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NEWS

Alabama's capitol is a crime scene. The cover-up has lasted 120 years.

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HOW 150 YEARS OF WHITEWASHED HISTORY
POISONS ALABAMA TODAY

State of Denial

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About this project: *Alabama has been poisoned by old lies. “State of Denial” looks at how Alabama’s past corrupts its present and deprives the state of a better future. You can follow this initiative and Kyle Whitmire’s other work by subscribing to the Alabamafication newsletter.*

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“But if we would have white supremacy, we must establish it by law — not by force or fraud.”

— John B. Knox, chairman of the Alabama Constitutional Convention of 1901.

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Perched atop Goat Hill in Montgomery, the Alabama capitol is the sort of backdrop local TV news stations use for political stories when they don't have a better visual. It's cut from a Greek Revival template, with a dome and the Corinthian columns, and not all

that distinct from other state capitols. But as Alabama government buildings go, it's the showpiece. Even the traffic lights out front are hung awkwardly at the sides of the road so as to not obstruct the view coming up Dexter Avenue.

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Let's take a walk around. But don't touch anything. Messing with the stuff here can get you into trouble.

Except for the yearly State of the State addresses, the Alabama Legislature doesn't meet here anymore. They get together in a repurposed Department of Transportation building across the street. They moved over there in the 1980s — *temporarily* — and then never came back. But for the governor's suite and a few other state offices, the capitol is essentially a museum.

Which isn't to say it's unimportant.

It's here that Alabama governors take their oaths of office. It's here that George Wallace declared "Segregation forever!" It's here that Black civil rights activists, including John Lewis, finished their march from Selma. It's here that Martin Luther King Jr. demanded America fulfill its obligation to secure voting rights for all.

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And it's here that tourists, not to mention thousands of schoolchildren on field trips each year, come to see what Alabama is about.

They'd be forgiven for thinking it's mostly about the Confederacy.

This was the Confederacy's first capital, a distinction Montgomery held for only three months, but a fact literally written in stone throughout the grounds.

The first visage you see while ascending the marble steps out front is not that of King or even Wallace, but of a man from Mississippi.

This is where Jefferson Davis took the oath as the first and only Confederate president, and there's a little brass star to mark the spot. To the left of the steps is the statue of Davis, a cloak over his shoulders, his hands resting on a slab of pink granite, donated by the Daughters of the Confederacy in 1940.

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The statue is not some misplaced relic that's outlived its welcome. Alabama still observes Davis' birthday as a state holiday, in addition to Confederate Memorial Day and Robert E. Lee Day. The latter it observes simultaneously with the MLK federal holiday.

Alabama has not moved on. But let's move on with our tour.

Outside the governor's office on the north side of the building stands a monument to the Confederate soldiers and sailors Davis got killed. It's 88 feet tall.

At the southeast corner, there's an eternal "Flame of Freedom" left by the American Legion to honor those who served and remember the lives lost in the other American wars. That monument is about six feet tall.

Also, the eternal flame has gone out. In fact, I don't remember ever seeing it lit.

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Three trees have markers memorializing their historical importance. "Washington took command of the American Army under grandparents of this elm," says one. The marker evidently outlived its elm. There's no tree there anymore.

Trees get markers here, but you won't find many Black people memorialized on the grounds. And those few are hard to find.

Inside the capitol entrance, there's a framed display on an easel giving a brief, sanitized story of Horace King, an enslaved architect who designed the cantilevered staircase to the rotunda.

Up those stairs, inside the old House and Senate chambers, there are two markers, put there about a decade ago. They name the Black lawmakers who served during Reconstruction. The plaques break down the names by years elected, with lists getting

shorter each election cycle.

And then ending abruptly.

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Nothing here explains why or how Black representation ended then. And that's what I brought you here to see.

The scandal here isn't only that more Black people aren't honored. The sin is what else has been ignored, and the silence exposes the guilty. This building is where the rights of generations of Black people were stolen, not once but twice.

First, when the Confederacy organized itself.

And again — in 1901.

Among all those statues and markers, portraits and plaques, there's none to document when white south Alabama planters and north Alabama industrialists gathered here in 1901 — when they tried to bring the Confederacy back to life, but this time within the confines of the federal government.

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The mementos here tell a story, but it's counterfeit history. If you want history, you have to find it across the street, at the state Archives.

In the minutes of that convention, you'll see that it was right up there, on that old House dais, that John B. Knox, a lawyer from Anniston, accepted the chairmanship of the 1901 Alabama Constitutional Convention, where he opened his remarks with a racist joke about "a well authenticated story from Kentucky, of an old darkey" and then explained how they would end what he called "the menace of negro domination."

It was here they unreconstructed Alabama. It was here that they proudly, explicitly embedded "White Supremacy by Law" — an actual sub-head in the minutes — into Alabama government. It was here they consolidated political power in the Legislature — and away from city and county governments where Black majorities might decide their own affairs. It was here they disenfranchised Black voters for most of the 20th century. It was here they opened the door for Jim Crow, segregation, lynchings, convict leasing and all sorts of oppression.

It was here they drafted the Alabama Constitution of 1901, the foundational document of state government — now amended 977 times and the longest constitution of any state or nation in the world — that still affects and afflicts Alabama. After the birth of the Confederacy, it might be the most consequential act of Alabama history, but good luck finding a trace of it here.

But this place doesn't need another statue or one more bronze plaque on a wall. It needs ribbons of yellow tape.

This building is a crime scene.



The capitol statue of James Marion Sims calls him the “Father of Modern Gynecology” but doesn't explain he experimented on enslaved women, including one he operated on more than 30 times without anesthesia. (Kyle Whitmire / kwhitmire@al.com)

Monuments and monsters

We'll leave the creepy old portrait of Robert E. Lee for another tour, but before we leave the capitol, I want to show you one more monument.

The Jefferson Davis monument is one of five statues for individuals, but for anyone ill at ease with Confederate symbols, it might be the second-most disgusting thing here. To the right of the marble steps outside, partly obscured by an impressively ancient and massive laurel oak, is the shrine to James Marion Sims, a physician from Montgomery, which the plinth calls the “Father of Modern Gynecology.”

He could also be called the Doctor Mengele of the Confederacy.

To the extent Sims founded the science of women's health, he did so by conducting involuntary medical experiments on slaves. One of Sims' test subjects, an enslaved woman named Anarcha, underwent more than 30 surgeries by his hands, without

consent. And without anesthesia.

These are not disputed facts. They come from Sims' notes, but you will find no mention of that here. People who have tried to bring attention to Sims' misdeeds have gone unheard here, and one has been arrested. In 2018, Montgomery activist Jon Broadway was jailed after he poured ketchup on the statue during a protest.

Earlier last year, Montgomery artist Michelle Browder unveiled a memorial to three of Sims' test subjects across downtown. But the Sims monument, like the Alabama capitol, stands stubbornly frozen in place and time.

Whether Sims deserves this place of honor is largely moot. The Sims monument is protected by the law.

In 2017, the Alabama Legislature passed the Alabama Memorial Preservation Act. The law makes it illegal to rename, remove or otherwise disturb any historical monument, building or dedicated street older than 40 years.

The bill followed efforts, primarily in majority-Black cities, to move Confederate monuments and rename public buildings and spaces that honored slaveowners and segregationists.

The sponsor, state Sen. Gerald Allen, said the bill protected history, which Allen must consider with greater regard than books. In 2005, Allen sponsored another bill to ban books with LGBTQ authors or characters from school libraries. When asked whether the books should be burned, he said, "I guess we dig a big hole and dump them in and bury them."

The new law worked exactly how the 1901 framers designed the system to work. It took power from Black people in majority-Black cities and counties and gave it to whites in the Legislature.

When the monuments bill passed in 2017, every Black member of the Alabama Legislature voted against it, in addition to two white lawmakers. Every lawmaker who voted for it was white.

The City of Birmingham was the first to challenge the law and built a plywood wall around its Confederate monument until the city could decide what to do with it. Alabama Attorney General Steve Marshall sued and threatened to fine Birmingham \$25,000 a day.

The city argued the law violated its free speech rights and said it gave more influence to dead Confederate sympathizers than living people.

The Alabama Supreme Court ruled in the state's favor, but with one key exception: The state could fine a city or county \$25,000 only once, not daily and not into perpetuity.

Lawmakers had accidentally left a loophole.

"The legislature felt like Confederate monuments were priceless," state Rep. Chris England said. "The Supreme court felt like they were worth \$25,000."

It's a nice line, but not entirely accurate. One justice, Mike Bolin, urged the Legislature to make the law more punitive.

"Indeed, the deterrent effect of a fine derives from its pinch on the purse," he wrote.

In 2021, one lawmaker tried just that.



A meaner monuments law

On the wall of Rep. Mike Holmes's office hangs a certificate that would be politically toxic in many places outside of his district. Below an emblem bearing a Confederate flag, the document says Holmes is descended from a Confederate soldier and qualified for membership in the Sons of Confederate Veterans.

The monuments, he says, are history.

Holmes takes pride in his Confederate roots. He's traced his family tree back to five relatives who fought for the South in the war, but none on the Union side. In the course of our conversation, he uses the pronoun "we" when referring to the Confederacy.

Holmes says none of his relatives owned slaves but fought in the war for other reasons. When I ask him why he thinks the war happened, he attributes the South's rebellion to one thing — taxes.

“We were at a terrible disadvantage here in the South for trade for that reason, because our costs were jacked up so high by those implements,” he says. “That, to me, was the cause of secession — well then, of course, the secession caused the Civil War.”

I asked Holmes whether he'd read Alexander Stephens's “Cornerstone Speech,” but Holmes said he was unfamiliar with it.

Stephens was the vice president of the Confederacy and considered by many to be its intellectual lodestar, similar to the role Thomas Jefferson played in the American revolution. If the cause of the Civil War is a mystery to be solved, then the “Cornerstone Speech” is one of many smoking guns — a racist screed arguing all men were in no way created equal.

“Our new government is founded upon exactly the opposite ideas; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition,” Stephens said in 1861. “This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth.”

But Holmes, who says he cares deeply about history, was unpersuaded.

“I would say he's wrong,” Holmes says. “When you study it thoroughly, it was pretty clear what it was about.”

The monuments, he says, are history.

Alabama Rep. Holmes explains membership in Sons of Co...



In the last regular legislative session, Holmes sponsored a bill to toughen Alabama's monuments law further, increasing penalties to \$10,000 a day and expanding the acts prohibited.

In our conversation, I asked Holmes about the Sims monument and whether he opposed adding context to the statue to recount the experiments conducted on enslaved women. Holmes said he didn't oppose that, however his bill did. It prohibits adding any competing signage or even saying anything bad about it.

"No monument that is located on public property may be relocated; removed; altered; renamed; dishonored, disparaged, or reinterpreted with competing signage, wording, symbols, objects, or other types or means of communication located at the site of the monument; or otherwise disturbed," the bill said.

If Holmes seems unclear what was in his bill, it's also unclear who wrote it. In February, the Southern Cultural Center said in a Facebook post that it had contributed to the drafting of the bill.

"For the past 8 months the Southern Cultural Center has been a member of a special team of our people to rewrite the disastrously and disappointing Monument 2017 law," the organization said on its page. "This was requested by Representative Mike Holmes District 31."

The Southern Poverty Law Center has identified the Southern Cultural Center as a neo-Confederate hate group and the facility it owns near Holmes' hometown of Wetumpka was, until 2018, the headquarters for another SPLC-labeled hate group, the League of the South. The two organizations diverged after the League supported violent protests in Charlottesville, Va., leaving the property vulnerable to seizure in the lawsuits that followed.

In February, Holmes told reporters that the group didn't draft the bill but two members of the group had helped him with it. When I asked him about it, Holmes said he had help from about 12 people but declined to identify any of them.

Holmes' monuments law rewrite stalled last year in committee.

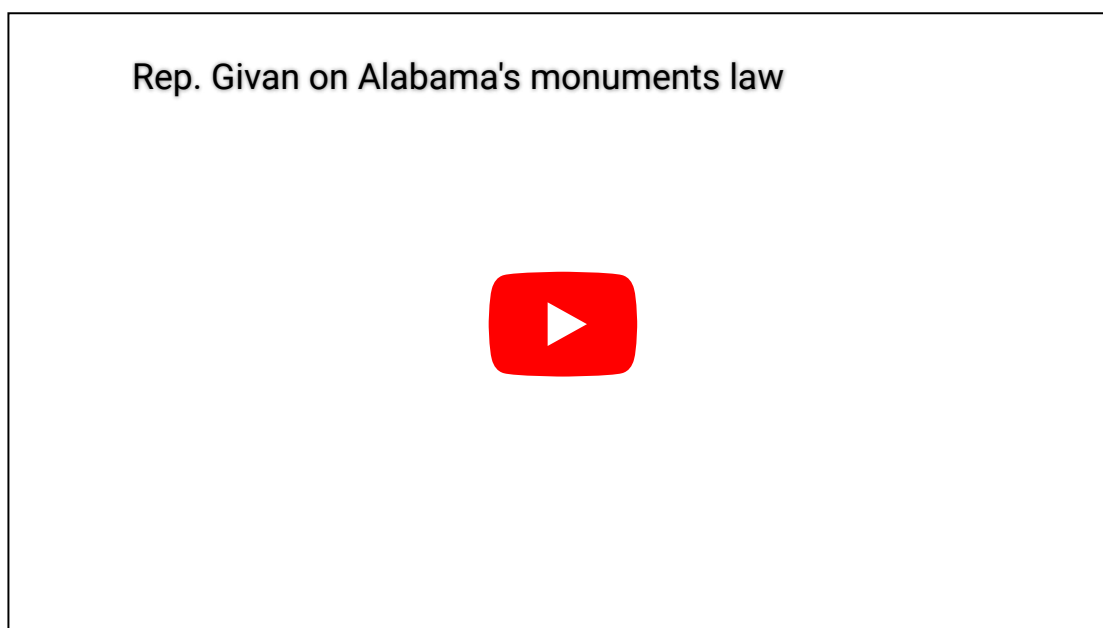
Holmes told me he would not be sponsoring the bill in the upcoming legislative session. When I asked why, he said he still supported the bill and would vote for it, but he thought it would stand a better chance of passage if someone else carried it. The supporters of the bill believe they have found another sponsor, he told me, but again he declined to name the sponsor or the supporters shopping the bill to lawmakers.

If Holmes is vague when discussing the future of the monuments bill, he's clear about one thing — he believes the Legislature should have say over monuments, buildings and streets, not counties, cities, school boards or other local governments, and he's opposed to compromises, such as moving the monuments to Confederate cemeteries.

“To move them off into some obscure parks, somewhere where 10 people they might walk by, and then that's that kind of defeats the purpose,” he says.

I try to get Holmes to look at the monuments issue from another angle. I bring up a civil rights monument in Birmingham's Kelly Ingram Park that has been questioned for its faithfulness to facts and history, but we quickly hit a dead end.

“I have no idea where Kelly Ingram Park is,” he says.



Artifacts, not history

Rep. Juandalynn Givan knows where Kelly Ingram Park is. The Civil Rights battleground is in her Alabama House district. Like Holmes, she can trace her roots back to the Civil War era, too — when her ancestors were held as slaves in Wetumpka, Holmes' hometown.

She is not fine with the way things are.

Givan doesn't withhold her opinions. More than once, that's gotten her into trouble. In 2017, House Speaker Mac McCutcheon stripped her of a committee assignment after she called a former lawmaker racist and threatened to “take him out” if he ever came to her committee again. Once, on the House floor, McCutcheon cut off her microphone during a debate and Givan responded with a torrent of obscenities for which she later apologized.

But for the most part, she's a Black woman sick of the status quo.

When Holmes brought his bill before the State Government Committee last year, Givan spoke out against it. She stood at the committee room podium but turned her face to Holmes.

"Take your foot off my neck," she said at the hearing last April.

Holmes' bill was atrocious, she says, and punitive for the sake of being punitive.

Several members of the public spoke in favor of Holmes' proposal and similarly made arguments the Civil War hadn't been about slavery but tariffs and taxes.

"That war was about the fact that certain states did not want to do away with or to abolish slavery," she says when I speak with her later. "And you still have members in that party who do not want to accept that realization and how one can come before a committee and say that that's not true. It's beyond reasoning."

When I ask Givan if she's given up on persuading her opponents, she says yes, but then she recounts members of the majority she's caused to question their beliefs. She even speaks fondly of Rep. Will Dismukes — "my buddy," she calls him — who was rebuked last year by the Alabama Republican Party after he attended a celebration of Nathan Bedford Forrest's birthday the same weekend as John Lewis's state funeral.

Last year, Givan brought her own bill to revise the monuments law. But despite her sharp tongue and sharper elbows, the law she proposed would not have ground the monuments into the sand. Instead, Givan proposed narrowing the law to apply to monuments only — not streets and buildings — and would have allowed cities and counties to move the monuments they don't want to somewhere they could be preserved and protected.

In short, Givan's bill would have treated the state's sundry monuments as historical artifacts, not history itself, and would have sent the relics no one wanted to the Alabama Department of Archives and History.

"Municipalities should be able to control those things for which they have the responsibility of taking care of and managing and cultivating," Givan says. "That should be their role and responsibility."

Givan managed to win over a couple of Republican lawmakers but not enough to make it past the committee.

She said she will try again and when I spoke with her she said she recently had a Republican colleague express interest in sponsoring the bill with her.

“We’ll see,” she said.



After winning election, Montgomery Mayor Steven Reed (right) proposed renaming W. Jefferson Davis Ave. after civil rights lawyer Fred Gray (center with wife, Carol Gray, left). Hundreds attended the ceremony, but the city now faces a \$25,000 fine from the State of Alabama. (Kyle Whitmire / kwhitmire@al.com)

The scene of the crime

On a sunny day in late October, I park my car beneath a rumbling overpass and walk toward the thrum of drums and trombones a couple of blocks away. I-65 doesn't bisect this Montgomery neighborhood so much as dominate it. The interstate's course through this neighborhood was no mistake, Montgomery Mayor Steven Reed says. It was part of what he calls the "weaponization" of the federal highway system — drawing lines through majority-Black communities, including this one where many civil rights leaders lived.

And where one grew up.

After Reed won election as Montgomery's first Black mayor, he says he wanted to do something to honor Fred Gray. Now 91 years old, the Alabama attorney began defending civil rights leaders in the courtroom when he was just 24, including his most famous client, Rosa Parks.

"It was important for me to do that for attorney Gray and his family now," Reed says. "I'm really big on giving people their flowers while they're on this side of the sun, as opposed to after they have gone."

Reed asked Gray how he'd like to be memorialized. Gray said he'd like his name on the street where he was raised — Jefferson Davis Avenue.

In a field beside an empty schoolhouse, the city has set up a 50-ft wide stage with a tent for shade. In front of it are about 300 folding chairs which quickly fill. The Alabama State University marching band plays the National Anthem before the university's concert choir sings the Black National Hymn, "Lift Every Voice and Sing." Most of the folks in the crowd are Black, but not all.

Around the edges of the gathering, standing in dress uniforms, are firefighters and police officers, in addition to about a dozen patrol cars blocking traffic on the adjacent streets — which is significant.

In full view of at least two dozen police officers, we're about to witness a crime.

There's poetic justice, as Reed puts it, replacing the name of a slaveowner and insurrectionist with a civil rights hero.

"When you think about that community and those that are traversing those streets, I think that Fred Gray represents a much more appropriate role model, not just for his neighborhood in Montgomery, Alabama, but I would say even the state and the nation," Reed says.

But the act itself shows that history isn't over, that — as partisans on all sides of this fight love to say — those who do not remember history are condemned to repeat it.

And Reed and the city are about to repeat it again — as Civil Rights protestors did when Gray was a young man defending them in court — by violating an unjust law.

If the state fines the city, Reed says he's had numerous business leaders and philanthropists offer to pick up the cost. The city will follow Birmingham, Mobile and Madison County, which already cut their checks after defying the monuments law.

It's tempting to see the streets, buildings and monuments as symbols, only — but with the monuments law protecting them, they stand for something else, too — reminders of the 1901 constitution. They show how the system withholds power from city and county leaders, and denies their constituents any say in their own affairs.

Montgomery mayor on Confederate iconography in the Sou...



And as Reed says when I speak with him later, it's not just street names and Confederate relics the state constitution affects — it's taxes, zoning laws and education. Recently the city wanted to raise \$700,000 a year more for schools through property taxes, which it did, but only after clearing constitutional hurdles cities in other states never face.

Under Alabama's archaic, racist Constitution, cities and counties are denied control of their own affairs. These are not the unintended consequences. This effect was intentional. This is how the 1901 Constitution was designed to work.

But on this sunny day in October, Reed, with the backing of residents and the city council, put those old men who met 120 years ago at the state capitol behind them. After about an hour of remarks and praise for Gray, Reed walks with him to the corner

where a short vinyl curtain covers the street sign. Gray and his wife tug on the rope and the covering drops away.

“W. Fred D. Gray Ave,” it says.

The crowd cheers. Family and friends pose for photos with Gray and his wife by the signpost. The mayor gives interviews to the press. The music plays again below a bright blue sky.

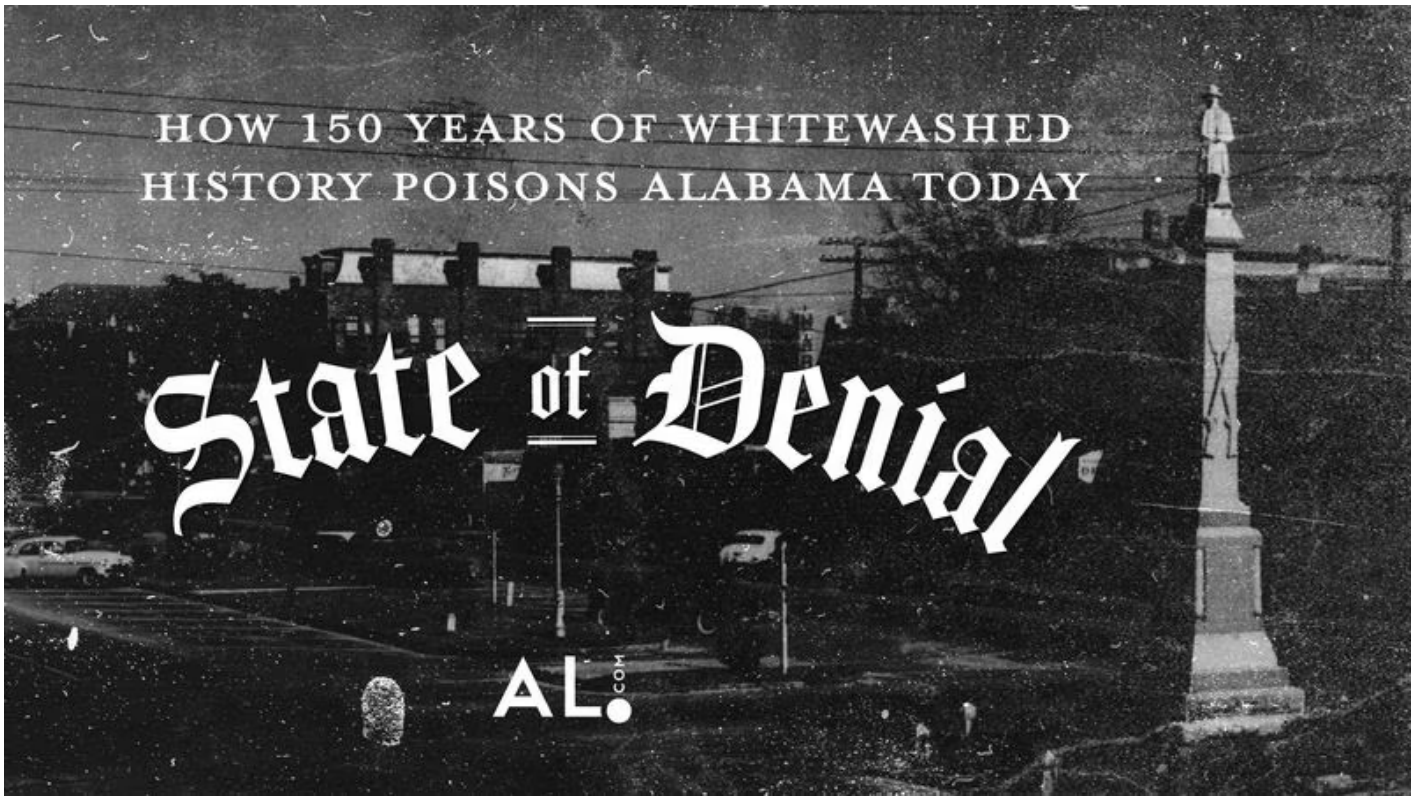
It’s a beautiful day to break the law.

An initiative through 2022, “State of Denial” will explore the connections between Alabama’s past and present — and how they might affect our future.

Kyle Whitmire is the state political columnist for the Alabama Media Group, 2020 winner of the Walker Stone Award, winner of the 2021 SPJ award for opinion writing, and 2021 winner of the Molly Ivins prize for political commentary. You can follow his work on his Facebook page, [The War on Dumb](#). And on [Twitter](#). And on [Instagram](#).

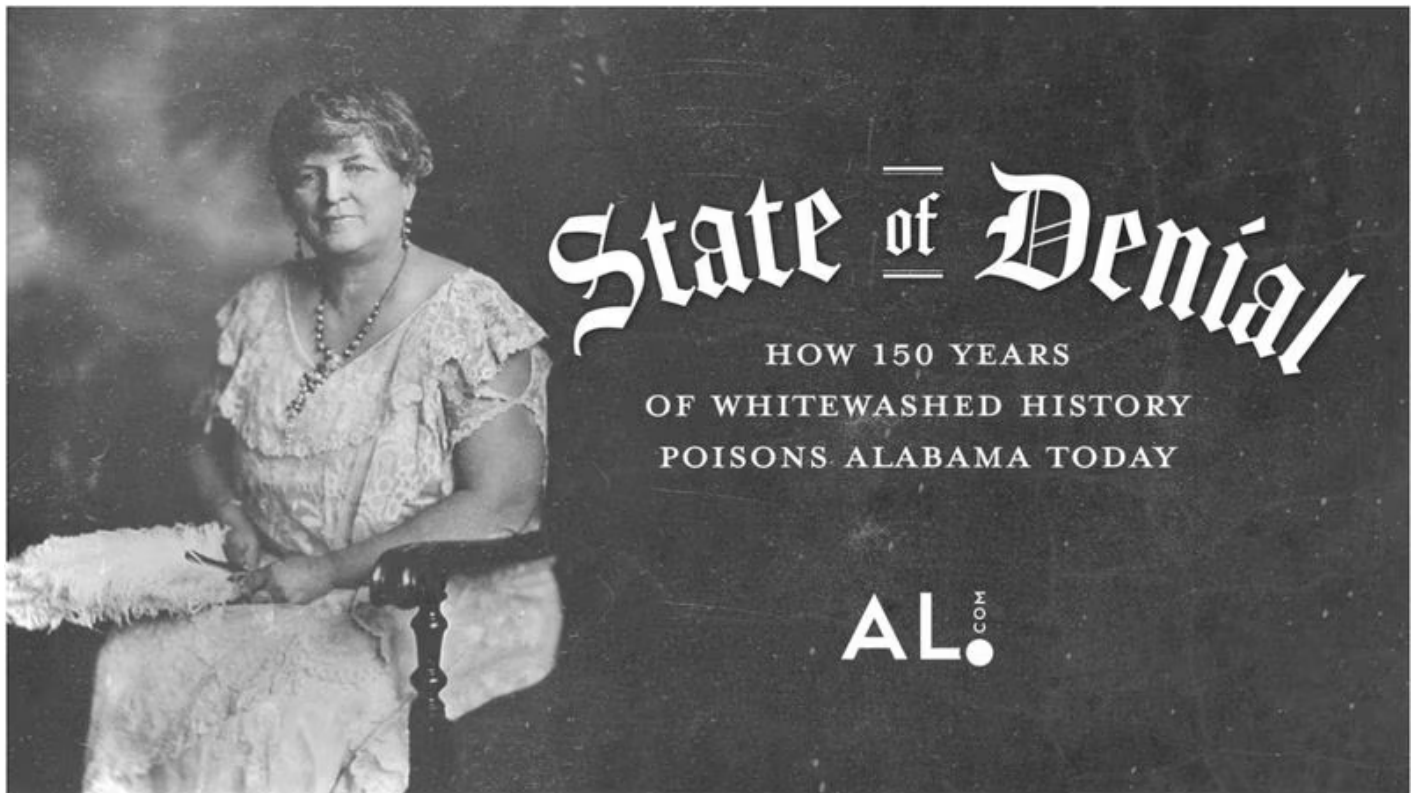
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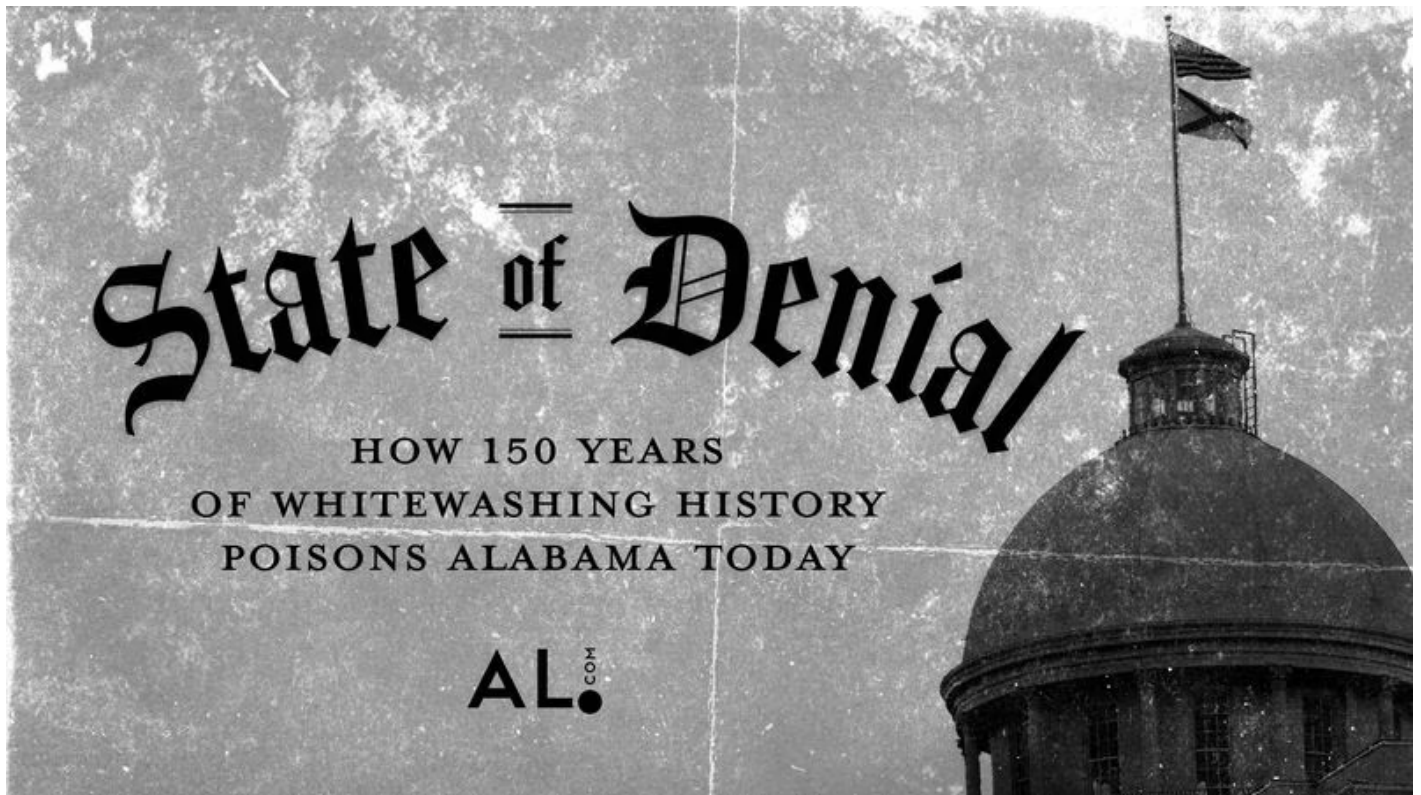
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Part Two: Ambushed in Eufaula: Alabama's forgotten race massacre



State of Denial

Part Three: How a Confederate daughter rewrote Alabama history for white supremacy



For Black lawmakers, a "divisive concepts" bill before the Alabama legislature isn't only about history or CRT, but about respect. (Illustration by Jack Browning.)

Part Four: What is CRT, anyway? How Black lawmakers fight for respect

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