

## **Report of Governor McAuliffe's Monuments Work Group (2016)**

### **RECOMMENDATIONS FOR COMMUNITY ENGAGEMENT**

#### **REGARDING CONFEDERATE MONUMENTS**

##### **I. Introduction**

Across the Commonwealth and globe, monuments are the focal points of localities and powerful sources of cultural identity. The events, ideals, and people we choose to memorialize are a reflection of our history and values. At their best, monuments educate viewers about the past and inspire a sense of shared purpose and history; at their worst, they can spread inaccurate information, appeal to our basest nature, and divide us.

Because of their physical and philosophical significance, monuments can be a source of considerable controversy. In some cases, information has been uncovered or reinterpreted in the collective consciousness, changing the connotations and perceptions surrounding a monument. With the passage of time, we often come to realize that memorials tell only part of a story, use language that has shifted, or are biased in their presentation.

Nowhere in the United States is a frank and constructive dialogue more necessary or fraught with potential controversy than here in Virginia, home to two Confederate capitals and 136 monuments to the Confederate States of America (CSA).<sup>1</sup> Because of our rich history and the prevalence of Confederate iconography, Virginia is uniquely positioned to host robust local-level conversations regarding the appropriate treatment of memorials relating to the Civil War or other contentious conflicts. If carried out effectively, the Commonwealth's approach will serve as a model and inspiration for other states.

During the 2016 General Assembly session, Governor McAuliffe vetoed HB 587, which would have overridden the authority of city governments to remove or alter war memorials erected before 1998. The bill was intended to address a 2015 decision by Virginia's 22<sup>nd</sup> Judicial Circuit regarding a local ordinance, adopted by Danville's City Council, to restrict the types of flags flown on municipal property. The resultant removal of the Third National flag of the Confederacy from Sutherlin Mansion, the last capitol of the CSA, spurred legal action by the Heritage Preservation Association and other local groups. Judge James Reynolds found that an amendment extending state-level legal protections to war monuments in all localities (rather than just counties, as was previously the case) did not apply retroactively. This decision, which was not taken up by the Virginia Supreme Court, left open a legal avenue through which the Commonwealth's cities could remove or alter war memorials erected prior to the 1998

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<sup>1</sup> See Appendix A, Presentation Prepared by the Virginia Department of Historic Resources.

amendment. Since Virginia’s most recent Confederate monument was erected in 1995, this finding affects all existing Confederate monuments in Virginia cities.

Governor McAuliffe is committed to preserving both Virginia’s historic resources and the local autonomy necessary for the legitimate discussions currently occurring throughout the Commonwealth. Recognizing her experience as a former Mayor and her leadership in Virginia’s historic preservation efforts, the governor directed Virginia Secretary of Natural Resources Molly Ward to convene a diverse work group to consider the issues that arose in the debate over HB 587. The group was asked to pull together resources and best practices to help willing localities foster a constructive dialogue about their monuments. This report is the product of that effort.

## II. Work Group Membership and Schedule

Work group members were selected to represent as wide a range of views and stakeholders as possible. Their first meeting was held on August 24<sup>th</sup>. After initial presentations by representatives from the Virginia Office of the Attorney General and the Virginia Department of Historic Resources, both of which are attached hereto, two smaller breakout groups were formed to consider specific sub-topics in greater detail. The composition of those groups is shown in the table below.

<p><b>Civic Engagement:</b></p> <ul style="list-style-type: none"> <li>• Clyde Haulman, former Mayor of the City of Williamsburg</li> <li>• Catherine Hudgins, member of the Fairfax County Board of Supervisors</li> <li>• Carmen Taylor, past President of the Virginia State Conference of the NAACP</li> <li>• Retired Rear Admiral Craig Quigley, Executive Director of the Hampton Roads Military and Federal Facilities Alliance</li> <li>• Delegate Charles Poindexter, Virginia House of Delegates</li> </ul> <p><b>Staff:</b></p> <ul style="list-style-type: none"> <li>• Bob Brink, Senior Legislative Advisor</li> <li>• Erik Johnston, Deputy Policy Director</li> </ul>	<p><b>Qualifications and Options:</b></p> <ul style="list-style-type: none"> <li>• Kathleen Kilpatrick, retired Executive Director of the Capitol Square Preservation Council</li> <li>• Christy Coleman, CEO of the American Civil War Museum</li> <li>• Dr. Edward Ayers, President Emeritus of the University of Richmond</li> <li>• Dr. Oliver Hill, Professor of Experimental Psychology at Virginia State University</li> <li>• Delegate Matthew James, Virginia House of Delegates</li> </ul> <p><b>Staff:</b></p> <ul style="list-style-type: none"> <li>• Julie Langan, Director of the Virginia Department of Historic Resources</li> <li>• Angela Navarro, Deputy Secretary of Natural Resources</li> </ul>
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The Civic Engagement breakout group met again on October 5<sup>th</sup> to further develop recommendations regarding an effective structure and strategy for public conversations about

war memorials. The Qualifications and Options breakout group met on October 19<sup>th</sup> to consider what types of monuments localities might want to address and appropriate supplementary materials that might assist them. The work group met again in full on November 14<sup>th</sup> to offer their final recommendations.

### **III. Civic Engagement**

The Civic Engagement breakout group did not agree on whether localities should have the authority to alter or remove monuments, but did unanimously back inclusive community discussion as an important piece of any related decision-making process. All participants agreed that it was of the utmost importance that the public be able to share their concerns and hear the opinions of their neighbors in a constructive and civil conversation. The recommendations below are designed to assist localities as they develop their public input processes, meeting schedules, and approaches.

#### ***Recommendation 1: Start from the same page; include an educational component.***

Finding consensus is easier after starting from a common jumping-off point. Local stakeholder processes should begin with an educational component to ensure a shared understanding of relevant history and the conversation's overarching objective. Instead of a passive presentation, participants should be encouraged to actively engage and interact with their peers. An initial focus on facts will help develop the effective lines of communication necessary to constructively and respectfully discuss more contentious and emotionally charged topics further into the process.

A number of universities throughout the Commonwealth have an abundance of experience and resources that may assist in providing the necessary educational information. The history departments of these universities can present information through the lens of a neutral and respected resource. In addition, the Virginia Department of Historic Resources may be consulted to provide historical and contextual information regarding the monument under discussion.

#### ***Recommendation 2: Ensure that all stakeholder groups are represented.***

First and foremost, consensus building requires an inclusive dialogue. There is no one correct list of stakeholders, but there are models for ensuring the process reaches out to all relevant stakeholder groups. Particular effort should be made to bring in voices previously excluded from community decision-making, including racial minorities, women, and young people. Key individuals and groups should be contacted directly before broader outreach through public meetings. Having all interested people at the table is crucial for developing solutions that work for the community on the whole.

Intellectual diversity is just as important as demographics when getting input from stakeholders. The Veterans of Foreign Wars, the American Legion, Vietnam Veterans of America, and countless other organizations exist to support and represent our nation's veterans. Heritage organizations like the United Daughters of the Confederacy were instrumental in the erection of many of the contentious monuments and continue to exert considerable influence within communities. As the premier advocate for African Americans, the NAACP brings a wealth of understanding and long-ignored insight to the conversation. When a local affiliate of the aforementioned organizations is not available, regional or state-level groups can be brought in to ensure a truly representative dialogue. The perspectives of these and many other groups, as well as the individuals that comprise them, cannot be neglected if a lasting consensus is to be reached.

Many localities are already home to local-level historical societies and commissions with detailed knowledge of local lore and regional history. The potential contributions of these groups cannot be discounted if communities hope to foster an effective, truly representative discussion capable of addressing the specific considerations applicable in their local context. Additionally, the Virginia Foundation for the Humanities has built considerable goodwill in diverse communities across the Commonwealth. In many contexts, its participation in local-level discussions may help foster constructive conversations in which all parties feel comfortable participating.

***Recommendation 3: Ensure the process is conducive to conversation.***

A worthwhile stakeholder process does more than bring the relevant groups into the same room; it sets the stage for a productive conversation. Considering a media strategy early in the process is a useful step for preventing unnecessary hostility among participants as the conversation develops. Forums, particularly those held in small community settings, are very effective at fostering a constructive dialogue. Icebreakers and other facilitated activities reinforce the shared humanity of participants and offer an important opportunity for seemingly opposed sides to get acquainted.

People should feel empowered to participate, but need to know the group's final decision is not entirely up to them. Discussions should include an agreed upon and explicitly defined process for making decisions. A strong moderator (as discussed in more detail below) is critical for maintaining order and keeping conversation constructive – professional facilitation can be exceedingly effective, but is not always possible. The conversation should be civil at all times. People don't need to agree in order to be respectful – don't let it get personal.

Starting small with neighborhood and civic association meetings is a potentially useful strategy. Dominant personalities should be divided between groups to ensure opportunities for a far-reaching and inclusive dialogue among different stakeholders – the loudest voice isn't necessarily the most important. Participants with conflicting views should be required to work

together with a focus on breaking down barriers. Don't get distracted by tangential issues; there are numerous paths discussions of this nature can take. Always bring the conversation back to the issue at hand. When tensions flare, remind everyone that they are neighbors and return the focus to the shared objective.

Sometimes the best public input comes later in the stakeholder process. The extremes on any issue are often quickest and loudest to comment, but thoughtful though less vocal citizens may share useful insights as the process continues. Don't rush the conversation; it's worth taking the time to find a solution that truly works for the community.

***Recommendation 4: Reach out to other communities, professional facilitators, and other resources.***

There are multiple resources available to localities engaged in community discussions on this topic. These include resources from other localities that have undertaken similar community engagement processes as well as professional facilitators and foundations with experience in this space.

Many localities in Virginia have been grappling with issues surrounding their monuments for years. Some of these communities have created commissions, study groups, and other forms of engagement that produced recommendations on process and potential solutions. Localities should be encouraged to share information regarding the processes undertaken and lessons learned.

In addition, professional facilitation from neutral third parties is a viable tool for localities. It may be helpful to find a facilitator that is not from the particular community under discussion so that the person may be viewed as unbiased. It is also important to find facilitators with a background in issues of both history and race. Foundations and higher education institutions may provide such services.

#### **IV. Qualifications and Options**

The Qualifications and Options breakout group was tasked with developing recommendations regarding the appropriate categorization of contentious monuments and the options available to localities. The group's deliberations revealed a series of potentially useful insights for localities wrestling with their history.

***Recommendation 5: Monuments should be preserved – at least somewhere.***

As it has been for the general public, the removal of monuments was a source of disagreement among work group members. While participants shared a personal preference that monuments be preserved and interpreted in place, some felt localities should ultimately have the freedom to develop solutions that work for their communities. All agreed that if discussions arise regarding the removal of a monument, its long-term care and appropriate curation as a museum

artifact at a qualified facility must be considered. It was noted that, given the potential for considerable costs and limited funds at the local level, localities may focus on options other than removal. The group was unified around a belief that, good or bad, these monuments represent an important part of our history worth remembering.

***Recommendation 6: Signage can provide context and reveal previously untold stories.***

Significant people, perspectives, and events from the past are frequently misremembered or entirely omitted from the public consciousness and conversation. All breakout group members agreed that interpretive signage offers opportunities to educate the public while keeping historic resources intact and in place.

Many people envision Virginia's Confederate monuments as having sprung from the blood-soaked earth immediately following the Civil War. In actuality, the majority were erected between 1896 and 1914 in the "separate but equal" era that followed the United States Supreme Court's decision in *Plessy v. Ferguson*. Information about the people and events memorialized, as well as the context of the monument's construction, would go a long way towards changing communal perceptions.

Though the group felt that aesthetic judgements regarding signage should be left at the local level, they recognized the need for a consolidated list of possible funding sources. Because of Virginia's unique historical significance, there may be opportunities for localities to pursue outside funding from national foundations, federal grants, and other sources. Furthermore, as signage is developed, all work group members agreed that the Virginia Department of Historic Resources should be consulted regarding the content and aesthetics.

Additionally, local-level decision makers need to be made aware of new technologies that, like the interactive app developed in Birmingham, Alabama, allow visitors to discover and meaningfully interact with the history around them. The group supported the development of a shared resource to guide localities in search of funding, strategies, and technological solutions, including information regarding potential legal considerations.

***Recommendation 7: Reflect the diversity of Virginia through monuments.***

Virginia has a rich history that includes heroes of all colors and creeds. Ensuring that our monuments reflect this diversity is crucial as we work to bridge historical divides between people and communities. While the costs of erecting monuments are often astronomical, an effort should be made to ensure that the people and ideas memorialized are broadly representative of our commonwealth, culture, and values. Given the many Confederate monuments and the disproportionate historical veneration of men, it will likely take decades if not generations to successfully diversify Virginia's monuments. Localities should also consider other ways to memorialize underrepresented groups, including naming opportunities for roads and schools.

***Recommendation 8: Take advantage of existing resources and expertise.***

The commonwealth is home to a host of historians employed by governments, universities, and private institutions. The Virginia Department of Historic Resources has the legal authority to review historical signage on all public and, with the consent of the landowner, private property. There is already a panel of historians from outside the government responsible for reviewing highway markers; a similar process could be used for interpretative signage.

According to work group membership, most historians would be honored to be asked to volunteer for this responsibility and would happily accept the commitment that entails. The Department of Historic Resources would welcome and embrace the administration of this process. In the view of the group, the Department of Historic Resources would ideally function as a repository for best practices and lessons learned while maintaining a historical record of ongoing discussions. These insights would ideally be delivered in the form of a Frequently Asked Questions document with information about the potential costs of removal and the steps necessary for proper curation should that route be pursued.

In addition, since its creation in 1872, the National Park Service has served as our nation's storyteller. By necessity, the agency has developed considerable expertise regarding the appropriate treatment of the more checkered elements of our country's past. While the group ultimately did not support the use of National Register standards for the categorization of monuments and evaluation of historical significance, all agreed that there were many lessons to be learned from the ways in which the National Park Service has addressed these issues.

**V. Conclusion**

The work group met in full for the last time on November 14, 2016 to review and revise the draft report prepared by Secretary of Natural Resources Molly Ward and her staff. While not all members agreed unanimously or completely on every point, everyone involved appreciated the civil and informative nature of the group's dialogue and felt the process had rendered meaningful results. All expressed support for inclusive community discussions modelled after the conversation in which they had just participated.

The assembled experts felt strongly that this report should be considered as a living, breathing document and a mere starting point for discussions at the local level. While it was not directly the charge from the governor, the recommendations provided herein could be applied to discussions regarding other types of war memorials or other forms of memorialization. A consensus opinion was reached that, ultimately, decisions regarding the appropriate treatment of monuments rest within the communities that house them.