

Respect

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A TOLERANCE AND DIVERSITY NEWSLETTER

A Path Toward Criminal Justice Reform *by Alice Popovici*

A little more than a year ago, criminal justice reform was gaining momentum in Congress, with **bipartisan** support for legislation to overhaul sentencing laws, cash bail and mass incarceration.

The election of President Donald Trump—and his appointment of conservative lawmaker Jeff Sessions as Attorney General—shifted the conversation on criminal justice back to the more **punitive** policies of the 1980s and '90s.

"When Jeff Sessions became Trump's Attorney General, he began demanding a complete rollback of all Obama-era guidelines for easing up on long mandatory sentences, especially for drug-related offenses, and he issued a formal call for more 'aggressive prosecutions,'" writes Heather Ann Thompson in a *Washington Spectator* op-ed. Thompson, who won the 2017 Pulitzer Prize in History for her analysis of America's punitive criminal justice system in the book, "*Blood in the Water: The Attica Prison Uprising of 1971 and its Legacy*," writes that Trump's measures have sent the message "that the administration wanted to go backward to a 'law

and order' state that emphasized punishment above all."

Enacted in the 1980s, mandatory minimum sentencing laws established minimum prison sentences that a judge can hand down for specific charges, including those for low-level drug offenders, essentially "transferring sentencing power from judges to prosecutors," according to the Criminal Justice Policy Foundation (CJPF), a drug policy reform organization. CJPF has been speaking out against mandatory minimums since



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Confederate Monuments: Choosing What to Revere *by Jodi L. Miller*

With recent events, the debate over whether Confederate monuments should be removed from the public square has been reinvigorated, bringing to the forefront the issue of how the Confederacy should be remembered.



Back in 2015, after nine members of a black church in Charleston were killed by a white supremacist, that debate also made headlines. At that time, the Southern Poverty Law Center (SPLC), a non-profit organization that monitors hate

groups, started collecting data on public Confederate displays. SPLC identified 1,503 memorials to the Confederacy around the country, including 718 monuments or statues, 109 public schools named after Confederate icons, as well as 80 counties or cities and 10 U.S. military bases named after Confederates. In addition, there are nine official Confederate holidays celebrated in six states.

The argument by supporters of all things Confederate is that it is "heritage not hate" that

drives pride in the Confederacy and support for these monuments. But that argument negates the timing of when most of these monuments were created. According to SPLC, there are two periods when the creation of Confederate monuments spiked—the early 1900s when Jim Crow Era laws, which disenfranchised black Americans, were being enforced and then again in the 1950s and 60s during the civil rights movement.

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World's Oldest Hatred Never Goes Away by Cheryl Baisden

Anti-Semitism, generally defined as hostility or prejudice against Jewish people, has existed for centuries and is often called the “world’s oldest hatred.”

“Contemporary anti-Semitism grows out of a basic hatred of Jews and Judaism that has been present to some degree in Western culture for almost two thousand years,” says Perry Dane, a professor at Rutgers Law School—Camden who teaches courses in constitutional and Jewish law. “For a long time, the most obvious expression of that hatred was the charge that Jews were to blame for the death of Jesus and that all Jews, for all time, continued to be responsible for that crime. Anti-Semitism, particularly in recent centuries, also had a racial element, whose most terrible expression was the Nazi slaughter of six million Jews.”

Professor Dane points out that while it often involves “hatred” of Jews, anti-Semitism is also present when people believe degrading stereotypes about Jews—whether literally “hateful” or not.

“As with bias against other groups, anti-Semitism can be present when people blame some Jews or all Jews for the bad actions of a few, or assume that Jews are collectively guilty of some great wrong or involved in some terrible conspiracy,” Professor Dane says. “Anti-Semitism can be expressed through words, through acts of discrimination and exclusion, or through violence and other physical acts.”

property, and an increase in general anti-Semitic sentiment.

Republican campaign consultant Liz Mair told *Mother Jones* magazine the candidacy and election of Donald Trump isn’t necessarily responsible for the increase in anti-Semitism and racism, “but I think he has made people with honest-to-God racist views feel that it’s okay to share their points of view openly in a way that they did not prior to his ascent.”

“According to ADL, anti-Semitic feelings have reached levels unseen since the rise of Nazism in the 1930s.”

Rise in anti-Semitism

In the first nine months of 2017, there was a 67 percent increase in anti-Semitic incidents, according to the Anti-Defamation League (ADL), which reported that anti-Semitic feelings have reached levels unseen since the rise of Nazism in the 1930s. While there have been rises and declines in anti-Semitic activities throughout history, some blame the significant spike on the November 2016 presidential campaign and the election of Donald Trump. Anti-Semitic incidents have included the desecration of gravesites at Jewish cemeteries, the painting of swastikas on homes and

Empowered by what appeared to be support for their platform, in late November 2016, members of the white supremacist National Policy Institute (NPI) raised their arms in Nazi salutes to celebrate Trump’s victory during the group’s annual conference. NPI president Richard Spencer told the

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Questions or comments should be directed to Jodi Miller at jmiller@njsbf.org



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audience that America belonged to white people, who he called the “children of the sun,” and that the alt-right and the Trump movement was built on white nationalism.

Following the NPI gathering, the U.S. Holocaust Museum called on the American people and government and other leaders to stand strong against the rising tide of anti-Semitism. A statement from the museum read: “The Holocaust did not begin with killings: it began with words. The museum calls on all American citizens, our religious and civic leaders and the leadership of all branches of the government, to confront racist thinking and divisive hateful speech.”

Calls for respect

On the national legislative front, there has been one effort to address anti-Semitism. In November 2016, the Senate passed the Anti-Semitism Awareness Act, which would provide the U.S. Department of Education with the tools to identify and take action against anti-Semitism on college campuses. The measure was introduced in the House in December 2016 and referred to the Subcommittee on the Constitution and Civil Justice. At press time, no action has been taken on the legislation.

The U.S. Department of Justice, however, is investigating many of the anti-Semitic incidents that have taken place since late 2016, in part through the efforts of the Federal Bureau of Investigations (FBI).

“Agents and analysts across the country are working to identify and stop those responsible [for anti-Semitic acts],” Stephen Richards, FBI assistant director for the criminal investigation division, told *The New York Times*. “We will work to make sure that people of all races and religions feel safe in their communities and in their places of worship.”

Defeating stereotypes

The reasons behind the rise in anti-Semitism need to be addressed as well as the acts themselves, notes Professor Dane. Contributing factors, he says,

include the fact that people in some parts of the country adopt stereotypes because they have never met a Jew, and “more important, the emergence of the so-called ‘alt-right’ and its encouragement by some politicians...The alt-right hates all sorts



of people—persons of color, immigrants, and so on. But their hatred of Jews, and their belief that Jews are engaged in a vast conspiracy against America and the West, is central to their ideology and motivations.”

Walter Russell Mead, a professor at Bard College in New York, wrote in a column for *The American Interest*, “The rise of anti-Semitism is a sign of widespread social and cultural failure” and points out that it is not only Jews that are affected.

“People who think ‘the Jews’ run the banks lose the ability to understand, much less to operate financial systems,” writes Professor Mead, who is the academic director of Bard’s Globalization and International Affairs Program. “People who think ‘the Jews’ dominate politics lose their ability to interpret political events, to diagnose social evils and to organize effectively for positive change. People who think ‘the Jews’ run the media and control the news lose the ability to grasp what is happening around them.”

Professor Mead writes, “Jew hatred isn’t more stupid or more wicked than other forms of racial and religious hatred. The anti-black bigot is as delusional as the Jew hater; hatred and prejudice of all kinds corrode the intelligence and degrade the spirit of everyone who suffers from them.”

Leadership is key

Strong leadership from the executive branch of government is key to addressing the problem, Professor Dane says.

“President Trump has minimized crimes and prejudice against Jews, except when they are perpetrated by terrorists that he labels ‘Islamic extremists,’” says Professor Dane. “He has also been too unwilling to call out the alt-right loudly and unambiguously. He has trafficked in anti-Semitic stereotypes himself, whether or not he is ‘personally’ anti-Semitic.”

For example, in the January 2017 White House statement issued on Holocaust Remembrance Day, no mention was made of the six million Jews killed under the Nazis.

At the start of an address to Congress in February 2017, the president stated that the bomb threats and cemetery vandalisms “remind us that while we may be a nation divided on policies, we are a country that stands united in condemning hate and evil in all of its very ugly forms.” However, that same day, in a meeting with state attorneys general, he reportedly suggested otherwise.

“First, he said the acts were reprehensible,” Pennsylvania Attorney General Josh Shapiro told *The New York Times*. “Second, he said: ‘And you’ve got to be careful, it could be the reverse. This could be the reverse, trying to make people look bad.’”

Later, in August 2017, the president’s comments regarding the deadly conflict in Charlottesville, Virginia, in connection with a white supremacists march, equally condemned both the marchers and those protesting against them.

Taking a stand against anti-Semitism is key, according Professor Dane and others.

In a statement after the election, Mark Weitzman, director of Government Affairs for the Simon Wiesenthal Center, said, “What encourages people to commit those crimes is the passivity and the lack of action of the bystanders. We need to hold our elected officials accountable, but we also need to start looking at ourselves.” ●

Muslim Discrimination on the Rise *by Phyllis Raybin Emert*

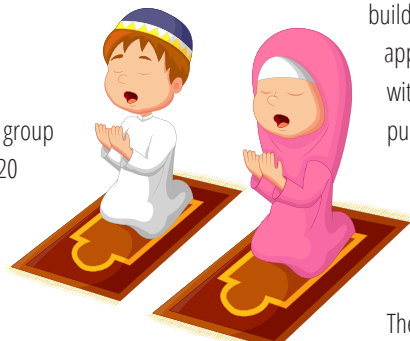
According to the Pew Research Center, there are approximately 3.3 million Muslims living in the United States, making Islam the third-largest faith in the country. Only Christianity and Judaism have more members.

Hate crimes have increased against all groups in the United States, but have spiked against Muslims, according to a report by the Federal Bureau of Investigation (FBI) released in November 2017. The report revealed that from 2015-2016 there was a four percent increase in hate crimes overall and a 19 percent increase in anti-Islamic hate crimes. According to the report, 6,121 hate crimes were reported to the FBI, with 307 of those crimes classified as anti-Muslim.

The Southern Poverty Law Center (SPLC) in Montgomery, Alabama, a non-profit organization that monitors hate groups in the U.S., released their yearly report on "Hate and Extremism" in February 2017. According to SPLC, the number of hate groups operating in the U.S. rose to 917 in 2016. Anti-Muslim hate groups tripled from 34 in 2015 to 101 by the end of 2016.

Mark Potok, editor-in-chief of the SPLC's monthly *Intelligence Report* wrote, "In the immediate aftermath of Election Day, a wave of hate crimes and lesser hate incidents swept the country—1,094 bias incidents in the first 34 days."

According to the *Intelligence Report*, a plot by a militia group to bomb a Kansas apartment building where more than 120 Somali Muslim immigrants lived was thwarted. The attack was scheduled for the day after the 2016 election. Other examples of hate crimes against Muslims included three California mosques that received threatening letters addressed to "the Children of Satan" and signed by "Americans for a Better Way." The letters said in part, "Trump is going to cleanse America and make it shine again. And, he's going to start with you Muslims. He's going to do to you what Hitler did to the Jews."



Why discrimination?

Bernard K. Freamon, a professor at Seton Hall School of Law, explains that America has a long history of discrimination and bias against immigrants.

"The recent uptick in bias and hate crimes against Muslims is probably partially the result of pent-up resentment by a segment of the American population that consists of mostly white, non-Muslim people who are anxious about losing their jobs, losing their ability to take places in universities and colleges, or, more importantly, losing their position of privilege and social advantage as the country becomes more diverse," says Professor Freamon, who teaches courses on Law in the Modern Middle East and Islamic Jurisprudence.

Blaming "the **xenophobic** and racist **rhetoric**" of the 2016 presidential campaign as well as "anger and suspicion generated by terrorist actions of extremist Islamists around the world," Professor Freamon says, "President Trump's rhetoric, including, for example, the recent re-tweet of racist and anti-Muslim videos from England, communicated to xenophobic and

less-than-honorable citizens permission to harass or demonize or commit crimes against Muslim minorities."

Although there is no 'war' against Muslims, the political situation is quite similar to a war, according to Professor Freamon. "Those who are perceived as the 'enemy' become targets," he says and notes, "like whites in the south who were threatened by the abolition of slavery, non-Muslim whites in today's America are threatened by the influx of Muslim immigrants. This is further fueled by racism and misunderstandings of the Islamic religion and Muslim culture."

Bias in a New Jersey town

In New Jersey, one Muslim group has been battling discrimination for more than three years. In 2011, the Islamic Society of Basking Ridge (ISBR) bought property in Bernards Township, Somerset County, for the specific purpose of building a mosque, an Islamic house of worship. ISBR filed the appropriate paperwork to get township approval, but were faced with opposition from the community and an unprecedented 39 public hearings held over three and a half years until its request was finally denied in December 2015.

ISBR kept revising their application only to be met again and again by a new requirement from the township board that had not been applied to churches or synagogues. The board's reasoning was based on the notion that a mosque was not a church, despite the fact that churches and mosques are defined in the dictionary as houses of worship. Parking space requirements were increased beyond the 3:1 ratio that churches and synagogues were required to provide. To appease the board, which required 107 parking spaces for the 65 worshipers who attended its services, the ISBR agreed to split their prayer sessions into two separate groups. But in January 2016, the board again denied the application.

Investigation launched and lawsuits filed

In March 2016, ISBR brought a lawsuit against Bernards Township, claiming "religious and cultural **animus** against Muslims" and that the planning board discriminated against the mosque by applying separate standards. Included in the complaint against the township were several reported incidents of discrimination and intimidation against ISBR. For instance, the organization's mailbox was damaged several times, including once incident where someone changed the organization's letters from "ISBR" to "ISIS." In addition, during one of the many hearings, community members expressed concern that the mosque would be used for animal sacrifices and that ISBR members were "a different kind of population instead of the normal Judeo-Christian population."

A total of 18 religious groups, both liberal and conservative, filed an

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amicus brief in support of ISBR. “Such unequal treatment of the mosque in this case represents a potential threat to the free exercise rights of each of the *amici* represented here and is an affront to our nation’s commitment to religious liberty for all,” the amicus brief stated.

In November 2016, the U.S. Department of Justice filed a federal lawsuit against the town claiming, “The reasons set forth by the Planning Board for denying the site plan application were **pretextual**, and the Planning Board in fact denied the application based on discrimination toward Muslims.”

During the course of the federal lawsuit, the Justice Department uncovered emails showing bias against Muslims, including one from a Planning Board member who wrote, “As a religion, Islam owes its size and influence to a tradition from Day 1 of forced conversions through violent means.”

Court ruling

In December 2016, the United States District Court of New Jersey ruled in favor of ISBR stating that the township applied different standards for the proposed mosque and that there was an unconstitutional vagueness of the parking ordinance under the federal and state constitutions.

In his 57-page ruling, Judge Michael A. Shipp wrote, “Defendants’ [Bernards Township] express discrimination on the basis of religion warrants the highest protection of the Free Exercise Clause...The Parking Ordinance unambiguously provides the Planning Board with unbridled and unconstitutional discretion.”

As a result of the Justice Department investigation, in May 2017, Bernards Township agreed to pay \$3.25 million in damages and legal fees to ISBR. There are also pending investigations taking place in Bayonne, New Jersey, Bensalem, Pennsylvania, Des Plaines, Illinois, and Culpepper County, Virginia for similar anti-Muslim discrimination claims.

“The town’s actions are a prime example of lack of understanding of, and a lack of tolerance for the Islamic religion and how its members behave,” Professor

Freamon says. “No doubt there is genuine anger generated by the events of 9/11 and many Americans blame that event on all members of the Islamic religion, even though it was carried out by a few extremists. Many Americans see mosques as hotbeds of violence and rebellion when in fact, mosques are peaceful and constructive centers of the community, fostering education, fellowship and charity.”

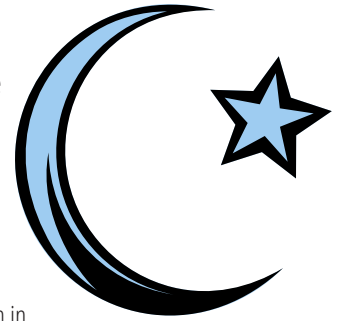
Professor Freamon notes the First Amendment of the U.S. Constitution guarantees the right to build a house of worship and that local political leaders should not use their positions to “discriminate against an entire religious community.”

Education is key

When a religion is so misunderstood, Professor Freamon believes education is key to combat discrimination and bias.

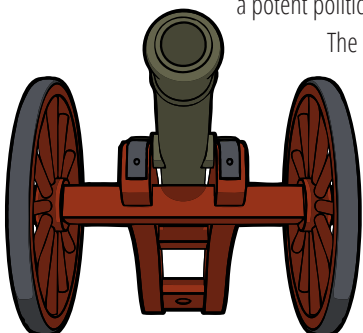
“If the population is educated about the tremendous contributions that Muslims and the Islamic religion and culture have made to world civilization, they would not be so prone to discriminate,” he says and recommends a specific course on Islam, or on the Middle East, in the 8th grade and offered as an elective in high school. Professor Freamon also believes the American Muslim community has an important role to play in combatting discrimination.

“Immigrant Muslims must stand up to discrimination and bias in the same way that African Americans have and emphasize that they have civil rights too. The learning of tolerance requires the exchange of ideas and the ability to confront unpleasant truths on both sides.” •



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In fact, a piece in *The Washington Post*, written by three political science professors, states: “It wasn’t until 1948 that the Confederate flag re-emerged as a potent political symbol.”



The article goes on to quote a Georgia legislator, who in 1956 pushed for the

inclusion of the Confederate symbol on its state flag and admitted, “The Confederate symbol was added mostly out of defiance to federal integration orders.”

Jane Dailey, an associate professor of history at the University of Chicago, told National Public Radio (NPR), “Most of the people who were involved in erecting the monuments were not necessarily erecting a monument to the past. But were rather, erecting them toward a white supremacist future.” Dailey refers to the building of these monuments in public spaces as a “power play” meant to intimidate. “I think it’s important to understand that one of

the meanings of these monuments when they’re put up, is to try to settle the meaning of the war,” Dailey told NPR.

For instance, a monument erected in South Carolina in 1902 read, in part: “The world shall yet decide, in truth’s clear, far-off light, that the soldiers who wore the gray, and died with Lee, were in the right.”

Why does it matter?

“Historical monuments are, among other things, an expression of power—an indication

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1989 and contends that they lead to “excessively long sentences” and have inflated the federal prison budget, which was less than \$3.7 billion in 2000 and is now about \$7 billion.

Directives from former Attorney General Eric Holder under the Obama administration in 2013 specified that the harshest sentences should be reserved for “serious, high level or violent drug traffickers.” Holder wrote in a memo, “In some cases, mandatory minimum statutes have resulted in unduly harsh sentences.”

Sessions, however, contends that the opposite is true. In May 2017, he replaced the Obama-era sentencing policy with a more punitive measure that directed prosecutors to “charge defendants with the most serious, provable crimes carrying the most severe penalties.”

In a statement after Sessions announced his intentions, Holder said, “The policy announced today is not tough on crime, it is dumb on crime. It is an ideologically motivated, cookie-cutter approach that has only been proven to generate unfairly long sentences that are often applied indiscriminately and do little to achieve long-term public safety.”

Senator Rand Paul, a staunch supporter of sentencing reform and a member of Sessions’ own party, is not supportive of his policy either. In a statement, he said, “Mandatory minimum sentences have unfairly and disproportionately incarcerated too many minorities for too long. Attorney General Sessions’ new policy will accentuate that injustice.” In an op-ed for CNN, the senator wrote: “We should be treating our nation’s drug epidemic for what it is: a public-health crisis, not an excuse to send people to prison and turn a mistake into a tragedy.”

Reforms at the state level

Despite the bleak outlook for criminal justice reform at the federal level, experts say progress is expected to continue at the state level.

“There was a significant pendulum swing for criminal justice reform over the last few years, both in state and federal [jurisdictions]... I don’t think

that’s dead now, in the states,” says Aliza Kaplan, a professor at Lewis & Clark Law School in Oregon, and director of its Criminal Justice Reform Clinic. “There’s still a huge effort going on... the conversation has changed nationally but statewide there’s still interest.”

New Jersey, for instance, has done away with cash bail, replacing it with a risk assessment tool, allowing some defendants to be released on their own *recognizance* unless believed to pose a safety risk. The term “cash bail” refers to a deposit paid for the release of a person who has been arrested. However, many defendants who cannot afford to pay even a small fee end up sitting in jail until their trial date, which often means they lose their jobs and fall behind on financial responsibilities.



A 2013 report from Drug Policy Alliance found “40 percent of individuals being held in New Jersey jails were there solely because they could not afford to pay often nominal amounts of bail.” In addition, a study by the Pew Charitable Trusts revealed that New Jersey has reduced its prison population over the past decade and its recidivism rate (31 percent) is lower than the national average of 40 percent.

Still, a recent report titled “Crossroads New Jersey,” published by Fund for New Jersey, a nonpartisan organization, points out that while African Americans make up only 14 percent of New Jersey’s population, that group represents more than 50 percent of the state’s prison population. On a national level, people of color make up approximately 37 percent of the population, but

represent 67 percent of those incarcerated.

Across the country, Professor Kaplan says “there’s not as much of an appetite for harsh policies that are economically bad,” and adds that much of this has to do with what research taught us about the policies of the ‘80s and ‘90s.

“These harsh policies don’t necessarily work in the way that they were sold to us,” she says. “They were based mostly on fear.”

Historic shift in Louisiana

Louisiana is among the states taking the lead on criminal justice reform, after its legislature passed a criminal reform package in June 2017 that *The New York Times* called “historic.” The reforms are considered particularly noteworthy in Louisiana, a state that is known to imprison more of its residents per capita than any other state.

According to Pew Charitable Trusts, the reforms are expected to cut the state’s prison population by 10 percent, saving Louisiana more than \$250 million over the coming decade. The reform package had strong grassroots support including bipartisan groups from across the state that traveled to Baton Rouge to attend a rally and speak with lawmakers, according to the Southern Poverty Law Center, one of the organizers of the event. The nonprofit, which specializes in civil rights and public interest litigation, said the reform package approaches the issue of incarceration from multiple angles: “among the reforms are proposals for community supervision programs; limiting habitual offender penalties to serious offenders; extending the possibility of parole to juveniles serving life sentences; tailoring fines and fees to a person’s ability to pay; and mandating that savings from these reforms be used to further reduce the prison population.”

The view from California

While the rhetoric from Washington, DC suggests a return to more punitive criminal justice measures, one criminal justice expert notes that California’s efforts at reducing incarceration have had positive results.

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The number of youth incarcerated in the state's juvenile systems dropped from 10,000 in 1996 to 600 today, says Mike Males, senior researcher at the California-based Center on Juvenile and Criminal Justice. Experts are unsure of the exact cause for this drastic shift, but they believe it is related to a combination of factors, including a decline in gun violence among youth, a drop in teenage pregnancy

and an increase in college enrollment.

Meanwhile, the state's middle-aged population of formerly incarcerated, drug-involved individuals, who are going in and out of the justice system, need immediate attention from lawmakers.

"The thing that this population needs is more effective drug and alcohol treatment... and also transitions back to employment," Males says. "We

need to study and innovate in these areas."

Males notes that California's struggle to serve this population of individuals, between the ages 40-64, reflects a nationwide trend.

Echoing Professor Kaplan's comments, Males says that he expects to see the most progress on criminal justice reform at the local and state levels. "States are going to have to go it alone," he says. •

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of who has the power to choose how history is remembered in public places," Eric Foner, a history professor at Columbia University, wrote in an opinion piece for *The New York Times*. "If the issue were simply heritage, why are there no statutes of Lt. Gen. James Longstreet, one of Gen. Robert E. Lee's key lieutenants? Not because of poor generalship; indeed, Longstreet warned Lee against undertaking Pickett's Charge, which ended the battle of Gettysburg. Longstreet's crime came after the Civil War: He endorsed black male **suffrage**... Longstreet is not a symbol of white supremacy; therefore he was largely ineligible for commemoration by those who long controlled public memory in the South."

According to SPLC, monuments to the Confederacy can be found in Washington, DC and 31 states, so not just in the 11 states that seceded from the Union. Why would Northern states like New York and Massachusetts, as well as a western state like California erect monuments to the Confederacy?

"This varies according to the timing of the monument and the circumstances of its construction. But in general it's because the myth of the 'Lost Cause' and a South that was about chivalry and rural

romanticism took hold on a national level," says James Grossman, executive director of the American Historical Association in Washington, DC.

Margaret Mitchell's book, *Gone with the Wind*, published in 1936, was popular across the country and Confederate generals became romanticized and national reconciliation mythologized, according to Grossman.

"The Confederacy became a noble cause;



the Civil War a tragic event rather than the war of liberation that it actually was," says Grossman.

The "Lost Cause" narrative, among other things, reframed the Civil War in the context of state's rights, with the South's rebellion a reaction to Northern aggression. In the South's view, the war was about **sovereignty** and the Southern way of life. The problem with that narrative is that the "Southern way of life" included the defense and

support of slavery.

Coming down in New Orleans

Leaders in New Orleans had been trying to remove several Confederate monuments since 1981 with little support and no success. Inspired by the church shooting in South Carolina in 2015, the effort began anew. In December 2015, the New Orleans City Council voted 6 to 1 to remove four Confederate memorials. Preservation groups, including the Sons of Confederate Veterans, attempted to block the removal, but in January 2016 a federal judge dismissed those attempts and in March 2017 a U.S. appeals court ruled the monuments could come down.

In an impassioned speech delivered before the removal of the first monument, New Orleans Mayor Mitch Landrieu said: "New Orleans was America's largest slave market: a port where hundreds of thousands of souls were bought, sold and shipped up the Mississippi River to lives of forced labor, of misery, of torture. America was the place where nearly 4,000 of our fellow citizens were lynched... where the courts enshrined 'separate but equal'; where Freedom riders coming to New Orleans were

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beaten to a bloody pulp. So when people say to me that the monuments in question are history, well what I just described is real history as well...

And it immediately begs the questions, why there are no slave ship monuments, no prominent markers on public land to remember the lynchings or the slave blocks; nothing to remember this long chapter of our lives; the pain, the sacrifice, the shame...So for those self-appointed defenders of history and the monuments, they are eerily silent on what amounts to this historical malfeasance, a lie by omission. There is a difference between remembrance of history and reverence of it."

Since 2015, 60 Confederate monuments have been removed nationwide.

Erasing history?

The controversy over removing Confederate monuments came to a head in August 2017 when a Unite the Right rally, which claimed to protest the removal of a Robert E. Lee statue in Emancipation Park in Charlottesville, VA, turned violent. Protesters included white supremacists, white nationalists, neo-Confederates and neo-Nazis, as well as members of the Ku Klux Klan.

Protesters marched through the streets waving Confederate and Nazi flags and chanting, "Jews will not replace us," and "Blood and Soil," a popular Nazi slogan that refers to the spilling of blood for land. Before the protest was

shut down by law enforcement, a white nationalist protestor had driven a car into a group of counter-protestors, killing Heather Heyer and injuring more than 30 others.

In the aftermath of the tragedy, President Donald Trump created more controversy by seeming to defend the white supremacist protestors and supporting Confederate monuments, asking, "Who's next?" In an impromptu press conference, President Trump said, "I wonder is it George Washington next week, and is it Thomas Jefferson the week after? You know, you really have to ask yourself, where does it stop?"

Historians take issue with the comparison of Confederate soldiers and generals to the Founding Fathers.

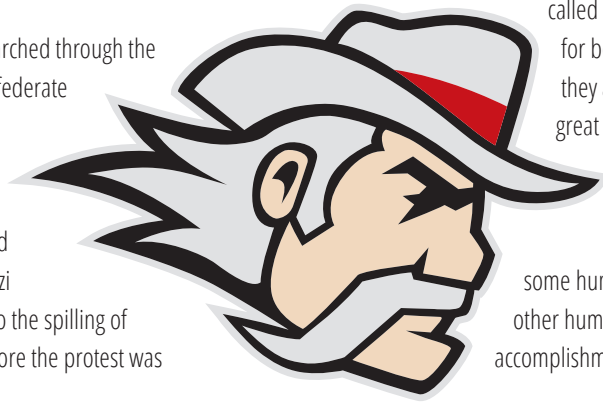
Grossman points out that Washington and Jefferson have monuments to them based on genuine accomplishments, whereas the monuments to Confederate heroes are honoring people for their roles in the creation and defense of the Confederacy.

"There is not honor in that; there are no accomplishments," Grossman says. "Yes, Washington and Jefferson are flawed heroes, and should be called to account by history for being slaveholders. But they also accomplished great things worthy of honor. To commit treason on behalf of the right of some human beings to own other human beings is not an accomplishment."

In response to President Trump's "Who's next" question, Jon Meachum, a noted historian and biographer of Thomas Jefferson, wrote in a *New York Times* opinion piece, "To me the answer to Mr. Trump's question begins with a straightforward test: Was the person to whom a monument is erected on public property devoted to the American experiment in liberty and self-government? Washington and Jefferson and Andrew Jackson were. Each owned slaves; each was largely a creature of his time and place on matters of race. Yet each also believed in the transcendent significance of the nation, and each was committed to the journey toward a 'more perfect Union.' By definition, the Confederate hierarchy fails that test. Those who took up arms against the Union were explicitly attempting to stop the American odyssey."

Elise Boddie, a professor at Rutgers Law School—Newark, who is a nationally recognized expert in civil rights, says, "I strongly favor the removal of confederate statues/monuments and flags from public places. As symbols of white supremacy, they should not enjoy the status or honor of being celebrated on public property; their current place conveys a message that people of color are not welcome and do not belong in our country."

However, Professor Boddie also says, "At the same time, it would be educational to place plaques in public places indicating that these emblems of racism were removed and explaining why those decisions were made. It is important that we not erase our history because understanding that history helps us to make sense of the challenges in the present." •



Glossary

amicus brief—a friend of the court brief, which is submitted by an entity with strong interests in a case but not a party in the case. **animus**—hostile feeling or animosity. **bipartisan**—supported by two political parties. **pretextual**—relating to minor offenses that allow authorities to detain suspects for investigation of other matters. **punitive**—inflicting harsh punishment. **recognizance**—an obligation that a person will appear in court at a specified time. **rhetoric**—language designed to be persuasive but often regarded as lacking in content or sincerity. **sovereignty**—supremacy of authority over a defined area or population. **suffrage**—the right to vote. **xenophobic**—showing a dislike or prejudice against people from other countries.