



“Historical Monuments and Memorials Protection Act” Introduced in Florida

In Florida, a bill titled the “Historical Monuments and Memorials Protection Act,” which would [give citizens standing to sue over the removal of historical monuments](#) and markers, is being backed by the state’s Community Affairs Committee. A potential game-changer in the battle to stop the destruction of Confederate statues, the bill could give Ron DeSantis’ potential presidential campaign a boost, as recent polls show him trailing former President Trump by a significant margin, and legal missteps in his battle with Disney have GOP voters questioning his highly touted political efficacy.



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Passed by a 6-2 committee vote, the bill gives individuals who believe they’ve either lost history or the ability to teach about history legal standing to sue, due to the removal of markers “dedicated to a historical person, entity, event or series of events, and that honors or recounts the military service of any past or present military personnel or the past or present public service of a resident of the geographical area.”

That might not seem like a big deal, particularly compared to other Southern states who have passed “statue statutes” intended to legally prevent statue removal. But if you’ve followed the plethora of lawsuits that have sought to stop the removal of, or in many cases outright destruction of Confederate statues, you will understand how big a deal this law could be. Regardless of any statue statute, deeming that a plaintiff doesn’t have standing to sue has been the go-to tactic of judges siding with cities seeking to remove their Confederate statues. So, while these statue laws have done some good, they are toothless in the face of judges consistently shooting down lawsuits over plaintiff’s lack of legal standing.

In 1905, the United Daughters of the Confederacy raised funds for and erected a Confederate statue on the grounds of the Old Forsyth County Courthouse in Winston-Salem. Eventually the city sold the land, the statue was frequently vandalized, and the city told the United Daughters of the Confederacy to get rid of it. When they wouldn’t, the city deemed it a public nuisance, and removed it themselves. Despite having erected it, when the United Daughters of the Confederacy sued over the statue’s removal, their case was shot down, in part, [for not having legal standing](#).

Similarly, The University of North Carolina was willing to pay the Sons of Confederate Veterans a \$2.5 million legal settlement to move the “Silent Sam” statue of a Confederate soldier. But after outrage from the UNC alumni, the very same judge who settled that case suddenly realized that he should void that settlement, since the Sons of Confederate Veterans [actually had no legal standing](#). In both cases, in large part because of legal-standing issues, North Carolina’s 2015 law banning the removal of Confederate monuments from public land couldn’t stop the removal.



Written by [James Kinneen](#) on April 24, 2023

While Winston-Salem's selling of their land wasn't intentionally designed to bypass a law preserving statues, Memphis' was. The Tennessee Heritage Act, passed in 2013, doesn't let cities remove Confederate Statues on public land. So, when Memphis wanted to get rid of theirs, the Memphis City Council simply sold the land to a nonprofit, which then got rid of the statues hours after the sale. Despite having the backing of some of Confederate General Nathan Bedford Forrest's descendants, there was nothing anyone could do to stop it. The Sons of Confederate Veterans tried, but, once again, [were found to have no legal standing](#).

The University of Texas was able to move a statue of Jefferson Davis, despite a state code regarding the removal of memorials of war heroes who are citizens of Texas. It looked like an interesting legal case, as Davis was not a citizen from Texas, but didn't get that far since the case, brought by the Sons of Confederate Veterans, was [deemed not to have legal standing](#).

If you're looking for a positive development in the fight to save Confederate statues, the best one you'll find is in Georgia, where the state Supreme Court recently deemed that, thanks to a Georgia code preventing publicly owned monuments from being defaced or defiled, residents have the ability to sue if their community removes statues dedicated to military veterans, including Confederate soldiers. As a result, a county resident [was able to sue her local government](#) over the potential removal of a Confederate monument in Covington, Georgia.

If Governor DeSantis plans to portray himself as the successful anti-woke statesman — as opposed to Trump, the legislatively unsuccessful anti-woke symbol — it would be very helpful for him to get behind this bill and give Confederate monument supporters the tools to keep their cases from being dismissed due to a lack of legal standing.

With 83 percent of American Republicans viewing the Confederate flag as a symbol of pride and [92 percent saying the same thing about monuments to Confederate soldiers](#), there's a huge contingency of GOP primary voters who may well see the law as a gutsy and clever move by a politician unafraid to stand up for his voters in the face of "racism" claims. He could even note that it could potentially become a national law used to save all sorts of statues deemed problematic by the American Left.

At a time when his presidential campaign could be faltering before it's even begun, if Ron DeSantis can use his power to make Florida a place that protects its history, it will go a long way in getting Republican voters behind his push to "Make America Florida." If not, in 2024 he'll likely find himself standing firmly in Trump's shadow.



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