The School’s Response to the Confederate Flag

A Position Paper Presented to the Cobleskill-Richmondville Central Schools
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by ACCORD (A Community Committee on Respect and Diversity)

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Introduction

For the last seventy years, the use of the Confederate flag has been fraught with controversy. Some call it a symbol of cultural heritage; others see it as a hated symbol of racism and violence. The question about the appropriateness of its use has led to demonstrations, the enactment of laws, and the triggering of challenges to those laws. Schools find the issue particularly thorny as they try to balance freedom of expression with freedom from intimidation.

This paper presents a case for addressing the controversy as a serious issue and offers some practices and suggestions for school policy.

History of the use of the Confederate flag

After the Civil War, the Confederate flag’s primary use was to honor the Confederate dead or Confederate war veterans. Its display was confined to veteran commemorations and veteran parades and displaying it for other purposes was considered almost sacrilegious.1

This very limited use of the Confederate flag was the standard until the 1940s. During World War II the flag began to be flown by southern soldiers at overseas military bases. The use of the flag spilled over from the military context to its display back home in the south. By 1947 southern football fans were spurring on their team by waving the Confederate flag.2 The populist use of the flag continued to grow after the war. Its prevalence received a big boost with the broadcasting of the popular television program, The Dukes of Hazard, seen from 1979 to 1985.3 The embodiment of rebelliousness and the lovable “bad boy,” the show’s main characters drove a Dodge Charger with the Confederate flag painted on its roof. Since that time the use of the flag has spread to clothing, fashion accessories, bumper stickers, and more.

In parallel with the spread of the flag as a populist icon, the use of the Confederate flag as a symbol of racism also developed. In addition to the underlying fact that the flag was flown by a region attempting to become a country with a bedrock belief in the need and legitimacy of slavery,4 the flag was also adopted by groups with clearly stated creeds of racial superiority and a willingness to use violence to enforce their doctrine.

The Ku Klux Klan, first formed shortly after the end of the Civil War in 1865, did not begin to use the Confederate flag until the 1940s.5 Popularity and influence of the Klan has risen and ebbed throughout its history, with surges in the early 1920s and again in the late thirties and forties, when the use of the flag by the KKK first began to be recorded. The flag was incorporated into member initiation rites, famously shown in a May 27, 1946 Life magazine

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2 Coski 108.
3 Coski 174.
4 See Coski 23-25 for a discussion of the centrality of the issue of slavery in secession of the southern states.
5 Coski 49.
photograph. It was raised during Klan marches and displayed at Klan events. The Klan continues to use the Confederate flag to this day as hate activity is again experiencing another upsurge\(^\text{6}\).

Other paramilitary, racist groups have also used the Confederate flag. These include the White Front, the White Guard, the United Sons of Dixie, the Columbians, the Confederate Underground, the National States' Rights Party, and the United White Party, to name a few\(^\text{7}\).

There is a clear connection between the opposition to school desegregation and the use of the Confederate flag as a symbol of that sentiment. In 1948, a break-away faction of the Democratic Party was formed in response to plans to desegregate the south and enforce the civil rights of black citizens. The States' Rights Democratic Party, or the Dixicrats, was organized to oppose integration, voting rights for African Americans, and other measures to repeal Jim Crow laws. The Dixicrats adopted the Confederate flag for their own, strengthening the link between the Confederate flag and racism\(^\text{8}\).

The Supreme Court decision in *Brown v Board of Education* in 1954, which forced the desegregation of public schools, and the Civil Rights movement that followed in the 1960s, fed another surge in Klan activity and violence. The Klan was active in its resistance to the integration of schools and the extension of voting rights to black citizens. Its opposition was more than participation in anti-desegregation demonstrations and included intimidation, violence, and even murder of civil rights activists and black citizens. By this point in its history, the Confederate flag was firmly established as a symbol of the Klan and its values.

As the Civil Rights movement heated up in the south during the 60s, the use of the Confederate flag as a symbol of opposition spread beyond the Klan. The flag was raised at numerous rallies throughout the south against school desegregation and the extension of civil rights. For example, the famous four-day march from Selma to Montgomery, led by Dr. Martin Luther King, was met in Montgomery by white citizens waving the Confederate flag\(^\text{9}\).

Contemporary hate groups, such as the Council of Conservative Citizens, League of the South, the Brotherhood of Klans, Stormfront, and the National Alliance, continue the tradition. They raise the Confederate flag as they broadcast their

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\(^\text{7}\) Coski 88, 142.

\(^\text{8}\) Coski 103.

\(^\text{9}\) Coski 134.
messages of hate, racial superiority, and intimidation. According to the Southern Poverty Law Center,

“The number of hate groups in America has been going up for years, rising 54% between 2000 and 2008 and driven largely by an angry backlash against non-white immigration and, starting in the last year of that period, the economic meltdown and the climb to power of an African American president.”

In recent years there have been court cases and campaigns to remove the Southern Cross (the basic design of the Confederate flag) from several southern state flags, or to stop the flying of the Confederate flag itself from state legislative buildings. Many people don’t realize that the use of those flags date from the early days of desegregation efforts and that their raising was in response to the anti-segregation sentiments of the time.

“For the most part, the Southern states that raised the Confederate battle flag or incorporated it into their state flag did so in the early part of the 20th century or during the 1950s and 1960s, in a defiant stand against integration. Denmark Groover, the Georgia House floor leader who in 1956 sponsored the legislation to add the Southern Cross into the state flag, freely admitted as much. He maintained that he and many of Georgia’s legislators at the time were staunch segregationists who had urged that the Confederate symbol be added to the flag as a protest against federal integration orders.”

The displaying of the Confederate flag on legislative buildings in both Alabama and South Carolina date from that same time period and were again in direct response to the attempts to integrate the south. Those flags remained flying above state capitals for thirty or more years, until boycotts by organizations such as the NAACP and voter pressure finally forced them to be removed.

It is clear that individuals denying the connection between the Confederate flag and virulent racism are either ignorant of its historic use or practicing a denial of history. The wide acceptance of the justification of “cultural heritage” can be seen as a reflection of both the unspoken racism still running through American society and white America’s deep longing to deny their cultural heritage of racism and violence.

**Legal Issues Surrounding the Issue of Students and the Confederate Flag**

The problem of the display of the Confederate flag or its use on items by students in the school setting calls up both issues of freedom of speech and the right to have a healthy, safe school environment. These two rights can sometimes be in direct conflict. The right of a student to display his heritage and express his feelings of cultural pride can, and often does, result in creating a hostile, scary environment for other students, one not conducive to learning.

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12 Borgna Brunner. “Confederate Flags of the New South: The Confederate battle flag is incorporated into several state flags.” *Infoplease*. 2207
The Supreme Court has recognized the complexity of the issue of student free speech and has made somewhat conflicting rulings regarding the issue. It has addressed the question of student freedom of expression in *Tinker v. Des Moines, Bethel v. Fraser, Hazelwood v. Kuhlmeier, and Morse v. Frederick.* In the first, *Tinker v. Des Moines* (1968), the Court affirmed that students do have a right to freedom of expression, but in *Bethel v. Fraser* (1986), the Court then ruled that plainly offensive speech was not protected. In *Hazelwood v. Kuhlmeier* (1988), the Court further limited freedom of expression by stating students do not have unlimited rights at curricular based school activities. And finally, in *Morse v. Frederick* (2007), it ruled students do not have the right to advocate illegal drug activity. The reasonable conclusion to these rulings is that students have limited rights to freedom of expression.

In the last two years lower courts have upheld the school’s right to ban the display of the flag in *A.M. v. Cash,* *Hardwick v. Heyward,* *Defoe v. Spiva,* and *B.W.A. v. Farmington R-7 School District*. Frequently cited was the fact that the display could reasonably be expected to further inflame existing tensions.

The Supreme Court continued the affirmation of these bans in 2009 by denying an appeal of a lower court decision in *Barr v. LaFon*, in which a case brought by three students suing for the right to wear t-shirts bearing the Confederate flag was denied.

Certainly some schools do ban the use of the Confederate flag by their students. An example is the Student Code of Conduct at Little Miami High School in Morrow, Ohio.

**LMHS Student Code of Conduct:**

Rule 29: Dress Code for Senior High School Students:

7. Patches, insignias, buttons, jewelry, clothing, or other items that include violent, obscene, gang, tobacco, drug or alcohol related writing or images is not acceptable. . . . . . (i.e. items that contain messages that are vulgar, offensive, obscene or libelous; promote intolerance or confrontation, i.e. confederate flag, swastika . . . )

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19 From the Little Miami High School Dress Code, Morrow, OH, as sent in an email by a staff member at the school in response to a listserv query about current practice.
Curricular Responses to the Confederate Flag

The battle over displaying the Confederate flag in public places has been particularly evident during the last decade, beginning with the highly publicized legal case regarding the flying of the Confederate flag over the South Carolina state house dome. Public schools around the country have also had to deal with a number of events that have challenged educators to use such events as “teachable moments”. The following are examples of how schools and individual teachers have dealt with potentially inflammatory situations regarding the uses and display of the Confederate flag.

In response to the South Carolina controversy, a social studies curriculum was developed for high school students in rural, upstate South Carolina, where most students were white and came from working class, low income families. The unit was taught with the goals of fostering democratic dialogue in the classroom, creating curriculum that was within the learners’ reality while utilizing participatory teaching techniques and critical literacy methods. Students first read a variety of news articles and editorials about the controversy representing many opposing perspectives. They also read various historical accounts of the Civil War taken from different vantage points with regard to the reasons for the war. Students heard guest speakers and watched programs on the History Channel about Civil War re-enactments and Confederate symbols. Using the information students gained from diverse sources, they engaged in researching, debating, journal writing, role-playing and essay writing. As a result, the teachers found that students were better able to engage in “dialoguing across differences.” They gained a better understanding of the meaning of signs and symbols with regard to the Confederate flag and were able to articulate the causes of conflict between those who pay homage to the sign versus those who find it offensive. The authors of the report state that “teachers have a larger responsibility beyond the formal curriculum; the responsibility to assist in preparing students to function effectively in a society rife with peril, temptations, confusion and bewilderling choices.”

In 1999, after learning about a member of the Aryan Nations who opened fire on a Jewish day care center in Los Angeles, an AP English teacher in North Carolina developed a curriculum that investigated persuasive literature representing hate group rhetoric such as was found in the shooter’s belongings. Students went on-line and found an entire subculture of racist extremism. As part of the curriculum, students looked at symbols and graphics on the sites. Students saw Confederate flags and Nazi swastikas frequently employed. The teacher asked the students the following questions: What is the intended visual appeal of the layout? What do these symbols represent, and what are the rhetorical purposes behind them? What assumptions have the hate groups made about their intended audience by including these symbols? The author, Jeffery Morgan, states in conclusion that “decoding and demystifying the language of hate can be important first steps” for students in learning how to dismantle hate rhetoric and to explain how persuasive, illogical and dangerous it can be.

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20 Susan L. Schramm-Pate and Richard Lussier, “Teaching Students How to Think Critically: The Confederate Flag Controversy in the High School Social Studies Classroom” The High School Journal; Dec. 2003; 87,2; Teacher Journals pg. 56.
Early in his teaching career, a high school teacher had an incident in which some students tacked up a Confederate flag on his classroom wall. Other students tore it down, which caused the situation to escalate. The teacher decided to use it as an opportunity to develop a project in which students would learn how to write a classical argument to support their viewpoint which required inclusion of concessions to the other side. They began by writing a business letter to the school principal outlining their position. This was followed by classroom discussions of their writings. Despite the fact that the student perpetrators were white, conservative and economically privileged, these students ultimately decided to ban the flag in the classroom. The teacher believed this demonstrated genuine feelings of empathy as a result of “walking around in another person’s skin”.

An article entitled “Ground Rules for Discussion” found in Teaching Tolerance describes ways to encourage students to identify what rules are needed for a good discussion. Students are encouraged to think about the effects of yelling, interrupting and fighting vs. discussing, cooperating, respecting others’ viewpoints and having evidence to support one’s ideas. After working in small groups, students’ lists are combined and presented to the class for discussion and refinement. As the class engages in future discussions, the rules can be re-examined from time to time in order to make revisions if necessary and as a reminder of their usefulness.

Useful teaching methods exemplified in the previous curriculum models and those offered in Appendix A include:

- Research of literature, websites, newspaper articles, videos, educational television and radio programs
- Guest speakers
- Small group brainstorming
- Debates
- Panel discussions
- Essay contests
- Letters to the principal
- Letters to the Editor
- Journal writing
- Role playing

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22 Mark Franek, “The Business of Controversial Topics”. Teaching Tolerance
23 “Ground Rules for Discussion.” Teaching Tolerance
Recommendations to the School

Every student has a right to a healthy educational environment free from intimidation. Staff and visitors to the school also have a similar expectation. Few schools would allow the wearing of a swastika and the Confederate flag carries the same level of repugnancy to a large segment of the American population, both black and white. Hate group activity in the United States is at an alarming level and students need to understand the school will not tolerate the display of any symbol intimately connected to violence and racism. Many schools currently ban the display of the Confederate flag.

ACCORD (A Community Committee on Respect and Diversity) recommendations to the School:

- Initiate a discussion involving the entire school community on the issue of the display of the Confederate flag and other hate symbols and the use of biased language. We recommend that following this, students participate in a process to develop policy for the school regarding the display or wearing of the flag, consistent with the stated commitment in the District Core Values and Beliefs to share decision making, teach creative and critical thinking, to promote equality, fairness and a positive regard for all and to provide a safe and positive learning environment. Examples of ways other schools have done this are in the section beginning on page 6 of this paper, Curricular Responses to the Confederate Flag. ACCORD recommends that school policy eventually include an explicit ban on the display or wearing of clothing depicting the flag (see the suggested changes on the next page), but recognizes healthy debate of issues engenders better understanding and is educationally appropriate.

- Include curriculum that helps students understand the history of the flag and what it means to many Americans. Understanding of this issue helps all students develop a broader world view necessary for contemporary society. Suggestions are included in the section above - Curricular Responses to the Confederate Flag

- Work with individual students who try to display the flag to help them understand its impact. Example: Have the student view and discuss the PBS series Eyes on the Prize: America’s Civil Rights Movement 1954-1985; read and discuss pertinent literature such as Short Stories of the Civil Rights Movement: An Anthology, edited by Margaret Earley Whitt. Have appropriate faculty and staff identified ahead of time who are prepared and willing to work with such students.

- Provide staff development opportunities on the issue of the Confederate flag and other hate symbols to assist staff in understanding the impact of such symbols on both the user and the victim(s) of such symbols. Education on the current rise and danger of hate groups should also be available and promoted for school staff.

- Encourage students and staff to speak out against the use of hate symbols and language. See Speak Up! Responding to Everyday Bigotry for helpful suggestions and resources.
• When an incident happens where someone feels intimidated or threatened by the use of the Confederate flag or other hate symbols, provide the necessary support to the victim to ensure they feel protected by their community.

• When communicating with parents, include information about hate symbols and their negative impact on students and the educational process and their inappropriateness at the school.

Suggested Changes to the School Dress Code

*Current CRC Dress Code*
A student's dress, grooming, and appearance, including hair style/color, jewelry, make-up, and nails, shall:
1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments and see-through garments are not appropriate. Bare midriffs are not permissible.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. **Not include items that are vulgar, obscene, libelous, or denigrate others because of race, color, religion, ancestry, national origin, sex, sexual orientation or disability.**
6. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
7. No sleepwear is permitted including pajamas and slippers.

*Proposed modification to the CRC Dress Code*
A student's dress, grooming, and appearance, including hair style/color, jewelry, make-up, and nails, shall:
1. Be safe, appropriate and not disrupt or interfere with the educational process.
2. Recognize that extremely brief garments and see-through garments are not appropriate. Bare midriffs are not permissible.
3. Ensure that underwear is completely covered with outer clothing.
4. Include footwear at all times. Footwear that is a safety hazard will not be allowed.
5. **Not include items that are vulgar, obscene, libelous, or denigrate others because of race, color, religion, ancestry, national origin, sex, sexual orientation or disability (i.e. confederate flag, swastika.....).**
6. Not promote and/or endorse the use of alcohol, tobacco, or illegal drugs and/or encourage other illegal or violent activities.
7. No sleepwear is permitted including pajamas and slippers.

(See the example on page 4 from the Little Miami High School dress code, Morrow, OH).
Appendix A

Additional Curricular Responses to the Use of the Confederate Flag

In the article, “The History of Other Hate Symbols,” Teaching Tolerance magazine offers a research project for middle and upper grades that further explores symbols and graphics seen on websites. The first part includes seven questions designed to get students thinking about these images. The second part has students divide into triads to explore one symbol each then discuss a series of additional questions about that particular symbol. In the third part, each triad is asked to make a poster of people and groups identified as having fought against the message communicated by that symbol. Afterwards, all groups are asked to display their poster in the classroom or hallway to celebrate those who worked to replace hatred with respect and equality.

Another article published in Teaching Tolerance describes ways to handle charged statements made by students. In Six Ways to Handle Student Challenges, the article guides teachers in helping students focus on ideas, not personalities when an individual or identity group is targeted; to ask for evidence referring to course material; to discuss if all students agree or not with the point of view and if further research would help with a conclusion; to record students’ points of view; and have students write about another person’s point of view or write a persuasive letter to the editor supporting their own point of view.

In Teaching White Students Black History, authors Burrell and Walsh argue that many white students are minimally exposed to African-American history throughout their schooling which contributes to misconceptions about on-going problems of racism in the US today. Although the establishment of Black History Month has generated curriculum on Africa-American history, its focus is often limited to learning about certain well-known civil rights leaders and not much on exploring the pragmatic economic reasons for slavery and the era of Jim Crow laws. They report on recent polls that indicate that many white youth today believe that most, if not all the challenges African Americans have experienced in the past were solved during the civil rights movement. They also found that courses in African-American history are offered in some high schools but that few college teacher education programs offer courses in teaching the subject to middle or high school students.

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24 “The History of Other Hate Symbols”. Teaching Tolerance.

Appendix B

Gallery of Confederate Flag Images

Klan demonstration.
*Downloaded from the internet 3/26/10*
black-legacy.webs.com/bigotry.htm

“Imperial Emperor ™ of the Ku Klux Klan.
The Confederate Battle Flag plate 22

Students in Birmingham, AL., 1963.
The Confederate Battle Flag plate 27

Klan rally, circa 2000.
Confederate Symbols in the Contemporary South pl 10.

Marching Ku Klux Klan members, 1939.
The Confederate Battle Flag plate 13

White Citizen’s Council.
Confederate Symbols in the Contemporary South pl 23

Louisville, Kentucky, 1975.
The Confederate Battle Flag plate 34

Downloaded from the internet 3/26/10.
http://www.local1488.com/shop/catalog/images/kkkwhitepride.gif
Use of the Confederate flag by Contemporary Hate Groups

“The League of the South is a neo-Confederate group that advocates for a second Southern secession and a society dominated by “European Americans.”
Southern Poverty Law Center.
http://www.splcenter.org/get-informed/intelligence-files/groups/league-of-the-south

“The Brotherhood of Klans (BOK) has long been one of the largest and most widespread Ku Klux Klan organizations in the United States.”
Southern Poverty Law Center.
http://www.splcenter.org/get-informed/intelligence-files/groups/brotherhood-of-klans

Stormfront. “Created by former Alabama Klan boss and long-time white supremacist Don Black in 1995, Stormfront was the first major hate site on the Internet.”
Southern Poverty Law Center.
http://www.splcenter.org/get-informed/intelligence-files/groups/stormfront

“The National Alliance (NA) was for decades the most dangerous and best organized neo-Nazi formation in America. Explicitly genocidal in its ideology, NA materials call for the eradication of the Jews and other races — what a principal foundational document describes as "a temporary unpleasantness" — and the creation of an all-white homeland” Southern Poverty Law Center.
http://www.splcenter.org/get-informed/intelligence-files/groups/national-alliance
Works Cited


Hardwick v. Heyward, Civil Action No. 4:06-1042-TLW, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA, FLORENCE DIVISION, 674 F. Supp. 2d 725; 2009 U.S. Dist. LEXIS 122399, 8 September 2009.


“The Ku Klux Klan Tries a Comeback” Life Magazine 27 May 1946: 42-44.


Additional Recommended Resources


“Setting the Stage for Controversial Topics.” Teaching Tolerance. (http://www.tolerance.org/activity/setting-stage-controversial-topics)


**The Confederate Flag in the School**

Package contains:
- ACCORD recommendations
- Position paper
- Copies of articles of interest
- Teaching Tolerance pamphlets (3)
  - Responding to Hate at School
  - Speak Up! Responding to Everyday Bigotry
  - Ten Ways to Fight Hate
- Eyes on the Prize CD
- Books (4)
  - Eyes on the Prize
  - Short Stories of the Civil Rights Movement: An Anthology.
  - The Confederate Battle Flag: America's Most Embattled Emblem
  - Confederate Symbols in the Contemporary South
ACCORD Recommendations to the School:

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- Include curriculum that helps students understand the history of the flag and what it means to many Americans. Understanding of this issue helps all students develop a broader world view necessary for contemporary society. Suggestions are included in the section - Curricular Responses to the Confederate Flag.

- Work with individual students who try to display the flag to help them understand its impact. Example: Have the student view and discuss the PBS series Eyes on the Prize: America’s Civil Rights Movement 1954-1985; read and discuss pertinent literature such as Short Stories of the Civil Rights Movement: An Anthology, edited by Margaret Earley Whitt. Have appropriate faculty and staff identified ahead of time who are prepared and willing to work with such students.

- Provide staff development opportunities on the issue of the Confederate flag and other hate symbols to assist staff in understanding the impact of such symbols on both the user and the victim(s) of such symbols. Informational material and training on the current rise and danger of hate groups should also be available to school staff.

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