

Public Comment of Gene Kizer, Jr.  
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RE: Demolition of Confederate Memorial in Arlington National Cemetery

My name is Gene Kizer, Jr. and I am submitting this comment as part of the Section 106 Process required by the National Historic Preservation Act, and the Environmental Impact Statement under the National Environmental Policy Act, with regard to the demolition of the 109 year old Confederate Memorial by Arlington National Cemetery, et al.

I am an historian and publisher with Charleston Athenaeum Press in Charleston, South Carolina.

Arlington National Cemetery, in its attempt to inform the public of what it is doing with regard to the Confederate Memorial, made several incorrect statements.

On ANC's website at <https://www.arlingtoncemetery.mil/About/Confederate-Memorial-Removal>, you state:

"As required by Congress and implemented by the Secretary of Defense, Arlington National Cemetery (ANC) is required to remove the Confederate Memorial at ANC and has initiated a process to prepare for the careful removal and relocation of the memorial, located in Section 16 of the cemetery."

That is INCORRECT because in NO place does Congress require ANC to remove the Confederate Memorial. Congress does not mention the Confederate Memorial in the FY21 NDAA that established the naming commission.

The last significant time Congress mentioned the Confederate Memorial was around the turn of the twentieth century to give its blessing to constructing a memorial to the reconciliation of North and South in Arlington National Cemetery after the bloody War Between the States. It was the brainchild of former Union soldier and later president, William McKinley, after enthusiastic Southern support for the Spanish-American War in 1898.

Around 500 Confederates graves in concentric circles surround the Confederate Monument and are an INTEGRAL part of the Memorial. President McKinley said

ALL those graves are a tribute to American valor.

McKinley started a chain of events that included significant participation by Presidents William Howard Taft, Woodrow Wilson, Warren G. Harding, Theodore Roosevelt and all the presidents up to our present time who sent annual memorial wreaths to the Confederate Memorial including Barack Obama. Veterans of the War Between the States, North and South, also participated enthusiastically.

What Congress did, in the FY21 NDAA, was approve Elizabeth Warren's short amendment in a 1,482 page defense bill that always passes, forbidding any DOD "commemoration" of the Confederacy.

What most people in Congress were voting on was the nearly trillion dollars of military spending in the NDAA and not Warren's amendment.

Here's what former Virginia senator and U.S. Navy secretary, Jim Webb, said August 18, 2023, in a *Wall Street Journal* article entitled, "Save the Confederate Memorial at Arlington, A commission will tear down this monument to national healing by year's end if we don't act":

With surprising overbreadth, the 2021 National Defense Authorization Act, passed in the midst of national racial and political upheaval, empowered a Naming Commission to “remove all names, symbols, displays, monuments and paraphernalia that honor or commemorate the Confederate States of America . . . or any person who served voluntarily with the Confederate States of America from all assets of the Department of Defense.” As part of that provision, Arlington National Cemetery has been ordered by Defense Department officials to remove the memorial by the end of this year, though the order is reportedly under review.

Having spent four years as a full committee counsel in the House and six years as a member of the Senate Armed Services Committee, **I cannot imagine that the removal of this memorial, conceived and built with the sole purpose of healing the wounds of the Civil War and restoring national harmony, could be within the intent of a sweeping sentence placed inside a nearly trillion-dollar piece of legislation.** (bold emphasis added)

The naming commission claimed in their report that the Confederate Memorial was within their remit, but they ERRED. The Confederate Memorial is not in the naming commission's remit. Removing it is ILLEGAL.

The Confederate Memorial, as Secretary Webb said, "was built with the sole purpose of healing the wounds of the Civil War and restoring national harmony."

It was not built to commemorate the Confederacy as required by Warren's amendment unless you think Barack Obama, when he sent his annual memorial wreath to the Confederate Memorial, was commemorating the Confederacy.

The Confederate Memorial commemorates the reconciliation of North and South after the bloody War Between the States, and the reunification of the United States of America. It is one of the most historic monuments to peace in world history and it's magnificence is second to none. Just look at the United States Army's own 28 photographs on ANC's website.

ANC's own 2014 application for its Historic District to be on the National Register of Historic Places states repeatedly that the Confederate Memorial symbolizes reconciliation. [\(download my PDF white paper "The Reconciliation of North and South After the War Between the States as Symbolized by the Confederate Memorial 'New South' in Arlington National Cemetery"\)](#)

Unquestionably, the Confederate Memorial, sculpted by world famous Jewish artist, Moses Ezekiel, more than qualifies to be on the National Register of Historic Places on its own. It is a world class artistic achievement after a war in which 750,000 died and over a million were maimed.

The fact that the naming commission does not even mention "reconciliation," despite knowing about it, makes their report on the Confederate Memorial a complete historical fraud.

Naming commission vice chair, Ty Seidule, who hates the Confederate Memorial in Arlington National Cemetery, himself admits the reconciliation theme and wrote about it in his book, *Robert E. Lee and Me*, though he left that out of the naming commission's report.

I doubt if Secretary of Defense Lloyd Austin would have approved demolishing a magnificent 109 year old monument to peace and reconciliation in our nation's most sacred burial ground if he had been given the complete history.

On page 162 of *Robert E. Lee and Me*, Seidule writes:

Of the thousands of monuments around the country to the Confederacy, the one in Arlington National Cemetery angers me the most. Every year, the commander in chief sends a wreath, ensuring the Confederate monument receives all the prestige of the U.S. government. That's why it riles me so much. . . .<sup>1</sup>

Seidule then admits that the Confederate Memorial stands for reconciliation, and he, himself, regrets that:

I know both political parties and white citizens in the North and South brought the country back together after the tremendous bloodletting and destruction of the Civil War. **The posts named for Confederate officers during World War I also served to knit white America back together** as it fought a common foe. And it worked, but we must recognize that **reconciliation** came at a steep and horrifying cost. African Americans paid the price with lynching, Jim Crow segregation, and the loss of the franchise. The price for white **reconciliation** remains far too high. (Bold emphasis added.)<sup>2</sup>

The naming commission is political. They are interested in humiliating political rivals, which is why this legislation was put forth in the first place by Elizabeth Warren.

When the Ranger Memorial at former Fort Benning was desecrated by Warren's same legislation, Brigadier General Joseph S. Stringham, United States Army (ret), chairman of the National Ranger Memorial Foundation, wrote to his Rangers and said:

Implementation of dramatic/radical edicts and shifts in policy at issue here are frequently accompanied by inaccuracies, (stupid) interpretations, injustices to survivors and a strong political slant offensive to substantial sectors of society. The deceased named in this directive, the Mosby family and the Bowen family in particular, are victims of woefully targeted legislation enacted by the Pelosi, WOKE, 117th Congress. Interpretations of this legislation have received the slavish obedience by civilian and military management at the national level as passed down, apparently without verification, to our installations. For example, and wrongly identified with the Confederacy, Gen. Morgan was a BG in the Continental Army under

Gen. Washington and the hero of the Battle of Cowpens against the British. Gen. Morgan had passed away 57 years before the start of the Civil War. The injustice to the name of John S. Mosby and his descendants is extraordinary and thoughtless. Notwithstanding his extraordinary combat record, Ambassador Mosby, a staunch anti-slavery activist, was appointed by President Grant as US Ambassador to China later in his distinguished service to our Nation.

Inflicting punishment on individuals through legislation makes Warren's amendment in the FY2021 NDAA unconstitutional as a Bill of Attainder. Warren called Confederate soldiers "traitors" on the Senate floor and the FY2021 NDAA passed on that basis.

Since then, naming commission vice chair Ty Seidule as well as naming commission historian Connor Williams all have called Confederates traitors, which is utterly false.

There were no treason trials after the War Between the States because any such trial would prove the right of secession in a nation born of secession from the British empire. A trial would have convicted the North of an unconstitutional invasion of the South so no trial every occurred. This is well documented.

In fact, Seidule's own state of Virginia reserved the right of secession before acceding to the United States Constitution as did New York and Rhode Island. All the other states accepted Virginia, New York and Rhode Island's reserved right of secession, thus they had it too, since all states entered the Union as equals.

President Dwight D. Eisenhower, who is buried in Arlington National Cemetery, explains everything well. He had a picture of Confederate Gen. Robert E. Lee on the wall of his White House office the whole time he was president. Somebody challenged him on it and Eisenhower responded back immediately, on August 9, 1960, and said in part:

Responding to your August 1 inquiry calling attention to my often expressed admiration for General Robert E. Lee, I would say, first, that we need to understand that at the time of the War Between the States the issue of Secession had remained unresolved for more than 70 years. Men of probity, character, public standing and unquestioned loyalty, both North and South, had disagreed over this issue as a matter of principle from the day our Constitution was adopted.

Click the link for a PDF of [President Dwight D. Eisenhower's letter](#) on presidential letterhead defending the picture of Robert E. Lee he kept on his White House wall the whole time he was president.

Here is some of the MASSIVE amount of history that the naming commission left out of their historically fraudulent report:

The monument was the idea of Union soldier and later president, William McKinley, after enthusiastic Southern participation in the Spanish-American War, and it was approved by Congress.

McKinley said:

. . . every soldier's grave made during our unfortunate civil war is a tribute to American valor . . . And the time has now come . . . when in the spirit of fraternity we should share in the care of the graves of the Confederate soldiers . . . The cordial feeling now happily existing between the North and South prompts this gracious act and if it needed further justification it is found in the gallant loyalty to the Union and the flag so conspicuously shown in this year just passed by the sons and grandsons of those heroic dead.

President William Howard Taft spoke and was warmly received at the UDC ceremony the evening the cornerstone was laid.

President Woodrow Wilson ([download PDF photograph](#)) gave the dedication speech June 4, 1914 ([download Wilson's address](#)).

President Theodore Roosevelt sent the first memorial wreath that started an annual tradition observed by all presidents including Barack Obama.

President Warren G. Harding sent a message of condolence ([download PDF here](#)) that was read at the funeral of the monument's acclaimed Jewish sculptor, Moses Ezekiel, who was a VMI Confederate soldier. Here are some of Harding's comments from *The Evening Star*, Washington, D.C., Wednesday, March 30, 1921:

'Ezekiel will be remembered,' the President wrote, 'as one who knew how to translate the glories of his own time and people into that language of art which is common to all peoples and all times. He

served his state in the conflict that threatened to divide and that at last served to unify our country. He accepted the verdict of the civil war's arbitrament with all the fine generosity that has been characteristic of both the north and south; and the splendid product of his art, that here testifies to our nation's reunion, will stand from this day forth as guardian over his ashes.

'Every line and curve and expression carries the plea for a truly united nation that may be equal to the burdens of these exacting times. It speaks to us the ardent wish, the untiring purpose, to help make our people one people, secure in independence, dedicated to freedom, and ever ready to lend the hand of confident strength in aid of the oppressed and needy. Its long-drawn shadows of earliest morn and latest evening will always fall on sacred soil. The genius that produced, the love that gave, the devotion that will cherish it will forever be numbered among our ennobling possessions.

'[H]e wrought them into works which compelled the recognition of the chief art schools and won the honors of nations and cities that boasted of being the homes of sculpture's best traditions. Crowned with these honors, he turned his thoughts to his own country, and as the final and finest product of his talents gave to us the monument that from this day will mark his resting place. It is the memorial of reunited America the testimony to the tradition of indissoluble union, the shrine to which we are gathered today, and will gather through the years to come, those who would dedicate themselves to the ideal of unselfish, enlightened, upstanding Americanism as a force for our country's maintenance and all humanity's betterment.'

You can not read President Harding's message without knowing that the Confederate Memorial represents RECONCILIATION, peace, love and patriotism, all things the naming commission left out of its unverified, political report.

Ezekiel created the Confederate Memorial in the City of Rome, Italy and is buried next to his monument along with two other Confederate soldiers and a Confederate sailor, which makes the monument their grave marker as President Harding stated in his funeral message.

Grave markers are prohibited, in Warren's legislation, from being destroyed. Destruction of the Confederate Memorial is ILLEGAL.

Veterans North and South, with love and enthusiasm for our reunited nation, supported the Confederate Memorial and spoke at its ceremonies. (See [PDF photo of Gen. Bennett H. Young, commander, United Confederate Veterans](#), and [PDF photo of Gen. Washington Gardner, commander, Grand Army of the Republic](#)).

Although the naming commission falsely claimed "contextualization was not an appropriate option," a hundred page book of all the participants, speeches and history was published in 1914 by the UDC and is available on Amazon today. The title is: [History of the Arlington Confederate Monument](#), by Hilary A. Herbert, Chairman of the Executive Committee of the Arlington Confederate Monument Association. It is available in hardback or softcover. Click [HERE](#) for PDF.

The Confederate Memorial could easily be contextualized, which is why the Advisory Committee on Arlington National Cemetery itself asked in a meeting earlier this year, why their own people could not just give the history of the monument rather than destroy it.

The Confederate Memorial was constructed during the days of the 50th anniversary of the Battle of Gettysburg and the famous handshakes across the wall ([click for PDF photo](#)) by the old Union and Confederate veterans.

In its rush to destroy the Confederate Memorial, DOD and the Army did not follow the law as required by Warren's legislation. They did not consider local sensitivities and thus there are now four law suits against destroying the Confederate Memorial, and more to come.

The NHPA Section 106 process and NEPA Environmental Impact Statement should have been initiated BEFORE Secretary Austin signed off on the naming commission's recommendations.

The legally mandated Advisory Committee on Arlington National Cemetery was not consulted. They had suspended meetings during COVID therefore could give no input. When they finally were able to understand the situation, one of them, as stated, asked why they could not just have their own people explain the monument's history rather than demolish it.

As BG Stringham said, the naming commission's recommendations are UNVERIFIED and many are incorrect.



The Confederate Memorial, with its 500 Confederate graves in concentric circles, would not even be in Arlington National Cemetery if it was not for reconciliation. No honest report could leave the reconciliation theme out. The naming commission's report on the Confederate Memorial is a complete historical fraud. It is politics and not history. Politics does not belong in Arlington National Cemetery.

The Confederate Memorial is one of the most significant monuments on earth, not only for its symbolism of reconciliation after a war in which 750,000 died and over a million were maimed, but because of its magnificence. Again, look at the [Army Photographs](#) and ask yourself what kind of person would want to destroy a monument like that?

Click [HERE](#) to view a United States Army video of the Confederate Memorial.

Art critic Michael Robert Patterson states that:

. . . no sculptor, as far as known, has ever, in any one memorial told as much history as has Ezekiel in his monument at Arlington; and every human figure in it, as well as every symbol, is in and of itself a work of art.

Esteemed British art critic and historian, Alexander Adams, writes in his "Testimony regarding Arlington National Cemetery Confederate Memorial submitted to the Advisory Committee on Arlington National Cemetery Open Session," 7-8 November, 2022 ([download PDF](#)):

Having viewed a large amount of public statuary from the beaux-arts era (1850-1914), it is my professional opinion that the Memorial is a serious, iconographically complex and technically accomplished piece of art. In my view, it is a handsome sculpture and an entirely appropriate funerary monument. I consider it an internationally significant piece of art of its type and era. Any nation should be proud to host such a magnanimous and dignified monument.

The inscription "And they shall beat their swords into ploughshares, and their spears into pruning hooks" provides a Biblical guidance to turning from war to peace. This is echoed by the personification of the South, which holds the wreath of glory and touches the plough of peaceful prosperity. The frieze below depicts the contributions of those who supported the war effort.

The environmental impact of demolishing the Confederate Memorial surrounded by 500 graves in concentric circles that are an INTEGRAL part of the Memorial, is UNMITIGABLE.

Those 500 graves, that President McKinley said were all tributes to American valor, will become objects of ridicule, hate and derision, like freaks, without the monument, as will Moses Ezekiel's grave and the soldiers buried around the base of the monument with him.

It will make Arlington National Cemetery ITSELF a desecrator of soldier graves.

It will stain and dishonor Arlington National Cemetery for all time. ANC will no longer be a sacred burial ground for all of us no matter our politics. It will be desecrated by filthy Woke political hate and iconoclasm.

The eighty million descendants of Confederate soldiers who make up a large part of the United States military, will be dishonored. In the past, 44% of our military has been recruited in the South, and Southerners have spilled OCEANS of blood across the globe in defense of our great nation. The clear message is that Southern blood, sacrifice and patriotism no longer matter. Reconciliation is over.

This will further shred the fabric of our nation.

We are in the middle of a recruiting crisis that is now a national security threat. It is pretty STUPID to demolish a magnificent memorial to peace and reconciliation surrounded by the graves of 500 Southern war dead.

The DOD and U.S. Army did not consider local sensitivities as required by the FY2021 NDAA Section 370(g)(4). The naming commission did not ask the opinion of anyone, not even the congressionally mandated ANC Oversight Committee, the Advisory Committee on Arlington National Cemetery.

When the Advisory Committee on Arlington National Cemetery was told they had to hold public hearings on the monument's destruction, much of their later discussion centered around them using their own people to give the history of the Confederate Memorial rather than destroying it.

This ignoring of the law, again, makes the demolition of the Confederate Memorial ILLEGAL.

The NHPA Section 106 Process and NEPA inquiries should have taken place BEFORE Secretary Austin accepted the recommendations of the naming commission so he would have had the benefit of professional and public analysis.

As it is, the political naming commission based their report on politics and not history. They had several errors in their report that we know about such as those pointed out by BG Stingham with the Ranger Memorial, and the massive amount of history left out of the Confederate Memorial's report.

A careful examination will surely reveal more, because, as BG Stringham stated, the naming commission's report is WITHOUT VERIFICATION.

The demolition of a magnificent world class memorial surrounded by 500 graves of war dead in a cemetery will be a barbaric act of art and grave desecration that is worse than the monuments destroyed by ISIS and the Taliban.

### **Summary**

NEPA EIS, Identification of significant environmental issues and identification of potential impacts are ENORMOUS.

Destruction of the Confederate Memorial surrounded by 500 Southern graves in concentric circles in Arlington National Cemetery will leave those graves, which President McKinley said were all tributes to American valor, humiliated and in the open for ridicule and dishonor.

It would make Arlington National Cemetery a desecrator of American soldier graves.

It would dishonor the eighteen or more states from where the 500 Confederate burials come, and the eighty million Americans descended from Confederate soldiers who have spilled oceans of Southern blood in defense of our nation around the world since reconciliation. Those Southerners make up a large part of our military today since traditionally 44% of our military is recruited in the South.

It would devastate military recruiting even more than the crisis we are now in, which has become a national security threat.

The DOD et al. should have conducted the NHPA Section 106 Process BEFORE Secretary Austin accepted the report of the naming commission.

The naming commission report on the Confederate Memorial left out the reconciliation theme, which is the memorial's primary history, thus making that report a complete historical fraud.

The naming commission also had other errors as pointed out by BG Stringham with respect to the Ranger Memorial that was also desecrated by Elizabeth Warren's political legislation.

There are likely other errors in the naming commission's report because it is a political report that as BG Stringham said, is WITHOUT VERIFICATION.

The NHPA Section 106 area of potential effects (APE) is far too small. The Confederate Reconciliation Memorial is a world class artistic achievement that was sculpted by internationally acclaimed Jewish artist, Moses Ezekiel, in the City of Rome, Italy. There is no question that the Confederate Memorial MORE than qualifies to be on the National Register of Historic Places on its own.

The reconciliation theme left out by the naming commission despite them knowing about it, is significant in world history. Usually two sides in a cataclysmic war do not come back together but Americans did and we fought all the bloody wars of the twentieth century together and built our country into the dominant power for good on this planet. Everybody wants to come here despite the political hatred heaped on us by some.

The Confederate Memorial is a grave marker for Moses Ezekiel and the three Confederates buried with him around the base of his monument and the 500 other Confederates who surround the monument in concentric circles and are an integral part of the memorial. Grave markers are exempt from removal.

Ernest Blevins, who is the foremost scholar in the country on Union and Confederate monuments, maintains that the Confederate Monument is the headstone, the grave marker for the entire Confederate States of America, and he is right.

What ANC, the United States Army and DOD can do is reject the naming commission's historically fraudulent recommendation to demolish the Confederate

Memorial. The Confederate Memorial should stand forever as a testament to peace, patriotism and the greatness of the United States of America.

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<sup>1</sup> Ty Seidule, *Robert E. Lee and Me, A Southerner's Reckoning with the Myth of the Lost Cause* (New York: St. Martin's Press, 2020), 162.

<sup>2</sup> Ibid.