

# The Advisory Council on Historic Preservation (ACHP) Policy Statement on

Controversial Commemorative Works March 22, 2018

<https://www.achp.gov/digital-library-section-106-landing/achp-policy-statement-controversial-commemorative-works>

The ACHP voted at its March 22, 2018, business meeting to approve a policy statement on the management or disposition of controversial commemorative works, such as memorials, statues, markers, or other landscape features honoring divisive historical figures or events. The guiding principles set forth in the policy statement are designed to assist federal, state, and local government entities facing decisions about the management of these resources. This includes federal agencies complying with the review requirements of Section 106 of the National Historic Preservation Act. Through this action, the ACHP seeks to promote informed decision making and responsible stewardship of controversial but nevertheless historically significant commemorative works. The ACHP acknowledges it is essential for decision makers to directly confront history's difficult chapters; consult broadly with the public to ascertain contemporary community views; consider a range of management alternatives; and promote public education regarding all aspects (positive and negative) of the nation's history.

## Policy Statement on Controversial Commemorative Works

The National Historic Preservation Act (NHPA) of 1966 states as policy that "the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people." Achieving this balance of past, present, and future can be challenging in the case of commemorative works—memorials, statues, markers, or other landscape features erected to honor, recognize, or memorialize individuals, groups, or events that played a prominent role in U.S. history.

In recent years, increasing numbers of Americans have raised concerns or objections regarding the display of various commemorative works in public spaces in their communities. Monuments commemorating the Confederacy, including prominent generals and leaders of the Confederate States of America, have been opposed for their associations with Civil War era and post-war institutional support for slavery, segregation, and white supremacy. Controversy has also arisen regarding memorials to early European explorers, colonists, and religious leaders, who are viewed by many Native Americans and others as representing the subjugation and genocide of indigenous peoples in the New World. These and other examples of commemorative works associated with controversial periods, events, and individuals raise complex issues for governments, communities, and preservationists.

The Advisory Council on Historic Preservation (ACHP), an independent federal agency created by the NHPA, has as its mission to promote the preservation, enhancement, and sustainable use of our nation's diverse historic resources, and to advise the President and the Congress on national historic preservation policy. Through this policy statement, the ACHP seeks to promote informed decision making and responsible stewardship of potentially controversial but nevertheless historically significant commemorative works. In doing so, the ACHP acknowledges it is essential for decision makers to: directly confront history's difficult chapters; consult broadly with the public to ascertain contemporary community views; consider a range of management alternatives; and promote public education regarding all aspects (positive and negative) of the nation's history.

## GUIDING PRINCIPLES

The following guiding principles have been adopted by the ACHP to assist federal, state, and local government entities facing decisions about the management or disposition of controversial commemorative works. This includes federal agencies complying with the review requirements of Section 106 of the NHPA (54 U.S.C § 306108).

1. Stewardship. The fundamental goal of decision making about historically significant commemorative works should be to balance stewardship responsibilities for publicly-owned commemorative works with recognition of the sensibilities, cultural responses, and emotions over memorialization and remembrance of difficult chapters in the nation's history.

2. Changing values. It is essential to acknowledge that societal values are fluid, and such values, particularly those associated with a memorial or monument, may be very different today from when it was created. Management decisions must necessarily take into account the views and needs of the contemporary community. For example, when the Congress created Custer Battlefield National Monument in 1946, it honored only the U.S. Army soldiers who died there. However, 45 years later, Congress renamed the site (which is within or adjacent to two large Indian reservations) as the Little Bighorn Battlefield National Monument, and memorials commemorating the Native American combatants began to be added to the battlefield landscape.

3. Historical context. The historical context shaping the original decision to erect a commemorative work needs to be carefully considered in evaluating its significance and deciding its future. For instance, late-19th century monuments on Civil War battlefields commemorating Confederate soldiers' battle actions generally have a different context than memorials to the Confederacy constructed in local public squares during the early 20th century when Jim Crow segregation laws flourished. Decision makers should bear in mind the extent to which the historical context for the placement of the commemorative work is—or is not—understood and supported within the contemporary community.

4. Historic significance. It is important to determine whether a commemorative work is "historic" in order to properly assess the overall public interest when making management decisions. The fact that a commemorative work celebrates a historic event or the historic accomplishments of an individual does not necessarily render the commemorative work itself historic. For instance, a Confederate memorial erected during the recent 150th anniversary of the Civil War is likely far too new to be considered historic on its own merit. Likewise, not every older commemorative work is historic. It may have lost its physical integrity over time, be located away from the site of any historic events being commemorated, or simply not be sufficiently significant in terms of its artistic design or the event/person(s) that it is memorializing. Establishing the historic significance of a commemorative work is also essential to determine whether various federal, state, and local environmental review laws would apply during decision making. For example, in the context of Section 106 of the NHPA, a property must be listed in or eligible for listing in the National Register of Historic Places in order to be considered historic, or be a contributing element to a historic district or historic landscape, such as a battlefield or cemetery.

5. Consultation. Consulting with affected parties and actively seeking broad public input is critical to reach a responsible stewardship decision. Such consultation is required under many historic preservation laws, including the NHPA, and the public should be made aware of what legal protections apply in those instances. However, regardless of whether historic preservation laws apply, consultation and public involvement in deciding a course of action are essential to a successful outcome. Broad civic involvement and public

engagement should be pursued. Parties on all sides, especially those with historic ties to the issue, should be given the opportunity to participate in discussions, provide information, express concerns, and propose alternatives for consideration. Such input should be considered as objectively as possible by decision makers (although admittedly maintaining objectivity can be difficult when discussions are highly charged).

6. Inclusion. It is important to be inclusive, to hear the views of all interested groups and individuals, and consider the relationship of their history, heritage, and values to the commemorative work in the decision-making process. For example, decision makers considering the future of a statue to Christopher Columbus need to hear from both Native Americans—who generally view Columbus as a symbol of European conquest—and Italian Americans—who frequently view him as a hero and symbol of Italian American contributions to American history.

7. Treatment alternatives. A broad range of alternatives should be considered in determining the future of a historically significant commemorative work that is publicly owned. Generally, commemorative works should not be destroyed since they have lessons to teach about difficult issues in the country's history. Reviewing the experiences of other agencies and communities can provide important examples of other possible outcomes. Some typical alternatives to consider include the following:

a. Retaining the commemorative work unchanged on its site. This alternative might be warranted where the work is of such exceptional historical significance that alteration or relocation is inappropriate, in which case off-site interpretation might be pursued.

b. Retaining the commemorative work on its site and providing context through on site interpretation. One example is the interpretive plaque placed at the Confederate monument on the campus of the University of Mississippi in 2016. Such interpretation must be handled sensitively given the painful or emotional chapters of history being addressed. Context might also be achieved by adding an accompanying commemorative work to balance the story told by the original memorial. This was done when Congress passed legislation to add the Vietnam Women's Memorial to the Vietnam Veterans Memorial on the National Mall after objections that the original memorial did not acknowledge the service and sacrifices of women who served during the war. Similarly, concerns from disability rights advocates led Congress to approve adding a statue of Franklin Delano Roosevelt in a wheelchair to the Franklin Delano Roosevelt Memorial in Washington, D.C.

c. Modifying the commemorative work to address community concerns while maintaining the overall integrity of it or its historic environs. Illustrative of this approach, the City of San Francisco is considering removing one of five statues that comprise its Pioneer Monument, since the statue depicts a Native American in a demeaning manner.

d. Preserving the commemorative work, but removing it from prominent display in a public space. Relocated commemorative works can be preserved through appropriate curation, display, and interpretation in a museum setting, or re-erection in a non-public venue. One example is the relocation of a statue of Confederate President Jefferson Davis from the grounds of the University of Texas to the university's Briscoe Center for American History.

8. Public education. Controversy over a commemorative work offers significant opportunities to increase public understanding of American history and the complexities of its more difficult aspects. This can be important given the sometimes limited public knowledge of and appreciation for U.S. history and its lessons.

The public involvement process is a platform for providing information on the history of the commemorative work in question and for having advocates and opponents hear their differing perspectives. More informed public participation will pay dividends for decision makers in exploring various alternatives. Likewise, any interpretation proposed for commemorative works is a chance for further public education.

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