicks the can down the road. History is replete with examples of monuments and markers that have been placed in storage or

¹³We may never know for sure whether Lee supported the KKK, but certainly neo-Confederates believed (and still believe) he did and honored him for so doing.

¹⁴Something like this has been done before: King County in the state of Washington, whose county seat is Seattle, changed its name from [William Rufus] King County to [Martin Luther] King County. William Rufus King, vice-president under Franklin W. Pierce, was a slaveowner, Democrat, white supremacist, and had he lived would surely have been a secessionist.

¹⁵I realize your plate is full. Nevertheless, Baltimore's public history landscape needs non-laudatory markers for Senator Gorman and Governor Swann. Accurate markers about what they did would increase viewers' understanding of race relations and the Nadir.

covered up. They come back to "life." Examples include the stone marker to Heyward Shepherd, put up by the UDC at Harpers Ferry, and the monument to the White League in New Orleans. Both were in storage for a while. Neo-Confederates forced both back into public view.

Besides, when might Baltimore convene a *better* commission than you?

Let me summarize the reasons for grouping the statues into one place, contextualized with a history of the era in which they went up, coupled with historical markers to indicate their former positions.

It gives complainants what they want: the removal of the monuments from their various present-day locations, generally in positions of public honor.

It gives historic preservationists what they want: no monument will be destroyed or removed from view.

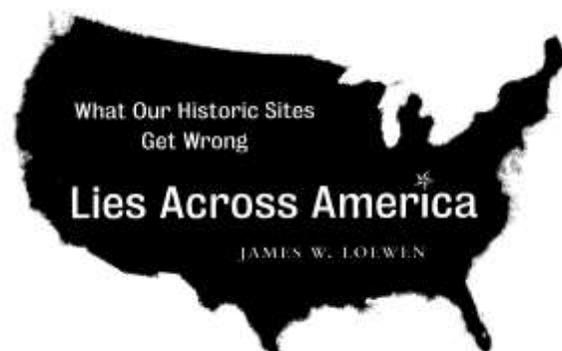
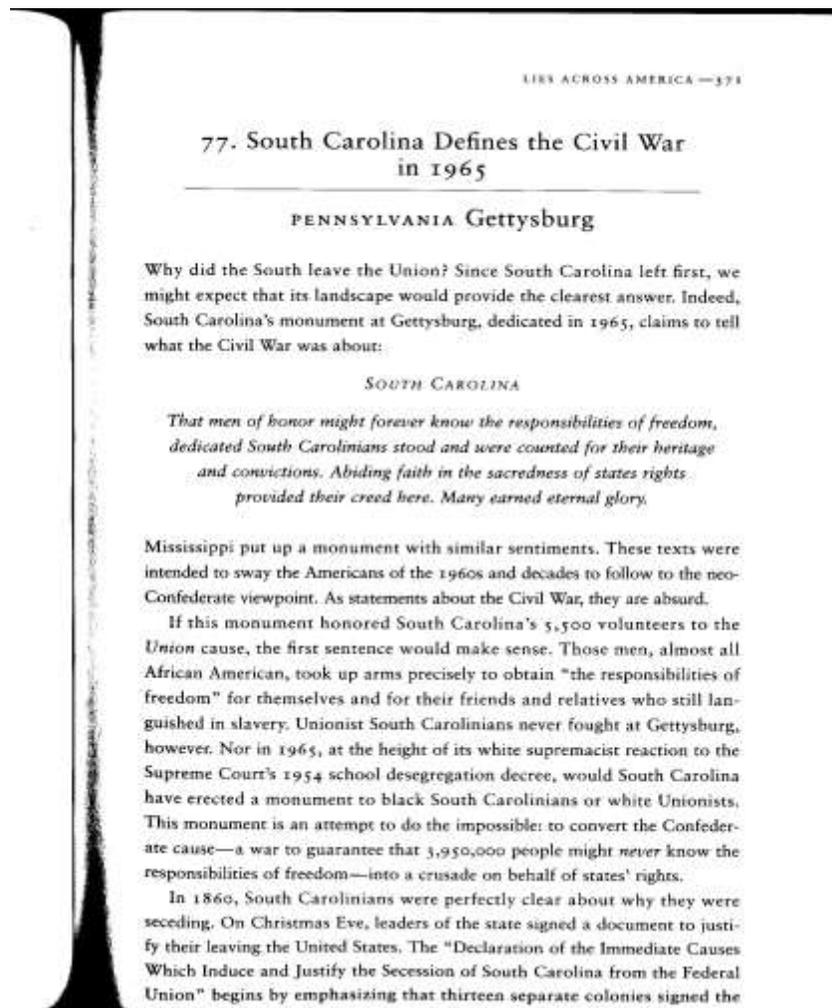
It provides *more* history, not less, by erecting historical markers where each monument previously stood. These markers will not only teach history but also historiography, putting the erection and the removal of each monument into context.

It provides a new amenity to Baltimore: a "Nadir park," if you will. We noted that bad history written during the Nadir of race relations has made the Nadir itself invisible, including on our landscapes. It's easy to understand why: few towns want to memorialize lynchings, expulsions of African Americans, or other acts of racial disharmony. Nor do high school history textbooks want to interrupt their comforting narrative — a storyline of constant progress — to tell of this era when we went backward. As a result, only about 2% of my audiences know that it happened. Baltimore's new installation would provide a needed service to correcting this national amnesia.

Best wishes in your important work.

Appendix A: "Gettysburg: South Carolina Defines The Civil War In 1965"

This essay may be useful because it provides a way to differentiate between Confederate monuments that distort history and celebrate the Confederacy and those (like Tennessee's) that "merely" honor the dead.



Declaration of Independence. That was true, but at the same time as its delegates were discussing and signing the Declaration of Independence in 1776, South Carolina was adopting a state seal that expressed its view of the new United States. Twelve spears bound to a palmetto represented the twelve other original states and South Carolina. The band binding them together bears the inscription "Quis Separabit"—"Who shall separate?" Understandably, the Ordinance of Secession did not feature the State Seal.

The government set up under the Articles of Confederation provided little centralized control. In 1787 however, representatives met in Philadelphia to write a new document precisely because they felt they needed a more powerful union. South Carolina's delegates were quite active in shaping the resulting Constitution, which South Carolina fully supported. Like most slave state delegations, its emissaries demanded that the new compact deprive states of the power to impose import and export taxes, reserving that prerogative for the federal government. South Carolina's upper class needed a strong government to represent its rights in international trade and also in case of slave revolt, always a fear in every planter's mind. The Ordinance of Secession briefly discusses the constitutional convention but never mentions that its purpose was to strengthen the unity of the new nation.

Instead, South Carolina's Confederates-to-be moved directly to their first grievance: "that fourteen of the States have deliberately refused, for years past, to fulfill their constitutional obligations," under Article Four of the United States Constitution. Article Four (Section 2, Paragraph 3) is the fugitive slave clause, which states, "No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up . . ." The South Carolina Ordinance of Secession approvingly declared, "The General Government, as the common agent, passed laws to carry into effect these stipulations of the States."

But an increasing hostility on the part of the non-slaveholding States to the institution of slavery, has led to a disregard of their obligations... The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa, have enacted laws which either nullify the Acts of Congress or render useless any attempt to execute them.

Thus *opposition to states' rights* claimed by free states provided South Carolina's creed here.

The "Declaration of Immediate Causes" went on to condemn New York state specifically for denying "even the right of transit for a slave." Referring to the *Dred Scott* decision, the South Carolina document also denounced several northern states for "elevating to citizenship, persons [African Americans] who, by the supreme law of the land, are incapable of becoming citizens." Thus South Carolina claimed the right to determine whether New York could prohibit slavery within New York or Vermont could define citizenship in Vermont. Carolinians also contested the rights of residents in other states to even *think* differently about their "peculiar institution," giving as a reason for secession the excuse that Northerners "have denounced as sinful the institution of slavery."

Political scientists know that the party that lost the last national election usually supports states' rights. In one sense, South Carolina Democrats followed this rule: the Ordinance of Secession expressed outrage at the victory of Abraham Lincoln the previous November. Ironically, Democrats from South Carolina and other Southern states had made Lincoln's victory possible by refusing to support the Democratic nominee, Stephen A. Douglas, precisely *because* Douglas had championed states' rights, or more properly, territories' rights to choose or reject slavery. In 1854, Douglas had pushed the Kansas-Nebraska Act through Congress. Southerners supported the act then because it potentially opened to slavery the Great Plains north of the Missouri Compromise line. By 1860 however, slaveowners had become more audacious. The 1857 *Dred Scott* decision encouraged them to believe that the federal government should guarantee slavery in all the land it controlled, but Lincoln's election changed all that. South Carolina seceded because Southerners, having lost control of the executive branch of the federal government, could no longer use it to crush attempts by individual states to avoid supporting slavery. The only "states' right" Carolinians demanded was the right to secede, because they saw they could no longer compel the national government to curtail the rights of *other* states and territories.

Southern leaders built no right to secede into the new nation that they controlled. Instead, the Confederate Constitution forbade states from ever "impairing the right of property in Negro slaves," and territories from ever prohibiting slavery, regardless of local sentiment.

South Carolinians in 1965 knew perfectly well that the desire to protect and extend slavery prompted their state to leave the United States. In a three-volume history published in 1934, David Duncan Wallace, himself a white supremacist South Carolinian, had emphasized slavery as the cause. In 1951 he came out with the condensed *South Carolina: A Short History*, in which he admitted, "The modern tendency to minimize slavery as the cause of secession is a natural reaction of writers weary of an oft-repeated disagreeable story." "The secessionists knew why they seceded," he pointed out, and they always cited the threat to slavery, real or imagined, as the cause.

Why would white South Carolinians in 1965 choose to obfuscate this simple fact so evident in the historical record? Clearly in the 1960s they were not comfortable with slavery and realized they could not convince Gettysburg visitors that slavery was a good thing. If they merely wanted to recognize the dedication South Carolina's troops showed at Gettysburg and commemorate those among them who died here however, they would have erected a memorial like Tennessee's:

THE VOLUNTEER STATE

*This memorial is dedicated to the memory of the men
who served in [various corps in the Army of Northern Virginia].
They fought and died for their convictions, performing
their duty as they understood it.*

Instead, white South Carolinians wanted to convince those who read their stone that the Confederate cause was noble.

Even before the Civil War ended, white Southerners were redefining why they had seceded. In November 1864, the *Richmond Daily Enquirer* asked and answered the cause question: "What are we fighting for? We are fighting for the idea of race." Writing about the anti-black and anti-Republican violence of the late nineteenth and early twentieth centuries, historian James Marten made the same point: "The overriding principle of the cause to which old rebels as well as Confederates-come-lately dedicated themselves was, of course, white supremacy."

The ideology of white supremacy had arisen during slavery to rationalize and legitimize "the peculiar institution"; it became slavery's legacy to the twentieth century. In the early 1960s, white supremacists still controlled

South Carolina and strove mightily to keep African Americans in separate and unequal institutions. Public schools for example spent 50 percent more per white pupil than black pupil. Controlling the past, including how that past is told across the American landscape, helped white supremacists control the future. "States' rights" was just a subterfuge for those who wanted to take away individual rights. Converting the Confederate cause after the fact into a struggle for states' rights in the 1860s helped transmogrify the segregationist cause of the 1960s into a similar struggle for states' rights against an intrusive federal government. Celebrating those South Carolinians who stood most assuredly for black inferiority—Confederates—implied that white Carolinians in the 1960s who opposed civil rights ought likewise to be celebrated.

Glorifying the Confederacy in Pennsylvania thus had ideological consequences in South Carolina in 1965. Why did the United States allow the white supremacist leaders of South Carolina, Mississippi, and some other Southern states to say what they wanted regardless of historical fact? Wars are usually interpreted by their winners. Why would the North cede this prerogative to the South? And not only on the landscape, but in high school textbooks of U.S. history from the 1890s to the 1960s.¹ During those decades our popular culture also celebrated the South, not the North, from minstrel shows (90) to movies like *Birth of a Nation* and *Gone with the Wind*. Why? What was in it for the North?

Between 1890 and about 1970, Northerners found it less embarrassing to let Dixie tell the story of the cause it lost than to reminisce about the cause they had abandoned. The Civil War had been about something other than states' rights after all. It began as a war to force or prevent the breakup of the United States. As it ground on it became a struggle to end slavery. At Gettysburg in the fall of 1863, Abraham Lincoln was already proclaiming "a new birth of freedom"—black freedom. (Conversely, on their way to and from Gettysburg, Lee's troops seized scores of free black people in Maryland and Pennsylvania and sent them south into slavery. This was in keeping with Confederate national policy, which virtually re-enslaved free people of color into work gangs on earthworks throughout the South.)

By 1890 however, black freedom turned out to have been stillborn. In that year Mississippi passed its new constitution, enshrining white supremacy in basic law, and Congress narrowly failed to pass the "Force Bill," a

last gasp of Republican idealism on behalf of the rights of African Americans. In 1892 Grover Cleveland would win the presidency with a campaign that poked fun at Republicans as “nigger lovers.” Four years later the United States Supreme Court would grant official approval to racial segregation in *Plessy v. Ferguson*. Around that time racial segregation became required by custom if not law throughout the north, including Pennsylvania (see 84).

That is why monuments at Gettysburg mystify what the war was about. On Gettysburg’s hallowed grounds, it would no longer do to delve too deeply into *why* so many men “here gave their lives,” in Lincoln’s words. The nation let South Carolina define what the Civil War was about because for many decades after Reconstruction the United States was no longer “dedicated to the proposition that all men are created equal,” as Lincoln had said it was, here at Gettysburg.

Even today Gettysburg is less forthright than Lincoln was in 1863. Historian Eric Foner visited the battlefield in 1996 with his family. He tells how his nine-year-old daughter said, “I feel so sorry for those Confederate soldiers.” “You should,” Foner replied, “because thousands of people died. But just remember, they were fighting to keep black people in slavery.” “Oh yes,” she said, “I forgot.” “It’s easy to forget,” Foner agreed, adding that he could not recall seeing a single mention of slavery at Gettysburg.

I do not suggest that the National Park Service topple the South Carolina monument and other monuments that redefined the Civil War to meet the needs of white supremacists in 1965. Instead, the Park Service needs to insert on the battlefield landscape (and in its video, audio tour, and guides’ knowledge base) a candid analysis of how these monuments misrepresent the past and why their sponsors wanted them to. Then Gettysburg would help visitors understand not only the Civil War, but also how Americans have remembered and misremembered it over time.¹

Entries 59 and 71 explain how the Civil War increasingly became a struggle to end slavery.

1. Vestiges of this treatment still muddle some American history textbooks today, as told in Loewen, *Lies My Teacher Told Me*, chapters 5 and 6.
2. *The Civil War Book of Lists* (Conshohocken, PA: Combined Books, 1993), 28; <http://www.leginfo.state.scinfo/stateesal.html> 4/99; David Duncan Wallace, SC: *A Short History* (Columbia: U. of SC Press, 1951), 527; Drew Gilpin Faust, *The Creation of Confederate Nationalism* (Baton Rouge: LA State UP, 1988), 60; James

Marten, *Texas Divided* (Lexington: UP of KY, 1990), 179; SC Department of Education data courtesy of Vernon Burton; James M. McPherson, *Battle Cry of Freedom* (NY: Oxford UP, 1988), 649; William Evans, *Beyond the Rivers of Ethiopia* (Pomona, CA: manuscript, 1997), 360; Janny Scott, “National Parks Get Low Marks in History,” *NY Times*, 11/15/97.

Appendix B. Documents About Robert E. Lee

1. Letter to his wife, 12/27/1856

Neo-Confederates often praise Lee for “advanced views” on slavery and white supremacy. This letter shows he held the same prejudices of most Americans and slaveowners of his time and opposed slavery only theoretically, not actually.

"In this enlightened age, there are few I believe, but what will acknowledge, that slavery as an institution, is a moral & political evil in any Country. ... I think it however a greater evil to the white than to the black race, & while my feelings are strongly enlisted in behalf of the latter, my sympathies are more strong for the former. The blacks are immeasurably better off here than in Africa, morally, socially & physically. The painful discipline they are undergoing, is necessary for their instruction as a race, ...How long their subjugation may be necessary is known & ordered by a wise Merciful Providence. Their emancipation will sooner result from the mild & melting influence of Christianity, than the storms & tempests of fiery Controversy. . . . While we see the Course of the final abolition of human Slavery is onward, & we give it all the aid of our prayers & all justifiable means in our power, we must leave the progress as well as the result in his hands who sees the end; who Chooses to work by slow influences; & with whom two thousand years are but as a Single day."

2. "Testimony before the Congressional Joint Committee on Reconstruction," 2/17/1866

Here Lee openly suggests it would be good for Virginia, “if she could get rid of” her African Americans.

Question. Has there been any considerable change in the number of the negro population?

Answer. I suppose it has diminished, but I do not know.

Question. Diminished in consequences of more negroes going south than was made up by the natural increase?

Answer. My general opinion is that the number has diminished and for the reason you give.

Question. I suppose that the mass of the negroes in Virginia, at the present time, are able to work; that there are not many helpless ones among them?

Answer. There are helpless ones, certainly, but I do not know to what extent.

Question. What is your opinion about its being an advantage to Virginia to keep them there at all. Do you not think that Virginia would be better off if the colored population were to go to Alabama, Louisiana, and the other southern States?

Answer. I think it would be better for Virginia if she could get ride of them. That is no new opinion with me. I have always thought so, and have always been in favor of emancipation-gradual emancipation.

Question. As a matter of labor alone, do you not think that the labor which would flow into Virginia, if the negroes left it for the cotton States, would be far more advantageous to the State and to its future prosperity?

Answer. I think it would be for the benefit of Virginia, and I believe that everybody there would be willing to aid it.

Question. And do you not think it is peculiarly adapted to the quality of labor which would flow into it, from its great natural resources, in case it was made more attractive by the absence of the colored race.

Answer. I do.

3: Wesley Norris, "A Slave's View of Robert E. Lee: The Massa"

This letter by an African American formerly owned by Robert E. Lee offers primary-source evidence to rebut the claim that Lee was somehow different from other slaveowners.

My name is Wesley Norris; I was born a slave on the plantation of George Parke Custis; after the death of Mr. Custis, Gen. Lee, who had been made executor of the estate, assumed control of the slaves, in number about seventy; it was the general impression among the slaves of Mr. Custis that on his death they should be forever free; in fact this statement had been made to them by Mr. C. years before; at his death we were informed by Gen. Lee that by the conditions of the will we must remain slaves for five years; I remained with Gen. Lee for about seventeen months, when my sister Mary, a cousin of ours, and I determined to run away, which we did in the year 1859; we had already reached Westminster, in Maryland, on our way to the North, when we were apprehended and thrown into prison, and Gen. Lee notified of our arrest; we remained in prison fifteen days, when we were sent back to Arlington; we were immediately taken before Gen. Lee, who demanded the reason why we ran away; we frankly told him that we considered ourselves free; he then told us he would teach us a lesson we never would forget; he then ordered us to the barn, where, in his presence, we were tied firmly to posts by a Mr. Gwin, our overseer, who was ordered by Gen. Lee to strip us to the waist and give us fifty lashes each, excepting my sister, who received but twenty; we were accordingly stripped to the skin by the overseer, who, however, had sufficient humanity to decline whipping us; accordingly Dick Williams, a county constable, was called in, who gave us the number of lashes ordered; Gen. Lee, in the meantime, stood by, and frequently enjoined Williams to 'lay it on well,' an injunction which he did not fail to heed; not satisfied with simply lacerating our naked flesh, Gen. Lee then ordered the overseer to thoroughly wash our backs with brine, which was done. After this my cousin and myself were sent to Hanover.¹⁶

¹⁶Wesley Norris, "Robert E. Lee: The Massa (A Slaves View)," in John W. Blassingame, ed., *Slave Testimony: Two Centuries of Letters, Speeches, and Interviews, and Autobiographies*, quoted at asagordon.byethost10.com/XNEOCONFEDS/leemyths.htm#13.

4. Susan Lawrence Davis, "Lee's Role in The First Convention," from Davis, *The Authentic History of the Ku Klux Klan*

Susan Davis, a native of Alabama, viewed the Ku Klux Klan as the savior of white supremacy and good government across the South after Reconstruction. Her account of Robert E. Lee's role in the founding of the Klan was believed throughout the South throughout the Nadir, although the encounter described has not been proven to have occurred. At their 1924 national convention, the United Daughters of the Confederacy endorsed Davis's book as one "that every southerner ought to read."

.... The Pulaski Ku Klux Klan at this time had decided fully that, at this proposed Convention, a leader for all Ku Klux Klan activities which might develop throughout the South should be chosen, and toward that end, they sent emissaries to place before General Robert E. Lee, the fact that the Ku Klux Klan which had started merely in sport, was rapidly reaching tremendous proportions as a force for meeting distressing conditions in the South, and to ascertain if its continuance would meet his approval.

The men who were chosen to see General Lee were Major Felix G. Buchanan, of Lincoln County; Captain John B. Kennedy of the Pulaski Ku Klux Klan, Captain William Richardson of the Athens Ku Klux Klan, Bishop Richard H. Wilmer, and Captain John B. Floyd, of the Alabama Ku Klux Klan.

General Lee was told in the most impressive manner possible of the good already done by the Ku Klux Klan, in the hope that he would express a wish to join them, but he did not make application.

He said to them, "I would like to assist you in any plan that offers relief. I cannot be with you in person but I will follow you but must be invisible; and my advice is to keep it as you have it, a protective organization."

When this message was delivered to the Convention it led to the christening of the United Ku Klux Klan, the "Invisible Empire," for they felt that General Lee was their "guiding spirit."

Captain William Richardson suggested General Nathan B. Forrest for the leader of the Ku Klux Klan, if it met with General Lee's approval, and he said: "General Nathan B. Forrest is the only man I know who could lead so large a body of men successfully. You may present to him my compliments and ask him if he will accept the leadership."

**Appendix C. Annapolis: Dueling Statues Honor And Dishonor
The Worst Supreme Court Decision Of All Time
[with Addendum re Baltimore]**

A large statue of Roger B. Taney dominates the south lawn of the Maryland Statehouse. Placed so prominently on the landscape in 1872, it honors a man precisely for the worst opinion he ever wrote, and even for the worst paragraph within that opinion.

Taney was Chief Justice of the United States Supreme Court from 1836 until he died in 1864. His most famous decision came in 1857 in Dred Scott v. Sandford. Scott, an enslaved African American, had sued his owner, claiming he was by rights free because his owner had brought him into Illinois and Minnesota (then Wisconsin Territory), hired him out to work there, then brought him back to Missouri. Slaves had won their freedom in most earlier cases by right of having lived in a free state and territory. Scott lost, won on appeal, then lost before the Missouri Supreme Court. He then appealed to the United States Supreme Court. The Court held by a margin of seven to two that since Scott was back in Missouri, Missouri law controlled, so he was still a slave.

Taney's opinion went far beyond the matter of Scott's status, however. Taney held that Congress had no right to prohibit slavery in any territory. Therefore the Northwest Ordinance, which prohibited slavery in Minnesota Territory, was void. The Missouri Compromise of 1820, which had prohibited slavery in lands north of the southern boundary of Missouri (except Missouri itself), was likewise unconstitutional.

"Even judges and legal theorists with diametrically opposed views on how to interpret the Constitution agree that the decision was probably the worst in the history of the Supreme Court," says Paul Finkelman, a legal historian. This was actually the first time the Supreme Court had ever declared major federal laws unconstitutional. The declaration rested on flimsy grounds. To claim that when the founding fathers wrote the Constitution in 1787 they intended to draft a document that would keep Congress from prohibiting slavery in a territory was absurd. Congress had just done so earlier that very year — the Northwest Ordinance prohibited slavery. The framers of the Constitution were fully aware of the Northwest Ordinance. Several of them had helped write it, and they used it as the model for the process by which a territory might become a new state.¹⁷

Dred Scott marks the high-water mark of what Republicans called the Slave Power's influence over the United States. Immediately after the decision, Thomas Hart Benton, former senator from Missouri, castigated the opinion. The Court did not have to say any of these things to decide the matter at hand, Benton pointed out. Taney chose to do so because he had been born into a wealthy slave-owning family in Maryland and had spent his political life allied with the pro-Southern bloc within the Democratic Party.¹⁸

Indeed, Taney had no legal need to declare the Missouri Compromise unconstitutional, for it was already moot. In 1854 Douglas Democrats and Southerners had overturned it in favor of the Kansas-Nebraska Act, which made possible the extension of slavery into Kansas. Taney knew that the Kansas-Nebraska Act had led to conflict; Northern settlers who wanted to make Kansas free were battling with slaveowners from Missouri who

¹⁷Congress passed the Ordinance under the old Articles of Confederation, but it continued in force under the Constitution.

¹⁸Recall that the Democratic Party was more racist than the Whigs and far more racist than the new Republicans. Taney did free his own slaves, which he inherited from his father, in the mid-1820s.

wanted to make Kansas slave. Dred Scott sided with the slaveowners and went a step further than the Kansas-Nebraska Act. Now Congress could not recognize a free soil government in Kansas Territory even if Kansans voted for it, because "Congress could not deprive people of life, liberty, or property, without the due process of law." Taney thought it unfair that slaveowners could not take their property — their slaves — into a territory if Congress and the people of the territory had prohibited slavery there, since nonslaveowners could bring in their property — mules, furniture, whatever.

Of course, establishing a free territory did not deprive anyone "of life, liberty, or property." It merely required that a certain type of property not be brought into that territory. Conversely, it might seem that his decision deprived black people of liberty, but Taney handled this by defining blacks as non-people:

Negroes had for a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect.

That last phrase is the most notorious in Supreme Court history. Not only does it portray an astoundingly racist United States; it also shows another astonishing disregard of precedent. In 1787 and 1857, African Americans certainly suffered from discrimination. Nevertheless, although the Constitution did perpetuate slavery in several places, it said nothing directly about race. Free blacks could vote in several states in 1787, not only in the North. By 1857 several New England states had granted African Americans full citizenship. No matter, Taney said; citizenship was not a matter for states to decide, or at least national citizenship was different from state citizenship. No matter what states might say, blacks could never hope to be national citizens and had no right to sue in Federal courts, even if they were free. African Americans had been suing in federal courts all along. If Taney's decision had not been reversed by the 14th Amendment, Dred Scott might have been the last black plaintiff.

The results of Dred Scott were predictable. African Americans were outraged. Northern whites could no longer convince themselves that slavery was being contained into part of the United States. Slavery was now national. Many whites saw that pro-slavery zealots had gained control over the Democratic Party, which in turn controlled the national government. This realization convinced them to join the new Republican Party. Slaveowners were emboldened into making even more extreme demands on the federal government. Some Southerners now argued they were denied basic property rights because they could not bring their slaves into states that had outlawed slavery. Abraham Lincoln and other Republicans worried that Taney's next decision might indeed carry Dred Scott one step further and declare it unconstitutional for states to outlaw slavery. In short, the decision polarized the United States and helped cause the Civil War.

Why, then, would leaders of Maryland memorialize Taney so commandingly in front of their Capitol? In 1865 Republican Senator Charles Sumner blocked the purchase of a bust of Taney to go in the U. S. Supreme Court, saying, "If a man has done evil during his life, he must not be complimented in marble."¹⁹ Two years later, when they introduced the bill providing for the Taney statue, Democrats were just regaining control of Maryland from the Republican interracial coalition. Gov. Thomas Swann changed from a Unionist quasi-Republican to become a Democrat, because the Democratic Party, nationally and in Maryland, boasted it was "the White Man's Party." Swann embarked on a campaign of "Redemption" and "restoring to Maryland a white mans government. His openly favored white power and displacing African Americans from whatever positions they held in the fishing and oystering businesses. At issue in 1867 was whether Republicans would succeed in

¹⁹Taney eventually would get his bust in the Supreme Court too.

granting African Americans equal rights. Maryland Democrats campaigned for state offices by opposing black rights in the Deep South. Party leaders indicted Congress for passing the Fourteenth Amendment, which reversed Dred Scott and conferred equal rights on all citizens, regardless of color. They tarred Republican opponents as "nigger lovers" because virtually all African Americans in Maryland voted Republican. Democratic leaders knew full well that Taney's decision was legally faulty and had helped cause the Civil War. They memorialized Taney precisely because he held that blacks "had no rights which the white man was bound to respect." As Parris Glendening, Governor of Maryland, said in 1996:

Many Marylanders, including probably a majority of legislators, regretted that the South had lost the Civil War and they wished to honor the one Marylander who, as Chief Justice of the United States, had done more to argue the cause of slavery within the context of the law than any other individual before or since.

Addendum, 10/2015

The foregoing I wrote about the remarkable monument to Thurgood Marshall, placed on the opposite side of the Capitol in Annapolis, as part of my book-in-progress, *Surprises on the Land: Unexpected Places that Get History Right*. Why do I now suggest that this solution to the problem posed by the Taney statue might be inadequate? Because we wind up with a landscape of white supremacists and black humanitarians. In Maryland it's Taney ... and Marshall. In Richmond, it's the entire Confederate power structure — Davis, Lee, J.E.B. Stuart, Jackson, Admiral Maury ... and Arthur Ashe. At the University of Texas, it's Davis, Lee, Albert Sidney Johnston, the Postmaster General of the Confederacy ... and Martin Luther King Jr.

Such a landscape leaves white kids with a dilemma. Do they identify with African American heroes? Actually, many do, and I honor them for it, but many do not. Do they identify with the whites whom the landscape tells them are heroes? Dylann Storm Roof did. And he was not alone, only more extreme. The landscape matters. The Confederate landscape at the University of Texas empowered white supremacist students to vandalize Martin Luther King Jr. so often that the university had to install 24/7 video surveillance on the statue.

Such a landscape also leaves black kids with a dilemma. Do they conclude that whites are racist by nature? Actually, many do, partly because their segregated neighborhoods do not bring them into contact with a wide range of white people of varying attitudes and ideologies. So they infer white racism from the landscape. Almost nowhere does the landscape honor a white anti-racist. Who led Maryland's 1864 campaign to pass a new constitution, outlawing slavery? Where is he on the landscape?

Across the United States, our white supremacist history textbooks, still afflicted by the distortions from the Nadir of Race Relations, turn black students off from history, making it the subject with the biggest gap between white and black performance. Surely it's reasonable to infer that across the United States, our white supremacist landscape, still afflicted by the distortions from the Nadir, offputs African Americans in general, alienating them from the government and society that erected these affronts to their dignity — and to ours too.

**Appendix D. Bibliography to Accompany Loewen Testimony
Works by James W. Loewen that treat Confederate issues**

Lies Across America: What Our Historic Sites Get Wrong (NY: New Press, 1999; Simon and Schuster, 2007), chapters on Montana, Gainesville TX, Louisiana, Tennessee, Georgia, North Carolina, and Gettysburg.

Teaching What Really Happened (NY: Teachers College Press, 2009), chapters on Secession and Nadir.

The Confederate and Neo-Confederate Reader, with co-editor E. H. Sebesta (Jackson: University Press of Mississippi, 2010).

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"Rejection Of Flag Exposes Larger Truths About The Confederacy," interview of Loewen on "All Things Considered," National Public Radio, 7/3/2015, npr.org/2015/07/02/419554834/rejection-of-flag-exposes-larger-truths-about-the-confederacy.

"What should Charleston do with John C. Calhoun?" Charleston [SC] Post & Courier, 7/14/2015, postandcourier.com/article/20150713/PC1002/150719808/1021/why-should-charleston-keep-honoring-john-c-calhoun.

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"Celebrating John C. Calhoun in Minnesota!" historynewsnetwork.org/blog/153659;

"What Does Rockville, Maryland's Confederate Monument Tell Us About the Civil War? About the Nadir? About the Present?" 7/19, historynewsnetwork.org/blog/153651;

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"It's Time to De-Confederatize "The American Pageant": An Open Letter to David Kennedy," 7/9/2015, historynewsnetwork.org/blog/153644

Important Works by People in Baltimore

"Monument City Blog," monumentcity.net

"Marc Steiner Show" radio program, "Why Does Baltimore Have So Many Confederate Monuments?" 1/23/2015, steinershow.org/podcasts/racism/why-does-baltimore-have-so-many-confederate-monuments/

Eli Pousson, Baltimore Heritage, 9/15/2015: "Baltimore's Confederate Monuments: Historic Context and Related Resources," media.wix.com/ugd/ce643a_a063ec079904456e9a873f3ed468b671.pdf

Enoch Pratt Free Library: "Maryland in the Civil War," web page, prattlibrary.org/uploadedFiles/www/locations/central/maryland/md_cw_complete.pdf, problematic. [Many links no longer work; historically naive.]

Cindy Kelly, Outdoor Sculpture in Baltimore (Baltimore: Johns Hopkins U. P., 2011), problematic. [Repetitive, shallow, historically naive.]

Jessica Deane, "'Glory Stands Beside Our Grief': The Maryland Division of the United Daughters of the Confederacy's Commemoration and Memorial Efforts in Baltimore," MA Thesis, History, University of Maryland, Baltimore County, 2015, media.wix.com/ugd/ce643a_0319a2914f6449d68db7b4ed2e190441.pdf, problematic [Poorly written, sometimes poorly organized and conceived.]