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Look Away: The Impact of The Lost Cause on Civil Rights, Social Justice and Critical Race Theory, How Storytelling and Mythology Shaped American History

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Look Away¹: The Impact of The Lost Cause on Civil Rights, Social Justice and Critical Race Theory, How Storytelling and Mythology Shaped American History

Angela Downes*

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1. Daniel Decatur Emmett, *Dixie*, TULANE UNIV. (last visited Nov. 7, 2022), <https://www2.tulane.edu/~sumter/Dixie.html> [https://perma.cc/PC88-QWY3] “*Oh, I wish I was in the land of cotton, old times there are not forgotten. Look away, look away, look away Dixie Land.*” (a popular song in Southern minstrel shows).

INTRODUCTION

The Lost Cause, the story that the Civil War was not a battle about slavery, but rather about state's rights, has been carefully ingrained into American history. Robert E. Lee is the central figure in this myth. The tale is that, although General Robert E. Lee knew the cause would fail, he fought gallantly to protect the southern way of life. American society continues to grasp at the threads of this account although the story has unraveled. How deeply ingrained this narrative is to the American psyche is reflected in three events: the January 6, 2021 insurrection at the Capital, the outcry when Confederate monuments were removed in the cities of Orleans Parish, Richmond and Charlottesville and the attack on critical race theory. Historically, when there are advances in civil rights or social justice, there are counter movements that erect monuments to hatred, renew debates about continuing "traditional" education in schools and reinvigorate racist groups. It is no different today. How did we get to this point and how do we truthfully tell the story of American history?

PART I:

The history and beginning of the Lost Cause; The Lost Cause as a propaganda method to normalize the Civil War and justify integration. How the architects of the Lost Cause used storytelling, media and architecture to recast the image of the south. Lastly, an examination of how the mythology of the Lost Cause revealed itself in the January 6 insurrection, school curriculum challenges, and social emotional learning.

A. Why Examine the Lost Cause?

The Lost Cause is like a ripple. The theory and mythology have impacted multiple aspects of society including politics, education, history and social norms. The Lost Cause is viewed from the lens of historical mythology², the myth that southerners righteously joined the confederacy to preserve the ideals and independent spirit of the south. The Civil War or the Lost Cause was just in its ideals, but one war that Confederates could not win. Meaning that those who joined the cause were not fighting to uphold slavery, but rather to ensure the southern way of life. The Lost Cause narrative is the through line that serves to connect the current

2. Historical mythology is defined as retelling an event from the past, but elevating it with greater meaning than the actual event.

attacks related to curriculum and critical race theory³, Social and Emotional Learning, removal of confederate monuments and the January 6 insurrection. The rise of these conflicts is a reaction to the changing demographics and racial makeup of the United States and certain groups grappling with the potential broadening of power structures. A critical component of the Lost Cause structure is

The effects of the Lost Cause narrative in our current landscape are reflected in state educational structures. For example, a working group recently convened by the Texas Education Agency (TEA), the regulatory agency for education in Texas, seeking to provide guidance on the social studies curriculum for Texas children after the implementation of SB 3⁴ made a recommendation to the agency to replace the word slavery with involuntary relocation during instruction provided to second grade students. Review of the curriculum happens every 10 years, but this review cycle aligned with a call for parent's rights related to control of their children's educations. The working group is composed of teachers, social studies specialists, instructional coaches and a university professor. TEA received considerable backlash after the working group proposal surfaced and posted a statement via Twitter on June 30⁵, "As documented in the meeting minutes, the SBOE provided feedback in the meeting indicating that the working group needed to change the language related to 'involuntary relocation'. Any assertion that the SBOE is considering downplaying the role of slavery in American history is completely inaccurate." Other, strategies similar to the Lost Cause that include the re-

3. Critical Race Theory (CRT) is not a diversity and inclusion training, but a practice of integrating the role of race and racism in society that emerged in the legal academy and spread to other fields of scholarship. Prof. Kimberle Crenshaw, who coined the terms Critical Race Theory, notes that CRT is not a noun, but a verb. It cannot be confined to a static and narrow definition, but is considered an evolving and malleable practice. It analyzes how social construction of race and institutionalized racism perpetuate a racial caste system that regulates people of color to the bottom tiers. CRT also recognizes that race intersects with other identities, including sexuality, gender identity, and others. CRT recognizes that racism is not a bygone relic of the past. Instead, it acknowledges that the legacy of slavery, segregation, and the imposition of second-class citizenship of Black American and other people of color continue to permeate the social fabric of this nations).

4. S.B. 3, 87th Leg., Reg. Sess. (Tx. 2021) (the foundation of the bill is to ensure that student not "feel discomfort" in Texas classrooms).

5. Texas Education Agency (@teainfo), TWITTER (June 30, 2022, 6:41 PM), <https://twitter.com/teainfo/status/1542654596065202177?lang=en> [<https://perma.cc/3YHR-26RE>].

writing of history and outcomes are currently being employed by those who support the “stop the steal” insurrection and January 6 efforts⁶.

B. The History and Beginning of the Lost Cause

The United Daughters of the Confederacy (UDC) are central to the examination of The Lost Cause. The “Daughters” were the leaders of what historians refer to as the “Lost Cause Celebration”.⁷ UDC members-built monuments to the Confederacy throughout the South, worked to provide aging Confederate men and women with assistance and promoted other Confederate organizations in providing “impartial” history to students in white public schools. Members actively involved children in the Lost Cause celebration, and they impeded the process of sectional reconciliation⁸ until it could be achieved on the south’s terms. In each case, the UDC goal was to achieve vindication for its Confederate ancestors, men and women whom members believed had defended a just cause, namely, states’ rights and white supremacy, during the Civil War. UDC influenced the social and political culture of the Reconstruction era South between 1894 and 1919. In 1896, the UDC established the Children of the Confederacy⁹ to impart similar values to younger generations. They

6. Charles Homans, *How ‘Stop the Steal’ Captured the American Right*, N.Y. TIMES MAG. (last updated July 28, 2022), <https://www.nytimes.com/2022/07/19/magazine/stop-the-steal.html> [<https://perma.cc/2R6W-Q7DB>].

7. The National Association of the Daughters of the Confederacy was founded on September 10, 1894 by Caroline Meriwether Goodlett and Anna Davenport Raines. The name was later changed to United Daughters of the Confederacy. See Guy Trammell Jr. and Amy Miller, *Color Us Connected: A Look at the History of the DAR and the UDC*, FOSTER’S DAILY DEMOCRAT (Aug. 26, 2021, 1:48 PM), <https://www.fosters.com/story/opinion/columns/2021/08/26/look-history-dar-and-udc/8210511002> [<https://perma.cc/76EA-9LNC>]; see also *About*, UNITED DAUGHTERS OF THE CONFEDERACY, <https://hqdc.org/about/> [<https://perma.cc/X7XR-FBZH>] (last visited Nov. 6, 2022).

8. Sectional Reconciliation is a concept that began after the Civil War. It is based on the idea that for the North and South to unify; the North must accept certain principles related to the South and the Confederacy. These included that the North acknowledge the Confederate cause as the moral equivalent of their own; second, that they allow white southerners to reestablish and cultivate the old south mythology. For more information, see Robert Cook, *The Quarrel Forgotten: Toward a Clearer Understanding of Sectional Reconciliation*, 6 J. OF THE CIV. WAR ERA 413 (Sept. 2016), https://muse.jhu.edu/article/628866#info_wrap [<https://perma.cc/CRW9-JQMW>].

9. *Purpose and Eligibility*, UNITED DAUGHTERS OF THE CONFEDERACY, <https://hqdc.org/cofc-purpose->

sponsor many scholarships at southern colleges like Auburn University and Washington and Lee.¹⁰ At the 1907 UDC General Convention, founder, Caroline Meriwether Goodlett, said the “grandest monument (they) could build in the South would be an educated motherhood”¹¹. The impact of the organization was felt long after the organization peaked in influence during World War I. By transmitting Confederate culture, and the ideology and symbols of states’ rights and white supremacy, UDC not only kept the memory of the Civil War alive, but also helped lay a foundation for massive resistance to desegregation.

From the foundation laid by the UDC and the Lost Cause, the Dunning School furthered the mythology of the Southern victimization and Northern destruction of the ideal. The Dunning School¹² was developed by Columbia Professor, William Dunning. Dunning argued that the enfranchisement of freedmen hindered the process of the nation’s recuperation, emphasizing that the sudden freedom of former slaves prevented southern whites (the victims) from fairly appraising the radical Republican plans of reorganizing the ex-Confederate states.¹³ After the Civil War and Reconstruction, the Dunning School was a group of scholars who spoke out and created a school of thought focused on the United States government’s efforts to examine and create racial equality.¹⁴ Dunning asserted that Southern states would have a better chance of accomplishing their objectives had they completely removed the “negro question” from the equation. He argued that from the moment President Lincoln signed the Emancipation Proclamation into law the South began

eligibility/#:~:text=The%20Children%20of%20the%20Confederacy,Army%2C%20Navy%20or%20Civil%20capacity [https://perma.cc/3H2T-64KT] (last visited Nov. 6, 2022).

10. *Scholarships*, UNITED DAUGHTERS OF THE CONFEDERACY, <https://hqudc.org/scholarships/> [https://perma.cc/G8YJ-VLS7].

11. *About*, UNITED DAUGHTERS OF THE CONFEDERACY, <https://hqudc.org/about/> [https://perma.cc/W3PC-WEWV] (last visited Nov. 6, 2022).

12. William A. Dunning, *The Constitution of the United States in Civil War*, POL. SCI. QUARTERLY 166-68, 171, 180, 185-186, 195-96; *see also* C250 Celebrates Columbians Ahead of Their Time, COLUMBIA 250 (2004), http://c250.columbia.edu/c250_celebrates/remarkable_columbians/john_burgess.html [https://perma.cc/9XPY-87BT].

13. *Id.*

14. William A. Dunning, *The Undoing of Reconstruction*, THE ATLANTIC (Oct. 1901), <https://www.theatlantic.com/magazine/archive/1901/10/the-undoing-of-reconstruction/429219/> [https://perma.cc/TL3X-JUMV].

“her struggle”.¹⁵ The theories espoused by Dunning and his followers used academic platforms to diminish the progress made by reconstruction.

C. The Lost Cause as a Propaganda Method to Normalize the Civil War and Justify Segregation.

Central to the Lost Cause mythology is General Robert E. Lee, revered and considered the architect of the Confederacy. Robert E. Lee is modeled as the symbol of the perfect southern gentlemen. Revered for his bravery and leadership, he led Confederate soldiers to their ultimate doom. He is portrayed as the benevolent slaveholder, who was kind to his slaves and steadfast in his devotion to the southern way of life.¹⁶ The symbolism attached to Robert E. Lee is an intricate part of shaping the Lost Cause Myth. The Myth is primarily comprised of three concepts: preserving the southern way of life, the happy slave and the impossible odds faced by the Confederacy.¹⁷

At the core of the Lost Cause was changing the perception of the Civil War.¹⁸ Historians agree the focus of the conflict was slavery and the Southern states’ goal to ensure that it continued.¹⁹ A brutal states’ rights conflict was romanticized as noble southern gentlemen striving to preserve their way of life. There is a certain nostalgia in reflecting on the portrayal of the Old South, noble gentlemen and beautifully coiffed and mannered ladies tended to by Mammy and Uncle Remus²⁰ stereotypes. There is no

15. *Id.*

16. In reality, Lee was a cruel master, who was deliberate in his separation of family and known for his extreme cruelty of beating slaves and pouring brine into the wounds of slaves that wanted to be free. He and the Confederates worked to preserve slavery by kidnapping free Blacks at gunpoint and re-enslaving them. He argued the falsehood that Blacks were intellectually inferior. Adam Serwer, *The Myth of the Kindly General Lee*, THE ATLANTIC (June 4, 2017), <https://www.theatlantic.com/politics/archive/2017/06/the-myth-of-the-kindly-general-lee/529038/> [https://perma.cc/AW98-R2TU].

17. Ty Seidule, ROBERT E. LEE AND ME: A SOUTHERNER’S RECKONING WITH THE MYTH OF THE LOST CAUSE 30-31 (2021).

18. The Lost Cause Myths include: The Civil War was about states’ rights, not slavery; enslaved people were loyal; slavery would have ended soon after the war anyway; both sides fought bravely; the North won because of greater Resources; and Robert E. Lee was a great warrior who opposed slavery. *Id.* at 7.

19. *Id.*

20. Uncle Remus is a fictional character created from stories collected by author Joel Chandler Harris. His first appearance in literature was *Uncle Remis*:

recollection of the brutality of slavery, the separation of families and how critical maintaining slavery was to the southern economy. This mythology is also reflected in how plantations have been reimagined as glorious spectacles of southern gentility and grandeur instead of domains of human despair. The effect of the Lost Cause Narrative is reflected today in debates about Critical Race Theory, curriculum wars, anti-woke backlash, school vouchers and other movements to determine what kids are taught in public school. Texas and Florida have created bills to ban Critical Race theory and gender identity in an effort to regulate what students are taught at school.²¹

D. State Educational Impacts of the Lost Cause in Florida and Texas

Florida is one of the states at the forefront of the recent movement to create state legislation to ban Critical Race Theory and regulate what is taught in schools. Florida's "Don't Say Gay" law prohibits teachers from teaching sexual orientation or gender identity to children below the fourth grade.²² Moreover, the law prohibits any instruction that is not "age-appropriate or developmentally appropriate" for older students.²³ The law has come under heavy scrutiny and is potentially harmful to LGBTQIA children.²⁴ After the Florida bill, Governors in Alabama, Ohio, Tennessee, Louisiana and Texas have either introduced similar bills or made passing such bills a top priority²⁵. In March of 2022, the Florida state Legislature

His Songs and Sayings: The Folklore of the Old Plantation. Remus was also featured in the Disney movie classic, *Song of the South*.

21. *States that Have Banned Critical Race Theory 2022*, WORLD POPULATION REV. (last visited NOV. 6, 2022), <https://worldpopulationreview.com/state-rankings/states-that-have-banned-critical-race-theory> [<https://perma.cc/JMK5-YHP3>].

22. Amber Phillips, *Florida's Law Limiting LGBTQ Discussion in Schools, Explained*, THE WASHINGTON POST (last updated Apr. 22, 2022, 4:00 PM), <https://www.washingtonpost.com/politics/2022/04/01/what-is-florida-dont-say-gay-bill/> [<https://perma.cc/3N76-HXJZ>].

23. *Id.*

24. Valerie Strauss, *Florida Law Limiting LGBTQ Discussion Takes Effect – and Rocks Schools*, THE WASHINGTON POST (July 1, 2022, 4:14 PM), <https://www.washingtonpost.com/education/2022/07/01/dont-say-gay-florida-law/> [<https://perma.cc/6VKQ-VGJ9>].

25. Char Adams et al., *Map: See Which States Have Passed Critical Race Theory Bills*, NBC NEWS (June 17, 2021, 1:54 PM), <https://www.nbcnews.com/news/nbcblk/map-see-which-states-have-passed-critical-race-theory-bills-n1271215> [<https://perma.cc/7DXE-2WJM>].

approved a bill to stop conversations about race and gender in the school and workplace.²⁶ The Florida bill was modeled on an effort created by Governor Rick DeSantis called the “Stop WOKE Wrongs to Our Kids and Employees Act”. The HB7 bill, called “Individual Freedom”, prohibits schools and workplaces from using instruction material that teaches, among other things, that a person’s status as “privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex”.²⁷

The Texas legislature introduced HB 3939, which relates to civics instruction to public school students and instruction policies in public schools.²⁸ The bill limits what public school students can be taught about the United States’ history of racism and how racism has shaped systems within the nation. This also includes limits on Critical Race Theory.²⁹ Texas SB3 relates to civics training programs for all public-school social studies teachers and principals, parental access to certain learning management systems and certain curriculum in public schools, including instructional requirements and prohibitions.³⁰ Fallout from this bill created a crisis for social studies teachers because there were no clear instructions detailing what is deemed acceptable content. SB3 also requires a civic education training program that will be reviewed annually by the Texas Education Agency (TEA), the state board of education.³¹ This became problematic because TEA has not created the civics training program and has until the 2025-2026 school year to implement the program. Texas School Districts are being told to comply with a standard that has not been defined. The requirement caused so much confusion that one school administrator made national news when she advised teachers that books

26. *Id.*

27. Paul Blest, *Florida Just Passed Its ‘Stop WOKE’ Anti-CRT Bill*, VICE NEWS (Mar. 11, 2022, 11:58 AM), <https://www.vice.com/en/article/wxdbwb/stope-woke-act-florida-crt-bill> [<https://perma.cc/Q8VU-BY6Z>]; *see also* H.R. 7, 2022 Leg., Reg. Sess. (Fl. 2022), <https://www.flsenate.gov/Session/Bill/2022/7/BillText/er/PDF> [<https://perma.cc/FLP4-AWG7>].

28. H.R. 3979, 87th Leg., Reg. Sess. (Tx. 2021), <https://legiscan.com/TX/text/HB3979/id/2339637> [<https://perma.cc/5AEE-NK9B>].

29. Megan Menchaca, *Texas House Adds MLK and Frederick Douglass Speeches to Bill That Would Mandate Teaching “Informed American Patriotism,”* THE TX. TRIB. (May 13, 2021, 5:00 PM), <https://www.texastribune.org/2021/05/13/texas-schools-social-studies-legislature/> [<https://perma.cc/5SM B-F946>].

30. SENATE RSCH. CTR., S.B. 3 BILL ANALYSIS, 87th Leg., Reg. Sess. (Tx. 2021), <https://capitol.texas.gov/tlodocs/871/analysis/html/SB000031.htm> [<https://perma.cc/S6U4-HT9Y>].

31. *Id.*

which discuss the Holocaust should be countered with opposing views.³² Texas has continued to shift from acceptable to non-acceptable curriculums and programs at an impossible rate.

During the 87th legislative session in 2020, Texas implemented mandatory integration of social emotional learning (SEL) instruction for all school districts in Texas.³³ SEL was viewed as a method to empower students and families by teaching concrete tools for conflict resolution, problem solving and character development.³⁴ One of the biggest proponents of social emotional learning is CASEL, which defines social and emotional learning as an integral part of education and human development. SEL is the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions, achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships and make responsible and caring decisions. SEL advances educational equity and excellence through authentic school, family and community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction and ongoing evaluation. SEL can help address various forms of inequity and empower young people and adults to co-create thriving schools and contribute to safe, healthy, and just

32. Meryl Kornfield & Timothy Bella, *Texas School Official Tells Teachers That Holocaust Books Should Be Countered With ‘Opposing’ Views*, THE WASHINGTON POST (Oct. 15, 2021, 9:43 AM), <https://www.washingtonpost.com/education/2021/10/15/holocaust-texas-school-books-opposing/> [https://perma.cc/G9H8-K7X2]; see also Sharon Pruitt-Young, *In One Texas District, Teachers Were Told To Give ‘Opposing’ Views of the Holocaust*, NPR (Oct. 15, 2021, 1:43 PM), <https://www.npr.org/2021/10/15/1046389474/texas-holocaust-opposing-critical-race-theory-southlake> [https://perma.cc/UN35-9FXU]; Scott Gleeson, *Texas School Leader Tells Teachers to Balance Holocaust Books with ‘Opposing’ Views*, USA TODAY (Oct. 15, 2021, 8:14 AM), <https://www.usatoday.com/story/news/education/2021/10/15/texas-school-district-holocaust-opposing-books-views/8465342002/> [https://perma.cc/HW9D-6E2T].

33. *Capitol Watch, Education Bills Passed by the 87th Texas Legislature*, TEXAS ASS’N OF SCH. ADMINISTRATORS (June 3, 2021), <https://tasanet.org/education-bills-sent-to-signed-by-the-governor/> [https://perma.cc/WW7K-7KET].

34. *Committee for Children Applauds Texas for Passing School Safety Bill*, COMM. FOR CHILD. (June 20, 2019), <https://www.cfchildren.org/press/press-releases/committee-for-children-applauds-texas-for-passing-school-safety-bill/> [https://perma.cc/X5W9-6QHR].

communities.³⁵ SEL changed in legislation from a pro to con in a few short years.³⁶ The negative reshaping of Critical Race Theory Examination and the modern implications of the Lost Cause continue to be reflected in current school curriculum.³⁷

In Dallas, the Black population largely kept quiet during the Civil Rights Movement and were, for the most part, not highlighted in the media. However, issues focused on gerrymandering, education and housing were prevalent in the city. Dallas avoided major protests and riots as other cities marched and burned.³⁸ While Dallas has largely stayed out of the news regarding issues of race, one Texas city has recently faced a number of racial incidents that garnered national attention.

F. Dallas and the Southlake Incident

Southlake is a mostly white suburb 30 miles northwest of Dallas. The area has a reputation as one of the best places in the country to raise a family.³⁹ The schools are consistently highly ranked, and most students

35. *Fundamentals of SEL*, COLLABORATIVE FOR ACAD., SOC., AND EMOTIONAL LEARNING (last visited Nov. 6, 2022), <https://casel.org/fundamentals-of-sel/> [<https://perma.cc/7YHN-WAR9>].

36. COLLABORATIVE FOR ACAD., SOC., AND EMOTIONAL LEARNING (last visited Nov. 6, 2022), <https://casel.org/> [<https://perma.cc/4FNW-LLNN>].

37. Another controversy about long held mythologies developed after the work, *Forget the Alamo* was published. The work sought to tell the true story of what happened at the Battle of the Alamo. Similar to the mythology of the Lost Cause, the story of the Alamo is deeply ingrained in Texas folklore. The story that Davey Crockett, Jim Bowie and Sam Houston fought Mexican dictator at the Alamo to begin new lives in Texas. The book argues that what really happens is much more complex and not so easy continued by the long-held myth of the scrappy Texas band of rebels. See Bryan Burrough et al., *FORGET THE ALAMO: THE RISE AND FALL OF AN AMERICAN MYTH* (2021).

38. For an in-depth discussion about racial politics in Dallas, see Jim Schutze, *THE ACCOMMODATION: THE POLITICS OF RACE IN AN AMERICAN CITY* (1986); see also Michael Phillips, *WHITE METROPOLIS: RACE, ETHNICITY, AND RELIGION IN DALLAS, 1841-2001* (2006).

39. David Dunn, *Southlake Ranked In Top 100 Suburbs of Niche 2021 Rankings*, SOUTHLAKE STYLE (Mar. 15, 2021, 10:27 AM), <https://www.southlakestyle.com/community/city/southlake-ranked-in-top-100-suburbs-of-niche-2021-rankings/#:~:text=According%20to%20the%20rankings%2C%20Southlake,best%20public%20schools%20in%20America> [<https://perma.cc/W7G3-Z9RV>]; see also Lizzy Spangler, *Southlake Ranked No. 1 Suburb With City-Like Living*, SOUTHLAKE STYLE (Dec. 10, 2021, 3:01 PM), <https://www.southlakestyle.com/community/city/southlake-ranked-no-1-suburb-with-a-%E2%80%98big-city->

are college bound after high school with SAT scores high enough for many graduates to attend top-tier colleges and universities.⁴⁰ The median home price is \$650,000.⁴¹ Most residents are considered affluent, the neighborhoods are well-manicured and the streets are safe.⁴² In 2018, a video surfaced of several white high school students chanting the N-word at a party. The incident garnered national attention.⁴³ Although the incident occurred outside of school hours and not on school property, the students were disciplined and the community seemed to unify⁴⁴, even giving district officials unfavorable comments when they tried to blame the event on social media. After the incident, the school district set out to examine diversity and create a plan and structure that would be inclusive. This plan is now viewed negatively aligned with critical race theory. Fallout has also led to changes to the school board, book banning and a fierce curriculum battle.⁴⁵

The draft Carroll ISD Cultural Competence Action Plan details in the problem statement that in the fall of 2018 a video surfaced on social media with footage of Southlake teenagers chanting a racial slur during a party held at a private residence after Homecoming. It was confirmed that all the

vibe%E2%80%99/ [https://perma.cc/4NWP-XGV]; and SOUTHLAKE HIST. SOC'Y, <https://www.southlakehistory.org/> [https://perma.cc/5FT4-2EEX/].

40. Aubrey Sellers, *Carroll ISD Ranks No. 21 on List of America's Best School Districts*, SOUTHLAKE STYLE (Aug. 18, 2017, 6:08 AM), <https://www.southlakestyle.com/community/city/carroll-isd-ranks-no.-21-list-america-s-best-school-districts/#:~:text=21%20on%20List%20of%20America's%20Best%20School%20Districts,-by%20Audrey%20Sellers> [https://perma.cc/8K9F-WE3V].

41. U.S. CENSUS BUREAU (last visited Nov. 6, 2022), <https://www.census.gov/quickfacts/southlakecitytexas> [https://perma.cc/3A7D-EUR8] (2020 census data list the median home value as \$697,000).

42. Mike Hixenbaugh, *A Viral Video Forced a Wealthy Texas Suburb to Confront Racism. A 'Silent Majority' Fought Back.*, NBC NEWS (last updated Feb. 24, 2021, 6:51 PM), <https://www.nbcnews.com/news/us-news/viral-video-forced-wealthy-texas-suburb-confront-racism-silent-majority-n1255230> [https://perma.cc/MP7E-HQLP]; see also *Introducing: Southlake*, NBC NEWS (last visited Nov. 7, 2022), <https://www.nbcnews.com/southlake-podcast> [https://perma.cc/ABV2-S8RK].

43. Jenni Fink, *Students Seen Chanting N-Word in Video Posted on Social Media, School Hands Out 'Consequences' as Punishment*, NEWSWEEK (Oct. 30, 2018, 9:59 AM), <https://www.newsweek.com/school-gives-consequences-students-seen-chanting-n-word-video-posted-social-1193361> [https://perma.cc/U6YF-XD5T].

44. *Id.*

45. Hixenbaugh, *supra* note 42.

teens in the video were Carroll ISD students⁴⁶. The incident sparked outrage from families and students, and caused a significant disruption to the educational environment. Rumors of threats resulted in Carroll ISD adding temporary administrative and police presence at the high school to ensure student safety. On November 2, 2018, the School Board held a public meeting to hear input from parents of students who have experienced microaggressions, acts of racism or hate speech.⁴⁷

The Action Plan set out to rectify the fallout from bigoted behavior by identifying weaknesses and problems within the school district and creating accountability for school administrators, teachers and k-12 students through training, cultural competency, expanded resources, programming and the integration of a district diversity council to “support and nurture the increasingly diverse student population of our district”.⁴⁸

While initially heralded as a progressive approach, the action plan and other efforts to include diversity quickly encountered resistance from a segment of parents worried that the inclusion of diversity, cultural competency and other actions would negatively impact white students⁴⁹. The group was well organized and the backlash was swift. Within days of the plan’s release, angry, mostly white, parents created a political action committee, Southlake Families PAC⁵⁰, and began attending school board

46. *Id.*

47. *Competence Action Plan*, CARROLL INDEP. SCH. DIST. (Nov. 20, 2018), <https://www.southlakecarroll.edu/cms/lib/TX02219131/Centricity/Domain/97/Cultural%20Competence%20Action%20Plan%20DRAFT%20-%20July%2009%202020.pdf> [<https://perma.cc/Q3US-GCYU>].

48. *Id.*

49. *Id.*

50. The mission of Southlake Families is dedicated to advocating for our strong community values and tradition of excellence by proactively working alongside city, school and community leaders to encourage and strengthen our mutual goals of academic excellence, transparent accountability, fiscal responsibility and upholding character, integrity, a strong work ethic and leadership in our community. What we believe: Southlake Families is unapologetically rooted in Judea-Christian values. We welcome all that share our concerns and conservative values. We respect the Constitution. We believe in the right of self-defense. We believe in protecting innocent life. Conservative principles have made Southlake an extraordinary city in which to live and raise a family, and we believe Southlake Carroll's tradition of excellence must be protected. We reject recent campaign smears calling our tradition of excellence 'racist.' Southlake Carroll's tradition of excellence has always welcomed all people and will continue to do so. Local government is as important as county, state and national government as it affects our families, freedom and way of life. We must rise up and work hard to protect

meetings. They called the plan “leftist indoctrination” set to fix a problem that does not exist⁵¹. The group’s concern was that white students would face backlash if they did not comply and would experience reverse racism. One parent successfully sued the school district to stop the implementation of the diversity plan.⁵² Similar reactions have steadily reverberated across the country.

Black students and other Students of Color reacted to the controversy by creating a vocal grassroots effort by creating the Southlake Antiracism Coalition.⁵³ The Coalition is focused on providing education through informational sessions and programs about the School Board and Administration. The group has also taken the extraordinary step of providing a forum where former and current students can record racist encounters, microaggressions and other incidents that they have encountered while students in the school district.⁵⁴ The Department of Justice (DOJ) began investigating the school district in November of 2021. The US Department of Education began investigating the Carroll School District after several high-profile controversies. The agency opened three investigations into allegations of racial and gender discrimination.⁵⁵ Five more investigations were opened in July of 2022.⁵⁶ The NAACP Legal

our traditional way of life, which is currently under attack by extremists. We do not believe violence, whether physical or verbal, psychological or emotional, will ever solve problems. We believe in faith, freedom, and family. *About Us*, SOUTHLAKEFAMILIES.ORG (last visited Nov. 6, 2022), <https://www.southlakefamilies.org/about-us> [<https://perma.cc/5JWK-E9SU>].

51. *Id.*

52. Parent Kristin Garcia filed the suit in fall of 2020 claiming the district violated the Texas Open Meetings Act when it accepted a diversity plan called the Cultural Competence Action Plan, or CCAP. William Joy, *Carroll ISD Rejects Long-debated Diversity Plan in New LawsUIT Settlement*, WFAA (Dec. 21, 2021, 9:18 PM), <https://www.wfaa.com/article/news/education/schools/southlake-carroll-isd-rejects-long-debated-diversity-plan-in-new-lawsuit-settlement/287-c36a4bc6-b6ee-4097-a7dc-9db62ea5bf4c> [<https://perma.cc/EJ93-DFKY>].

53. Southlake Anti-Racism Coalition (@southlakearc), INSTAGRAM, <https://www.instagram.com/southlakearc/> [<https://perma.cc/A44A-WTHY>].

54. Southlake Anti-Racism Coalition (@southlakearc), INSTAGRAM (May 4, 2022), <https://www.instagram.com/p/CdI4hE4u1H6/> [<https://perma.cc/MJL7-VTRU>].

55. James Pollard, *U.S. Department of Education investigates claim of racial and gender discrimination at North Texas School district*, TX. TRIB. (Nov. 17, 2021).

56. Alex Cruz, *US Department of Education Investigating Two More Discrimination Complaints Against Carroll ISD*, WFAA (July 20, 2022, 7:35 PM), <https://www.wfaa.com/article/news/local/us-department-education-invest>

Defense Fund also filed an Administrative Complaint against the district.⁵⁷ In a move to try to discourage teachers from speaking to the media, the Southlake administration included a non-disparage clause in 2022 teacher contracts. The clause says in part "You agree not to disparage, criticize, or defame the district, and its employees or officials to the media."²¹

E. The Removal of Confederate Monuments

The removal of Confederate monuments is a challenge to long held sacred mythology. The Historian David Blight wrote that "the Civil war is like the giant sleeping dragon of American history ever ready to rise up when we do not expect it and strike us with unbearable fire".⁵⁸ The monuments are more than just statues of fallen Confederate soldiers. They are indicators of the mythos created by the Lost Cause. Five years after the Charleston massacre, more than 100 monuments and other symbols of the Confederacy have been removed, but many still remain.⁵⁹ In an updated survey, the Southern Poverty Law Center identified 1,747 Confederate monuments, place names and other symbols still in public spaces, both in the South and across the nation. These include:

- 780 monuments, more than 300 of which are in Georgia, Virginia or North Carolina;
- 103 public K-12 schools and three colleges named for Robert E. Lee, Jefferson Davis or other Confederate icons;
- 80 counties and cities named for Confederates;

igating-discrimination-complaints-carroll-isd/287-e60abaf3-ce22-4d26-85e7-ee747133dcff [https://perma.cc/B4WV-5BXM].

57. Mike Hixenbaugh, *Teachers in Southlake, Texas Asked to Sign a Non-Disparagement Agreement*, NBC NEWS (Apr. 28, 2022, 4:54 PM), <https://www.naacpldf.org/wp-content/uploads/2022-02-15-Southlake-Complaint-Summary-2-1.pdf> [https://perma.cc/63M7-L7RX].

58. Although I am focusing on four cities and the reaction and impact surrounding the removal of confederate monuments. Many other cities worked to remove statutes. For an example from North Carolina, please watch the student lead documentary, *Silence Sam* focused on the removal of the confederate Monument Silent Sam at the University of North Carolina, Chapel Hill. <https://vimeo.com/636293364> [https://perma.cc/8373-UW2Q].

59. 2020 *Confederate Symbol Removals*, S. POVERTY L. CTR. (2020), <https://www.splcenter.org/data-projects/2020-confederate-symbol-removals> [https://perma.cc/U65N-XG4M].

- 9 observed state holidays in five states; and
- 10 U.S. military bases.

Recently, cities across the north and south have struggled with how to remove Confederate monuments and make amends for past transgressions. There was public outcry and protests on both sides of the issue when on Monument Alley in Richmond, Virginia the Robert E. Lee sign was removed and a planting and sign for Marcus David Peters, a local teacher killed by police in 2018 during a healthcare crisis, was put in its place.⁶⁰ Louisiana faced a similar struggle when then New Orleans mayor, Mitch Landrieu, worked with city council members to pass resolutions to remove Confederate monuments that are prominently integrated into the New Orleans landscape.⁶¹ With Jefferson Davis Highway in Baton Rouge, the General Beauregard statue in New Orleans and numerous statues and monuments around the state, Louisiana became a symbol of what could be achieved to preserve false history. New Orleans had the largest slave market in the America⁶². With the end of the Civil War, the city became an integral part of perpetuating the Lost Cause. After Mayor Landrieu made the decision to remove the monuments, he could not find a contractor

60. Chris Cynn, *Richmond's Confederate Monuments, One Year Later Protests Brought Down Most of the Statues on Monument Avenue — Except Robert E. Lee's*, N.Y. MAG. (Jun. 22, 2021), <https://www.curbed.com/2021/06/richmonds-confederate-monuments-one-year-later.html> [https://perma.cc/9SZK-DGRU]; See also David Graham, *The United States of Confederate America*, THE ATLANTIC (Oct. 4, 2022), https://www.theatlantic.com/ideas/archive/2022/10/confederate-monuments-survey-race-religion-education-divide/671639/?utm_source=apple_news [https://perma.cc/XJE5-S3LD]; See also *Creating More Inclusive Public Spaces: Structural Racism, Confederate Memorials, And Building for the Future: Findings from the 2022 PPRI-EPU Religion and Inclusive Public Spaces Survey*, PPRI AD E PLURIBUS UNUM (In order to measure American's views on race and structural racism the survey asked eleven (11) questions on a range of topics- form attitudes about white supremacy and racial inequality, the impact of discrimination on Black Americans on economic mobility, what to do with Confederate monuments and feelings about the Confederacy based on race, religion and region).

61. For an examination of Mayor Landrieu's reckoning with the Confederate monuments; See Mitch Landrieu, *In the Shadows of Statues: A White Southerner Confronts History*, VIKING (2018).

62. Joshua D. Rothman, *Before the Civil War, New Orleans was the Center of the U.S. Slave Trade*, SMITHSONIAN MAG. (April 19, 2021), <https://www.smithsonianmag.com/history/civil-war-new-orleans-was-center-us-slave-trade-180977532/#:~:text=The%20city%20of%20New%20Orleans,from%20outside%20the%20United%20States> [https://perma.cc/239A-743X].

who would take the job for fear of negative publicity.⁶³ There was considerable push back from those who wished to preserve Confederate history. Grassroots advocacy groups like, Take ‘Em Down NOLA⁶⁴ continue to work to remove all symbols of white supremacy in New Orleans.⁶⁵

Boston Massachusetts is a city that has faced historic racism, economic disenfranchisement, housing segregation and discrimination. The National Guard was called out in the 1970s to ensure cities like Roxbury implemented federal busing mandates⁶⁶. In 2021, the Boston Marathon sponsored a reconciliation and recognition of Black and People of Color runners that had participated and never recognized. Native American runners were also recognized.⁶⁷

F. January 6th Insurrection

The architects of the Lost Cause used storytelling, media and architecture to recast the image of the south. The organizers of the January

63. For an exploration of the removal of confederate monuments in New Orleans, see *The Neutral Ground* documentary <https://www.pbs.org/video/the-neutral-ground-b3aoig/> [<https://perma.cc/4U9L-MSYE>].

64. Take ‘Em Down NOLA (@takeemdownnola.org), FACEBOOK, <https://www.facebook.com/TakeEmDownNOLA/> [<https://perma.cc/7EPA-EPKS>].

65. Writer Clint Smith explores how other countries, particularly Germany, have dealt with remembering difficult historical issues; see Clint Smith, *Monuments to the Unthinkable: America Still Can't Figure Out How to Memorialize the Sins of Our History. What can We Learn from Germany?*, THE ATLANTIC (Nov. 14, 2022), <https://www.theatlantic.com/magazine/archive/2022/12/holocaust-remembrance-lessons-america/671893/> [<https://perma.cc/W98R-2464>].

66. Bruce Gellerman, *'It Was Like a War Zone': Busing in Boston*, WBUR (Sept. 5, 2014) <https://www.wbur.org/news/2014/09/05/boston-busing-anniversary> [<https://perma.cc/DGU9-LH7E>].

67. Deb Haaland, *Running the Boston Marathon to Remember Indigenous Peoples' Day*, BOSTON GLOBE (Oct. 10, 2021), <https://www.bostonglobe.com/2021/10/10/opinion/running-boston-marathon-remember-indigenous-peoples-day/> [<https://perma.cc/385C-Q6L2>]; see also Kalle Benallie, *Boston Honors Indigenous Marathon Runners*, INDIAN COUNTRY TODAY (Oct. 8, 2021), <https://indiancountrytoday.com/news/boston-honors-indigenous-marathon-runners> [<https://perma.cc/7BC3-8AE3>]; see also Nancy Armour, *On Boston Marathon, History of Indigenous Runners Should Not Be Ignored*, USA TODAY (Oct. 11, 2021, 7:12 AM), <https://www.usatoday.com/story/sports/columnist/nancy-armour/2021/10/11/boston-marathon-indigenous-peoples-day-running-erasing-history/6057480001/> [<https://perma.cc/7W26-YRJ5>].

6th Insurrection used some of the same techniques in their efforts. Tensions have continued to escalate since the 2015 shooting in Charleston at Mother Emanuel Church⁶⁸, and the Unite the Right Rally in Charlottesville in 2017⁶⁹. There has been a steady increase in the boldness of these groups. No longer are these groups on the fringes, but they have made conscious strides to be more accessible and let go of covert racism. These organizations have re-branded themselves as advocates of states' rights and preserving White racial identification. Gone are images of Klansmen in white sheets and a more sophisticated individual has emerged. For example, membership rolls reviewed by the Anti-Defamation League of the Oath Keepers, the far-right group accused of coordinating the January 6 insurrection, revealed that more than 100 members of the Oath Keepers currently serve in the military, 373 work in law enforcement agencies, including sheriffs and a chief of police.⁷⁰ Moreover, 81 members were identified as either running for public office or serving as elected officials.⁷¹ The Internet allows these groups the opportunity to reach a broader audience that is reflected in the membership. This virtual battle is being fought to defend a specific southern heritage, a heritage that is undeniably white. Although whiteness is rarely mentioned on the websites, Celtic, Anglo, and European ancestry are.⁷² This coded language sets to uphold traditional white ancestry. The sites deploy a doubled and particular form of address, an address expressly structured toward a specific segment of the public; a public that is focused on maintaining southern heritage.⁷³ The diverse composition of members shows the broad range of influence of the groups. Further, an analysis by the University of Chicago Project on Security and Threats found that of the 716 people arrested or charged for storming the Capitol, 501 for which there was

68. On June 17, 2015, congregants at Mother Emanuel African Methodist Episcopal Church were murdered in a mass shooting during Bible study.

69. On August 11, 2017 hundreds of white nationalists marched through the campus of the University of Virginia at Charlottesville in a Unite the Right Rally. See Joe Heim, *Recounting a Day of Rage, Hate, Violence and Death*, THE WASHINGTON POST (Aug. 14, 2017) <https://www.washingtonpost.com/graphics/2017/local/charlottesville-timeline/> [<https://perma.cc/U58H-N98D>].

70. Caleb Ecarma, *Oath Keeper Data Leak Reveals Hundreds of Police, Military, Elected Officials on Membership Rolls*, VANITY FAIR (Sept. 7, 2022), <https://www.vanityfair.com/news/2022/09/oath-keepers-leak-membership-rolls> [<https://perma.cc/SJ8B-XTEA>].

71. *Id.*

72. Tara McPherson, *Reconstructing Dixie: Race, Gender, and Nostalgia in the Imagined South*, DUKE UNIV. PRESS (2003), at 112.

73. *Id.* at 110.

employment data, more than half are business owners, including CEOs and individuals from white collar-collar occupations, including doctors, lawyers, architects and accountants.⁷⁴ Only 7 percent of the group was unemployed.⁷⁵ Data also shows that only 14 percent of those who broke into the Capitol on January 6th were members of militias such as the Oath Keepers or extremist groups such as the Proud Boys. 86 percent had no affiliation with such groups.⁷⁶

II. WHERE DO WE GO FROM HERE?

Many institutions have embraced reconciliation and an examination of past racism, cultural insensitivity and discriminatory practices. For example, the city of Austin sponsored reconciliation workshops and listening sessions through the city's Truth, Healing and Transformation Center⁷⁷ to examine a history of housing and other discriminatory practices that effected Black and Hispanic residents. The Texas Catholic Church diocese began an intense review of church policies that were discriminatory.⁷⁸ Nationally, the Poor People's Campaign worked to shine a light on the problems effecting the poor and disenfranchised.⁷⁹

States need to reconfirm the commitment to social emotional learning as an effective mechanism to help students navigate an ever-changing and complicated world. Reengagement with Social Emotional Learning would ensure that students have the tools to succeed.⁸⁰ We must move away from

74. Robert A. Pape, *The Jan. 6 Insurrectionists Aren't Who You Think They Are*, FOREIGN POL'Y (Jan. 6, 2022, 6:43 AM), <https://foreignpolicy.com/2022/01/06/trump-capitol-insurrection-january-6-insurrectionists-great-replacement-white-nationalism/> [<https://perma.cc/SB63-RCYB>]; see also Mark C. Alexander et al., *Beyond Imagination? The January 6 Insurrection*, W. ACAD. (2022) (written by law school deans and professors, the work discusses various aspects of the January 6 insurrection from the rule of law to the rise of hate groups).

75. *Id.*

76. *Id.*

77. *Changing the Racial Narrative Together*, AUSTIN CMTY. COLL., <https://www.austincc.edu/business-community/truth-racial-healing-and-transformation> [<https://perma.cc/Q9VW-A6PK>].

78. *Combating Racism*, ARCHDIOCESE OF GALVESTON-HOUSTON, <https://www.archgh.org/resources/combating-racism/> [<https://perma.cc/87YC-WBX6>].

79. POOR PEOPLE'S CAMPAIGN, <https://www.poorpeoplescampaign.org/> [<https://perma.cc/HT8N-MY22>].

80. For more information about Social Emotional Learning (SEL), see Donna Lord Black, *Essentials of Social Emotional Learning (SEL): The Complete Guide for Schools and Practitioners*, WILEY PUBL'G (2022).

the misalignment with Critical Race Theory. Social Emotional Learning provides concrete structure not only for students, but also for those around the student. It focuses on creating a community of support for children where not only teachers, but also everyone who interfaces with the child, is vested in their success. The crossing guards, lunchroom attendants, principals and administrators work with the parents and teachers to ensure success and a solid support system for the child.

We must use the strategy of Civil Discourse as a mechanism to engage with people and opinions that differ from our own. Civil Discourse is defined as conversations or discussions where there is a mutual airing of often opposing views without rancor, but with the intention of promoting greater understanding while moving toward solutions.⁸¹ As a nation, we can no longer afford to exist in strict bi-partisan views. The Center for Civil Discourse highlights four areas of focus for constructive thought related to the integration of Civil Discourse.⁸² They include engaging differences, listening for understanding, empathy, humility, conscience and principled advocacy that will lead to common ground:

i. Engaging Differences Constructively is Valuable:

- There is an intrinsic satisfaction when we successfully connect across divides. It fulfills some of the best of what it is to be human.
- Practically, how well we engage differences influences concrete outcomes. Failing to engage differences constructively can be enormously costly and painful for us as individuals and as a nation. On the other hand, engaging differences constructively can lead to new insights and better decisions. Drawing on the range of experience and perspective can feed innovative solutions that leave us all better off in tangible ways.

ii. Listening for Understanding

- Listening is one of the most fundamental skills for engaging differences constructively.
- During conversations many of us have a tendency not to truly listen. We may hear their first comments and make assumptions about where the conversation will go, or we may be thinking about

81. Evan Rosa and Gregg Ten Elshof, *Virtue and Voice: Habits of Mind for a Return to a Civil Discourse*; see also George A. Kennedy, *On Rhetoric: A Theory of Civic Discourse* (2d. ed. 2006).

82. *Key Principles and Best Practices*, NAT'L INST. FOR CIV. DISCOURSE, <https://nicd.arizona.edu/wp-content/uploads/2020/09/Engaging-Differences-Key-Concepts-and-Best-Practices.pdf> [<https://perma.cc/7WC5-5QX2>].

how we will counter their points.

- To Listen for Understanding, it helps to enter the conversation with curiosity and an open mind to really listen to what the other person is saying. It can help to ask respectful, clarifying questions for the purpose of learning rather than to invalidate the merit of the other person's perspective. It can also help to reflect back to the other side in your own words and ask if you have understood.

iii. Empathy

- We engage differences more constructively when we put ourselves in another person's shoes, when we see things from another person's point of view.
- It helps to be able to see the other person not as a stereotype of a political label but as a fellow human and American who wants our country to reach its full potential.

iv. Humility

- We engage differences more constructively when we recognize that other reasonable and moral people can reach different conclusions than we do.
- When we recognize that don't know everything, we can benefit from hearing different insights from others.

v. Conscience

- Respecting and empathizing with a different perspective is not the same as agreeing with it.
- We engage differences more constructively when we combine understanding and respecting others' perspectives with honoring the dictates of our own conscience.

vi. Principled Advocacy

- Empathy and Humility are different than going along to get along or abandoning one's own convictions.
- Simply accommodating others' views with which we genuinely disagree violates our own conscience and robs them of the opportunity to benefit from our honest views.
- We engage differences more constructively when we make our case on the merits without resorting to attacks on the character of those with different views or seizing on trivial missteps or misstatements, they make.

vii. Common Ground

- As we engage our differences, it is important to remember and articulate our common ground.
- Because it is easy to fixate on our differences, it helps to acknowledge shared values, aspirations, and experience and to call out points of agreement.
- We have always had our disagreements. We have never fully realized our ideals. Still, we share a commitment to perfecting the promise of American self-government

Cultural humility is one construct for understanding and developing a process-oriented approach to competency.⁸³ We conceptualize cultural humility as the “ability to maintain an interpersonal stance that is other-oriented (or open to the other) in relation to aspects of cultural identity that are most important to the [person]”.⁸⁴ Three factors guide a sojourner toward cultural humility. The first aspect is a lifelong commitment to self-evaluation and self-critique. Underlying this piece is the knowledge that we are never finished — we never arrive at a point where we are done learning. Therefore, we must be humble and flexible, bold enough to look at ourselves critically and desire to learn more. When we do not know something, are we able to say that we do not know? Willingness to act on the acknowledgement that we have not and will not arrive at a finish line is integral to this aspect of cultural humility as well. Understanding is only as powerful as the action that follows.

The second feature of cultural humility is a desire to fix power imbalances where none ought to exist⁸⁵. Recognizing that each person brings something different to the proverbial table of life helps us see the value of each person. When practitioners interview clients, the client is the expert on his or her own life, symptoms and strengths. The practitioner holds a body of knowledge that the client does not; however, the client also has understanding outside the scope of the practitioner. Both people must collaborate and learn from each other for the best outcomes. One holds power in scientific knowledge, the other holds power in personal history and preferences.

83. Joshua Hook et al., *Cultural Humility: Engaging Diverse Identities in Therapy*.

84. *Id.*

85. Melanie Teravalon and Jann Murray-Garcia, *Cultural Humility Versus Cultural Competence: A Critical Distinction in defining Physical Training Outcomes in Multicultural Educations*, 9 J. OF HEALTHCARE FOR THE POOR AND UNDERSERVED 2 (1998).

Finally, cultural humility includes aspiring to develop partnerships with people and groups who advocate for others.⁸⁶ Though individuals can create positive change, communities and groups can also have a profound impact on systems. We cannot individually commit to self-evaluation and fixing power imbalances without advocating within the larger organizations in which we participate. Cultural humility, by definition, is larger than our individual selves — we must advocate for it systemically. Multiracial and multiethnic individuals and families illustrate the cultural richness of our diverse nation.

Therapists, we have a responsibility to recognize and value the diversity of our clients. They must enter our therapeutic relationships with cultural humility, acknowledging that we are always in the process of learning and growing. For lawyers there is similar charge, we must uphold the rule of law, fiercely advocate for our clients, and speak up when we see wrongs and injustice. Member of the January 6 Hearing Committee and former Congressman Kenzinger in his final statement on day 8 of the testimony opined that “the rule of law, the oath matters more than party tribalism, character matters, truth matters”.⁸⁷ Kenzinger added that when the committee presents the findings from its investigation it will “recommend changes to laws and policies to guard against another January 6th”, warning that the forces Trump “ignited” are still a present threat. Kenzinger, a republican, reasoned that “this is imperative that the forces that Donald Trump ignited that day have not gone away. The militant, intolerant ideologies, the militias, the alienation and the disaffection, the strange fantasies and disinformation — they are all still out there, ready to go. That is the elephant in the room. But if January 6th has reminded us of anything, I pray it has reminded us of this — laws are just words on paper,” he said. He went on to say, “They mean nothing without public servants dedicated to the rule of law and who are held accountable by a public that believes oaths matter more than party tribalism or the cheap thrill of scoring political points. We, the people, must demand more of our politicians and ourselves. Oaths matter. Character matters. Truth matters. If we do not renew our faith and commitment to these principles, this great experiment of ours, our shining beacon on a hill, will not endure.”⁸⁸

86. *Id.*

88. Maureen Chowdhury et al., *Jan. 6 Committee Holds Eighth Hearing*, CNN (July 22, 2022, 11:34 AM), <https://www.cnn.com/politics/live-news/january-6-hearings-july-21/index.html> [<https://perma.cc/3DV7-W6X3>].

III. CONCLUSION- WHAT STORIES WILL YOU TELL

The Lost Cause, attacks on school curriculum and the January 6 insurrection are history repeating itself.⁸⁹ As a country, we have endured similar challenges. We must decide how to react to the strife and conflict we face. Embracing Social Emotional Learning, civil humility and civil discourse can provide effective change. We decide the stories that we tell. Will we remain in strife or come together? How the story of America continues to unfold is in our hands.

89. Historically, when there are advances in social justice -civil rights, gender equality and other there has been a backlash. For example, after reconstruction when Black representatives were elected to Congress and the Senate and enjoyed participation in the legislative process. After, this advance was the rise in Jim Crow law what restricted schools, voting and sanctioned segregation. We saw the same pattern in the 1970s with implantation affirmative action to encourage diversity, equity, and inclusion in hiring and college admissions. After the passage of the Voting Rights Act that created an avenue to make voting accessible, *Shelby County v. Holder*, has systematically eroded the Voting Rights Act. *Shelby Cnty. v. Holder*, 570 US 529 (2013); *see also* Ibram Kendi, *Stamped from The Beginning: The Definitive History of Racist Ideas in America*, NATION BOOKS (2016).