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What is Past is Present: How “Forgetting” in Spain and the United States Has Caused Past Problems to Persist

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What is Past is Present: How “Forgetting” in Spain and the United States Has Caused Past
Problems to Persist

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Abstract

Historical memory is how we remember the past in association with our group identities. One of the main historical memories that we take part in is the historical memory of the country in which we live. Its social nature can be problematic, leaving gaps in place of horrific events that a country would rather not remember. I argue that gaps are permeated throughout historical memories and that this has allowed for problems of the past to persist in the present, no matter how a country has gone about their process of forgetting. To illustrate my argument I use two case studies: Spain, which formally implemented a “Pact of Forgetting” through its 1977 Amnesty Law, and the United States, which did not create a formal process for forgetting, but has done so more insidiously. I utilize a documentary from each country that demonstrates the failings of historical memory. Almudena Carracedo and Robert Bahar’s *The Silence of Others* (2018) and Raoul Peck’s *I Am Not Your Negro* (2017) help to connect the past to the present, and aid me in demonstrating the direct relationship between the problems that each country has tried to leave in the past and the problems that they are facing in the present. As evidenced by the memory movement in Spain, which continually pushes for the country to acknowledge and rectify its past, and the Black Lives Matter movement and the lack of racial equality in the United States, a country cannot try to ignore wrongdoings in the past without them recurring in the present.

Introduction

Historical memory, which can also be referred to as collective or social memory, is how we remember events that we may not have personally been a part of, but have a memory of through our association with a group identity.¹ While the exact term may be unfamiliar, it is all around us, all the time. It is not just present when we actively think about the past, but also in our school curriculum, public monuments and street names, and the media we consume. A question that does not get asked nearly enough is, where did my conception of historical events come from and what is missing from it? Where someone grew up and the culture they were raised in are just some of the factors that can influence their memory of history. Our own recollections are heavily influenced by the groups that we are a part of. With history, most passively accept what the stories that are passed around by others. However, these communal recollections can miss big chunks of what happened if part of the story has been intentionally ignored for generations.

In this paper I argue that gaps are permeated throughout historical memories and that this has allowed for problems of the past to persist in the present, no matter how a country has gone about their process of forgetting. To do so, I will use two case studies: Spain and the United States. In both cases I will rely on documentaries to represent the historical memory of each country. With regard to Spain, I will analyze how the country and its people have dealt with their history of civil war and dictatorship. Even going so far as to codify it in law, Spain embraced a “Pact of Forgetting” in the name of reunification. Though movements to remember what happened during those years started at the beginning of this century, Spain continues to have to reckon with not only the atrocities that happened during the Civil War and Franco’s dictatorship, but also the impact of forcing the country to forget what happened. The insistence of the Spanish

¹ Jeffrey K. Olick, Vered Vinitzky-Seroussi, and Daniel Levy, *The Collective Memory Reader* (New York: Oxford University Press, 2011), 19.

government to not reopen the wounds of the past has put it upon the people to create a memory movement in order to attempt to reconcile the history of their country. Though it emerged around the year 2000,² Spaniards are nowhere near done fighting for their right to remember the past.

In the case of the United States, I demonstrate this phenomenon by analyzing the historical memory of the Civil Rights Movement that occurred during the 1950s and 1960s. Since it marked the end of formal segregation and dismantled the overtly racist Jim Crow laws, the Civil Rights Movement has long been framed as the end of racism in the United States. However, that is far from the truth as it created a veil behind which American societal racism could hide. As can be seen by the rise and importance of the Black Lives Matter movement since 2013,³ there are still substantial inequalities that need to be dealt with.

Though Spain and the United States are not a typical comparative case study, each serves to demonstrate the power and importance of historical memory. Both countries have parts of their histories that they would rather not acknowledge, and this has manifested in different ways in each country. Yet, when taking a closer look, it can be seen that the two countries have been suffering similar consequences for their management of historical memory, such as continued civil unrest, which has created a need for contemporary social movements.

Spain is a textbook example of how historical memory affects a society, and is probably one of the most referenced countries when discussing historical memory. It is a very evident problem that Spain has had to grapple with, as the government has even taken to legislating how it should be dealt with. The Amnesty Law of 1977, which created a “Pact of Forgetting,” was an example for the many Latin American countries that abolished their dictatorships in the decades following. However, all of these countries, among them countries such as Chile and Argentina,

² Sebastiaan Faber, *Memory Battles of the Spanish Civil War* (Nashville: Vanderbilt University Press, 2018), 2.

³ “About,” *Black Lives Matter*, Black Lives Matter, <https://blacklivesmatter.com/about/>.

have repealed their like minded amnesty laws.⁴ So, why has Spain not done the same even when international human rights organizations like the United Nations and Amnesty International have recommended they do so? Attempting to answer this question can bring about many important revelations about historical memory and its impact on a society.

The use of the United States as a case study in researching historical memory is much more recent.⁵ In addition, there is not a unanimous event that is studied, as the study of Spanish historical memory has concentrated on the Spanish Civil War and its aftermath. However, the United States is still an important case study within historical memory and can be even more enlightening when compared to Spain. Unlike Spain, the United States government has never formally acknowledged the presence of historical memory in American society; the term is not codified in any of its laws or public policy. On the other hand, similar to Spain, the United States has been steadfast in ignoring or downplaying parts of its traumatic past, which has allowed the problems created in the past to fester and create even bigger problems now. As evidenced through the case study of the United States, the country has thus far failed to properly deal with its past of slavery and violent racism, creating space for a traumatic past to continually impact the present in a negative way and create the need for movements like Black Lives Matter to have increasing importance.

Comparing these two cases, one where there was a formal process of forgetting and one where the forgetting was more covert, will enable me to demonstrate how eliminating parts of history within historical memory can have insidious consequences no matter how it is done.

⁴ *The Silence of Others*, directed by Almudena Carracedo and Robert Bahar (2018: Madrid: El Deseo, 2019), Netflix. (50:55).

⁵ Barry Schwartz, "From *Abraham Lincoln and the Forge of American Memory*," in *The Collective Memory Reader*, ed. Jeffrey K. Olick, Vered Vinitzky-Seroussi & Daniel Levy (New York: Oxford University Press), 242.

Literature Review

Defining Historical Memory

While both history and memory have been of interest to academics for centuries, the study of memory boomed in the second half of the twentieth century, which led to study of collective, or historical, memory.⁶ Since its creation, the study of collective and historical memory has primarily been centered in Western Europe, which still holds true; however, in recent years scholars have applied the concept to case studies in many different regions of the world.

The Collective Memory Reader, a collection of the most pertinent works on memory, edited by Jeffrey K. Olick, Vered Vinitzky-Seroussi, and Daniel Levy, has been essential to my understanding of historical memory. The introduction provides a great background on the study of memory within social and historical contexts. In the introduction the editors explain that, “The memory boom thus unleashed a culture of trauma and regret, and states are allegedly now judged on how well they atone for their past misdeeds rather than on how well they meet their fiscal obligations and inspire future projects.”⁷ This collection provides a thorough outline of the history of memory studies as well as pointing to its most important works within five different categories: Precursors and Classics; History, Memory, and Identity; Power, Politics, and Contestation; Media and Modes of Transmission; and Memory, Justice, and the Contemporary Epoch. Within these categories they have assembled a plethora of works on memory from all over the world and within a variety of contexts.

⁶ Jeffrey K. Olick, Vered Vinitzky-Seroussi, and Daniel Levy, *The Collective Memory Reader* (New York: Oxford University Press, 2011), 3.

⁷ Jeffrey K. Olick, Vered Vinitzky-Seroussi, and Daniel Levy, *The Collective Memory Reader* (New York: Oxford University Press, 2011), 3-4.

Though his work has been met with mixed reactions, French sociologist Maurice Halbwachs is considered the father of modern memory studies within the social context. After Halbwachs worked on *The Collective Memory* throughout the 1930s and 1940s, it was published posthumously in 1945. In his final book he continues to work toward an answer to a question he had posed in his previous research: how are our memories of the past shaped by the groups around us? He also aimed to answer the critique he had received from psychiatrist Charles Blondel.⁸ In *The Collective Memory*, Halbwachs draws a distinction between two kinds of remembrance: elements of the past that we struggle to remember, and those that we are able to recall whenever we want, with seemingly no effort. Here he asserts his theory of collective memory. Halbwachs states that the memories we can more easily recall are “everybody’s” and that they are “always at hand because they are preserved in groups that we enter at will and collective thoughts to which we remain closely related. The elements of these remembrances and their relationships are all familiar to us.”⁹ Whereas those memories that are harder to recall are more difficult because they are “our concern alone and constitute our most exclusive possession. They seem to escape the purview of others only at the expense of escaping ourself also. It is as if a person locked his treasure in a safe with a lock so complicated that he could not open it; he does not remember the combination and must rely on chance to remind him of it.”¹⁰ Thus, Halbwachs argues that our memories are reliant on those around us. We do not readily have access to the memories that are ours and ours alone. He supposes that our own individual thoughts are really just the intersection of all the groups that we are a part of. This contrasts with the psychological idea that our memories come from our individual consciousness, each having

⁸ Maurice Halbwachs, “From *The Collective Memory*,” in *The Collective Memory Reader*, ed. Jeffrey K. Olick, Vered Vinitzky-Seroussi & Daniel Levy (New York: Oxford University Press), 139.

⁹ Maurice Halbwachs, “From *The Collective Memory*,” in *The Collective Memory Reader*, ed. Jeffrey K. Olick, Vered Vinitzky-Seroussi & Daniel Levy (New York: Oxford University Press), 141.

¹⁰ Maurice Halbwachs, “From *The Collective Memory*,” in *The Collective Memory Reader*, ed. Jeffrey K. Olick, Vered Vinitzky-Seroussi & Daniel Levy (New York: Oxford University Press), 141.

its own characteristics. Halbwachs refutes this definition, saying that since we have a common conception of time and history, we cannot have completely independent consciousness.¹¹

Halbwachs discards any idea of completely personal memory. He instead insists that all memory exists within a collective realm and is shaped by our social situation, meaning the groups we are a part of.

Spain

To further my understanding of Spain's relationship to historical memory past the 2018 documentary *The Silence of Others* that I use in my case study, I utilized *Memory Battles of the Spanish Civil War*, published in 2018 by Sebastian Faber, a Professor of Hispanic Studies at Oberlin College. In *Memory Battles of the Spanish Civil War*, Faber analyzes how historians, journalists, photographers, and filmmakers have explored the complicated history of the Spanish Civil War, Francisco Franco's dictatorship, as well the transition period afterward and the important contribution they make to the current discussion of historical memory in Spain. He states that, "If Spaniards today don't think and talk about their country's violent past in the same way they did fifteen years ago, it is thanks to the work done by activists, novelists, filmmakers, photographers, journalists, and academics."¹² He traces how both artistic and academic works have supported and propelled forward Spain's memory movement by separating his book into five parts: Memory and the Visual Archive, History and Memory, Reframing the Past, Intellectuals at War, and Fiction as Memory.

In his introduction, Faber helps to trace how Spaniards have come to assert their desire to take ownership of their own past. He explains, "The ability to forget the past was long seen as a

¹¹ Maurice Halbwachs, "From *The Collective Memory*," in *The Collective Memory Reader*, ed. Jeffrey K. Olick, Vered Vinitzky-Seroussi & Daniel Levy (New York: Oxford University Press), 148.

¹² Sebastian Faber, *Memory Battles of the Spanish Civil War* (Nashville: Vanderbilt University Press, 2018), 110.

virtue in Spain—even a duty. But the common wisdom has shifted. The duty now is no longer to forget but to remember. Younger generations want to know what happened, who suffered, and who is to blame.”¹³ Faber goes on to explain the emergence of the grassroots associations of Spanish citizens who not only wanted answers about the past, but also social and political actions to be taken to rectify what occurred. Formally known as the memory movement, which emerged in 2000, Faber draws attention to the civilian movement that initiated the identification of Spain’s mass graves and volunteer-led exhumations. This movement also pushed forward court cases and formal appeals to the United Nations. Faber asserts that this is what gave artists and academics a renewed inspiration to keep talking about the Civil War and Francoism in the twenty-first century.¹⁴

Faber then explores many of the important works within the context of Spanish historical memory and analyzes their role in the ongoing memory movement. His epilogue is aptly titled “The Past Belongs to Everyone.” In it he asserts the conclusion of his research, which is that academic history is not the only history that is important. It is also important to consider a wide range of works and to include the everyday citizen when thinking and learning about history. Faber ends his book by stating, “Fields like history and politics are not just too important to leave to the experts; they are fields that should be of interest to everyone because they are everyone’s concern.”¹⁵ Faber makes sure to maintain that history, including academic work on it, should be accessible to non-specialists as well in order to maintain integrity.¹⁶

In addition to Faber’s pertinent work, I used many news articles to keep up with the ever evolving situation of Spain dealing with their historical memory, as well as updates to the case

¹³ Sebastiaan Faber, *Memory Battles of the Spanish Civil War* (Nashville: Vanderbilt University Press, 2018), 1.

¹⁴ Sebastiaan Faber, *Memory Battles of the Spanish Civil War* (Nashville: Vanderbilt University Press, 2018), 2.

¹⁵ Sebastiaan Faber, *Memory Battles of the Spanish Civil War* (Nashville: Vanderbilt University Press, 2018), 209.

¹⁶ Sebastiaan Faber, *Memory Battles of the Spanish Civil War* (Nashville: Vanderbilt University Press, 2018), 208.

that is the focal point of *The Silence of Others*. *The New York Times* has written extensively on the class action lawsuit against Spain and those who have participated in it.¹⁷ To keep up to date with present social and political activity in Spain, I utilized articles from *El País*,¹⁸ which is based in Spain, but publishes in both Spanish and English.

The United States

The study of historical memory within the context of the United States is much newer than that of Spain. Since the United States has no formal narrative, such as a law, on historical memory, there is less scholarship about it. The scholarship that does exist does not draw connections between the American Civil Rights Movement, the historical memory of it, and the continuing racial tensions in the United States presently.

Barry Schwartz, an American sociologist, is considered to be the first social scientist to connect Halbwach's works on collective memory to American history, which he began to research in the 1980s. To do so, he studied many prominent figures from United States history, including George Washington, Abraham Lincoln, and Christopher Columbus. He presents memory as a "cultural system," which can serve as both "a mirror and a lamp," when studying the United States' historical figures.¹⁹ While memory's cultural system can illuminate parts of

¹⁷ Jim Yardley, "Facing His Torturer as Spain Confronts Its Past," *The New York Times*, The New York Times, 6 April 2014, <https://www.nytimes.com/2014/04/07/world/europe/facing-his-torturer-as-spain-confronts-its-past.html>; Raphael Minder, "José María Galante, Dogged Pursuer of Justice for Franco's Victims, Dies at 71," *The New York Times*, The New York Times, 27 May 2020, <https://www.nytimes.com/2020/05/27/obituaries/jose-maria-galante-dead-coronavirus.html>; Katharine Q. Seelye, "Ascensión Mendieta, 93, Dies; Symbol of Justice for Franco Victims," *The New York Times*, The New York Times, 22 September 2019, <https://www.nytimes.com/2019/09/22/world/europe/ascension-mendieta-dies.html>.

¹⁸ Junquera, Natalia. "The enduring myths around Spain's Historical Memory Law." *El País*, Prisa, 1 July 2019. https://english.elpais.com/elpais/2019/06/28/inenglish/1561732798_239871.html; Susanna Urrea and Simon Hunter, "Franco's exhumation: Bringing an end to a symbol of the Spanish dictatorship," *El País*, Prisa, 24 October 2019, https://english.elpais.com/elpais/2019/10/24/inenglish/1571900395_914719.html; Carlos E. Cué, "Spain drafts bill against remaining legacy of Franco era," trans. Susana Urrea, *El País*, Prisa, 15 September 2020, https://english.elpais.com/spanish_news/2020-09-15/spain-drafts-bill-against-remaining-legacy-of-franco-era.html.

¹⁹ Barry Schwartz, "From Abraham Lincoln and the Forge of American Memory," in *The Collective Memory Reader*, ed. Jeffrey K. Olick, Vered Vinitzky-Seroussi & Daniel Levy (New York: Oxford University Press), 242.

the past for us, it can also help to reflect on the present. As he later states, “The past, then is a familiar rather than a foreign country, its people different, but not strangers to the present.”²⁰ Schwartz realizes that history is not too different from the present, which is what allows it to function as both a mirror and a lamp.

In his work *Abraham Lincoln and the Forge of American Memory*, Schwartz discusses the politics of memory, which was particularly important to my study of the memory of a sociopolitical movement. In Schwartz’s work he also makes reference to *Remarking America* by John Bodnar, who made a distinction between “official memory” and “vernacular memory,” to highlight the difference between state-sponsored commemoration of events and the more local, ethnic, and regional recollections. Bodnar comes to the conclusion that “Official and vernacular memories erode one another, but the battle is uneven: commemorative resources have always been controlled by the dominant class...whose official ‘programmers’ are ‘disciplining authorities’ seeking to promote loyalty to the state and its leaders.”²¹ Schwartz critiques this theory, as he claims that it does not account for “memories cherished by minorities.”²² Schwartz then presents his own argument: that the key to understanding memory is not just knowing why we interpret the past, but also how it is interpreted. He claims that the past is applied to the present to be a model both of and for society. “As a model *of* society, collective memory reflects past events in terms of the needs, interests, fears, and aspirations of the present. As a model *for* society, collective memory performs two functions: it embodies a *template* that organizes and animates behavior and a *frame* within which people locate and find meaning for their present

²⁰ Barry Schwartz, “From *Abraham Lincoln and the Forge of American Memory*,” in *The Collective Memory Reader*, ed. Jeffrey K. Olick, Vered Vinitzky-Seroussi & Daniel Levy (New York: Oxford University Press), 247.

²¹ Barry Schwartz, “From *Abraham Lincoln and the Forge of American Memory*,” in *The Collective Memory Reader*, ed. Jeffrey K. Olick, Vered Vinitzky-Seroussi & Daniel Levy (New York: Oxford University Press), 243.

²² Barry Schwartz, “From *Abraham Lincoln and the Forge of American Memory*,” in *The Collective Memory Reader*, ed. Jeffrey K. Olick, Vered Vinitzky-Seroussi & Daniel Levy (New York: Oxford University Press), 243.

experience.”²³ Schwartz points out that there is a reconciliation between past and present that emphasizes the human need for stability, in which present social and cultural structures are imposed upon the past without altering basic values. He also states that the present is a consequence of the past, but the maintenance of the past is something that is very firmly a part of the present.²⁴

To look closer at how the historical memory of the United States has been formed and where its fault lines are, I turned to works that discussed what has been missing from the American narrative of history. In her book *White Rage: The Unspoken Truth of Our Racial Divide*, Carol Anderson seeks to uncover and emphasize the ways in which white rage has permeated the United States throughout its history. To do so, she reconstructs how Americans, specifically white Americans, view their own history. Though she never explicitly uses the term “collective memory,” she addresses how the United States has constructed a toxic and ignorant way of remembering its past, specifically racism. Many of the events and people that American history classes teach students to look back on with pride are not as cut and dry progressive as we may want to view them as. Even Abraham Lincoln, “the Great Emancipator,” who is celebrated by a national holiday every February, did not actually care to lay the groundwork for a society in which African Americans would be free and equal. He blamed them for causing the Civil War while absolving plantation owners of responsibility by saying to five Black leaders in 1862, ““But for your race among us there would not be war.””²⁵ Emancipating slaves was simply a political motive tied up in the war as ““I am not,’ Lincoln had said, ‘nor ever have been, in of bringing about in any way the social and political equality of the white and black races.””²⁶

²³ Barry Schwartz, “From *Abraham Lincoln and the Forge of American Memory*,” in *The Collective Memory Reader*, ed. Jeffrey K. Olick, Vered Vinitzky-Seroussi & Daniel Levy (New York: Oxford University Press), 245.

²⁴ Barry Schwartz, “From *Abraham Lincoln and the Forge of American Memory*,” in *The Collective Memory Reader*, ed. Jeffrey K. Olick, Vered Vinitzky-Seroussi & Daniel Levy (New York: Oxford University Press), 246.

²⁵ Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2017), 9.

²⁶ Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2017), 14.

Anderson discusses five historical periods and events in American history: the Reconstruction era, the Great Migration, the *Brown vs. Board of Education* Supreme Court decision, the Civil Rights Movement, and the election of Barack Obama. She then analyzes them through a new perspective, revealing just how much has been ignored in the American collective memory.

In the chapter entitled, “Burn *Brown* to the Ground,” Anderson describes how the decision, which was made in 1954 and has been considered one of the victories of the Civil Rights Movement, hardly made any substantial change in the South, even in places that were considered more liberal or lenient. Supporting her claim she writes, “Indeed, by 1963, not one black child attended a public school with a white child in South Carolina, Alabama, or Mississippi. In Virginia, the birthplace of Massive Resistance, a full decade after *Brown*, only 1.63 percent of blacks were attending desegregated schools. In North Carolina, generally billed as having a ‘more genteel’ Jim Crow, fewer than 1 percent of black pupils in the state attended schools with whites.”²⁷ So, even if a state was considered to be “not as bad” with regard to racial inequality, most Black children were prevented from attending the better funded schools with white children.

In the following chapter, “Rolling Back Civil Rights,” Anderson outlines how most of the “progress” made in the Civil Rights Movement was almost immediately stripped away by Presidents Nixon and Reagan and their administrations throughout the next two decades. So, while there were great victories during the movement, which is what Americans like to remember, they were not as effective as they would like to think. She explains that two things happened to erase the promises that were made by the Civil Rights Act of 1964 and the Voting Rights Act of 1965. The first being that the meaning of the movement was entirely reconstructed, “with centuries of oppression and brutality suddenly reduced to the harmless symbolism of a bus

²⁷ Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2017), 81.

seat and a water fountain. Thus, when the COLORED ONLY signs went down, inequality had supposedly disappeared.”²⁸ The second method was to reframe and redefine racism itself. The media coverage of the Civil Rights Movement had depicted the unsettling evils of rallies of members of the Ku Klux Klan and ruthlessly violent police sheriffs. Rather than recognizing these images as those of extremely overt displays of white supremacy, they were positioned as the sole definition of racism. This allowed many white Americans who may have disliked the progress made by the Civil Rights Movement and resented Black Americans to absolve themselves of guilt, since they did not condone the actions of the KKK. Anderson states,

The focus on the Klan also helped to designate racism as an individual aberration rather than something systemic, institutional, and pervasive. Moreover, isolating racism to only its most virulent and visible form allowed respectable politicians and judges to push for policies that ostensibly met the standard of America’s new civil rights norms while at the same time crafting the implementation of policies to undermine and destabilize these norms, all too often leaving black communities ravaged. The objective was to contain and neutralize the victories of the Civil Rights Movement by painting a picture of a ‘colorblind,’ equal opportunity society whose doors were now wide open, if only African Americans would take initiative and walk on through.²⁹

Anderson clearly illustrates what went wrong after the Civil Rights Movement and how it allowed for the problems that created the need for the movement to persist, although less overtly. She attributes this to “white rage” or the automatic response of white Americans to push back against any progress made toward equality between races.

Contribution to Scholarship

I contribute to previous scholarship by not only analyzing the historical memory of both Spain and the United States, but also specifically looking to see what has been missing from each

²⁸ Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2017), 99.

²⁹ Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2017), 100-101.

through two documentaries: *The Silence of Others* (2018) from El Deseo and *I Am Not Your Negro* (2017) from Magnolia Pictures. I will then draw connections between those missing pieces to the contemporary events of both Spain and the United States, considering those as recent as 2020 protests. My analysis demonstrates that the recent social movements in both countries are a direct consequence of problems that were not dealt with previously. My comparison of the two cases, one that has not previously been made, shows that though Spain and the United States have dealt with their pasts in different ways, there is no way to seal off previous atrocities without needing to rectify them later.

Case Studies: Spain & the United States

Spain

Historical Context: The Spanish Civil War, Franco's Dictatorship & The Pact of Forgetting

Though Spain had tried and failed to form a lasting democratic government in 1873, the country once again saw the rise of democracy in 1931, creating the Second Republic. However, the recreation of a democratic republic did not manage to subside the rise of far right sentiments that were quickly spreading across Europe. Over the next five years tensions rose between those that supported the democratic government and those pushing for the country to go the same way that Italy and Germany had, installing fascist leaders. Those on the conservative side, who came to be identified as Nationalists, were also concerned with preserving the “purity” of Spain and keeping it a Catholic country, while the Republican government was making strides toward secularizing the country.

Led by General Francisco Franco, a military coup was performed on July 18, 1936, but failed to gain full control of the government. This pushed Spain into a civil war that lasted for

three years and would cause irreparable damage. Then, after those three years of brutal fighting, the Republicans, who supported the government of the Second Republic, had to admit defeat. After losing up to a million lives, the war ended on March 28, 1939, with the Nationalist troops entering Madrid. Franco was then installed as the dictator of Spain, a position of power that he would hold onto fiercely until his death in November 1975.

Those who found themselves on the losing side of the war ended up in jail, exile, or in far too many cases, a mass grave in which they were not even identified. Under Franco's dictatorship, there was heavy censorship which prevented anyone in opposition to him or his regime from speaking out for fear of retaliation from his government and his supporters. In most cases, voicing an opinion against the dictatorship would lead to being tortured and put in a jail cell. Franco's regime wanted to limit any information spread about the Republican side of the war and what had happened to its supporters in the aftermath of the war.

Spain is still hesitant to remember what happened during the Civil War and after, during Franco's dictatorship, as there were so many atrocities that traumatized the entire country. Two years after Franco's death, Spain passed the 1977 Amnesty Law. This law freed political prisoners and granted anyone who had been exiled from Spain to return. However, this law also made it so that those who had committed crimes under Franco's regime could not be investigated or prosecuted for them. This formally institutionalized Spain's "Pact of Forgetting," in which the Spanish government decided that instead of dealing with all that had happened during the Civil War and the subsequent dictatorship, they would simply move on and focus on the future of a unified Spain rather than dwelling on the past, which had the potential to reopen past divisions. When debating the Amnesty Law a member of Spanish parliament said: "We must ensure that this forgetting becomes widespread because it is the only way we can shake each other's hands

without rancor.”³⁰ This then became the predominant ideology in the successive decades. Thirty years later, in 2007, the Law of Historical Memory was passed. This law aimed to give recognition to victims of both sides of the war and formally condemn the Franco regime. The object of the law is stated as follows:

The purpose of this law is to recognize and increase rights in favor of those who suffered persecution or violence, for reasons of political, ideological, or religious beliefs, during the Civil War and the Dictatorship, promote their moral reparation and the recovery of their personal and family memory, and adopt complementary measures intended to eliminate elements of division between citizens, all of that in order to encourage cohesion and solidarity between the different generations of Spaniards around the constitutional principles, values, and freedoms.³¹

It emphasized the need to recognize and increase the rights given to those who were victims of persecution and violence throughout the Civil War and the Dictatorship, while also making sure to maintain the importance of eliminating divisions and fostering cohesion between Spaniards of all generations.

When the bill was proposed in the Spanish parliament, only two parties voted against it, but for opposite reasons. The conservative Popular Party (PP) voted against the bill because they believed that it was not necessary and that it would reopen divisive wounds. Natalia Junquera of *El País* wrote that “Politicians on the right are basing their issues with historical memory legislation on three premises: that it means the ‘annihilation of the Transition;’ that it divides the Spanish people, and that it is trying ‘to rewrite history.’”³² On the other hand, the Catalan Republican Party (ERC) voted against the bill because they believed that it did not go far enough.

³⁰ *The Silence of Others*, directed by Almudena Carracedo and Robert Bahar (2018: Madrid: El Deseo, 2019), Netflix. (6:57).

³¹ “Legislación consolidada,” trans. Abigail Conroy, Agencia Estatal Boletín Oficial de Estado, Gobierno de España, 27 December 2007, <https://www.boe.es/eli/es/l/2007/12/26/52/con#a1>.

³² Junquera, Natalia. “The enduring myths around Spain’s Historical Memory Law.” *El País*, Prisa, 1 July 2019. https://english.elpais.com/elpais/2019/06/28/inenglish/1561732798_239871.html.

Last year, in October 2019, Francisco Franco was exhumed from his tomb at the Valley of the Fallen, where he had been buried as a hero among tens of thousands of unidentified victims of the Civil War, and moved to a cemetery in Madrid. Franco's burial at a state-run cemetery that drew tourists and sympathizers of the far-right was designated an international anomaly by the United Nations, one that Prime Minister Pedro Sánchez was intent on eliminating. After sixteen months of battling with the Franco family, his body was finally removed from the monument on October 24, 2019.³³ The action was seen as a step in the right direction toward a better reconciliation and an attempt to reckon with Spain's controversial past. Prime Minister Sánchez said that removing a public tribute to a fascist dictator would enable Spain to strengthen its hold on democracy.³⁴ However, while the exhumation got a lot of support from left-leaning parties,³⁵ there were many Spaniards that came out to show their opposition to Franco's remains being moved. Not only did the dictator's oldest grandson, also named Francisco Franco, drape the coffin with a pre-constitutional Francoist flag even though he was instructed not to do so,³⁶ but Franco supporters waited outside and chanted, "Long live Franco!"³⁷ Franco's remains were then met at the cemetery with even more supporters giving the fascist salute.

³³ Susanna Urrea and Simon Hunter, "Franco's exhumation: Bringing an end to a symbol of the Spanish dictatorship," *El País*, Prisa, 24 October 2019, https://english.elpais.com/elpais/2019/10/24/inenglish/1571900395_914719.html.

³⁴ Clara-Laeila Laudette and Ashifa Kassam, "Confronting its troubled past, Spain exhumes Franco," *Reuters*, Reuters, 23 October 2019, <https://www.reuters.com/article/us-spain-politics-franco/confronting-its-troubled-past-spain-exhumes-franco-idUSKBN1X22QW>.

³⁵ Susanna Urrea and Simon Hunter, "Franco's exhumation: Bringing an end to a symbol of the Spanish dictatorship," *El País*, Prisa, 24 October 2019, https://english.elpais.com/elpais/2019/10/24/inenglish/1571900395_914719.html.

³⁶ Susanna Urrea and Simon Hunter, "Franco's exhumation: Bringing an end to a symbol of the Spanish dictatorship," *El País*, Prisa, 24 October 2019, https://english.elpais.com/elpais/2019/10/24/inenglish/1571900395_914719.html.

³⁷ Clara-Laeila Laudette and Ashifa Kassam, "Confronting its troubled past, Spain exhumes Franco," *Reuters*, Reuters, 23 October 2019, <https://www.reuters.com/article/us-spain-politics-franco/confronting-its-troubled-past-spain-exhumes-franco-idUSKBN1X22QW>.

As the controversy over the exhumation demonstrated, the debate about how Spain does or does not remember Francisco Franco and his regime is alive and well. Just recently, in September 2020, Pedro Sánchez and his party proposed a Democratic Memory Bill, which seeks to go further than the 2007 Historical Memory Law.³⁸ This law contemplates getting rid of organizations that glorify the former dictator, making the Valley of the Fallen a historical site, and creating a national DNA bank that would help with the exhumation of mass graves, which would be funded with public money. The law would also void all summary trials held under Franco, as well as change the way that children in Spanish schools learn about Francoism and the Civil War. Unlike the 2007 law, there would be a hefty fine for any violators of the law.³⁹ As could be expected, the right-wing Popular Party and Vox Party are against the creation of another historical memory law. A spokesperson for the Popular Party said that it should not be a priority, while Vox leader Santiago Abascal called it a “totalitarian memory law.”⁴⁰ Even forty-five years after Franco’s death, the debate over how to deal with the memory of his regime lives on.

Historical Memory Through Documentary Film: The Silence of Others

It is easy to see how a person or group of people remember an event by looking at the art and media that have been created about said event; this is the most obvious way in which to observe historical memory and how it functions. Documentaries, for example, have a specific power to demonstrate the perspective certain people have on an event. A great example of this is the 2018 Spanish documentary, *El silencio de otros*, or *The Silence of Others* as it was released

³⁸ Guy Hedgecoe, “Spain tackles Franco’s ghost (again),” *POLITICO*, POLITICO, <https://www.politico.eu/article/spains-tackles-francos-ghost-again/>.

³⁹ Carlos E. Cué, “Spain drafts bill against remaining legacy of Franco era,” trans. Susana Urra, *El País*, Prisa, 15 September 2020, https://english.elpais.com/spanish_news/2020-09-15/spain-drafts-bill-against-remaining-legacy-of-franco-era.html.

⁴⁰ Guy Hedgecoe, “Spain tackles Franco’s ghost (again),” *POLITICO*, POLITICO, <https://www.politico.eu/article/spains-tackles-francos-ghost-again/>.

in the United States in 2019, which chronicles the contemporary struggles of the victims of Francisco Franco's regime and their descendants over six years. It also analyzes the ways in which Spain's "Pact of Forgetting" continues to affect everyday Spanish life.

At the center of the documentary is the case that these victims try to build against their oppressors within the Franco regime, who tortured them, threw their family members into mass graves, and took away their children. However, because of the 1977 Amnesty Law it was difficult for them to find a way to prosecute these people, as the law had given them immunity from their crimes in Francoist Spain. Judge Baltasar Garzón, who had issued the international arrest warrant for Chilean dictator Augusto Pinochet, had already been suspended for trying to investigate Franco era crimes, which seemed to definitively close the door on prosecuting any of the perpetrators within Spain. So, the victims looked at what Garzón had done with Pinochet and realized that they needed to get outside help. With their case they sought to invoke universal jurisdiction, which allows certain crimes to transcend borders because of their magnitude,⁴¹ in order to seek the justice they so desperately craved. This led them to bring their case to Argentina in 2010, where federal Judge María Romilda Servini de Cubría took on the responsibility of helping them in their quest and opened an investigation into the crimes of the Franco regime.

One of the main defendants continuously fighting to push the case forward was José María Galante, known as "Chato." Born in 1948 in Madrid during the height of Franco's dictatorship, he attended Complutense University in Madrid to study telecommunications and economics. While at the university, Galante learned of the underground movement to fight against the fascist dictatorship, called the Popular Liberation Front. Galante was arrested for the

⁴¹ Jim Yardley, "Facing His Torturer as Spain Confronts Its Past," *The New York Times*, The New York Times, 6 April 2014, <https://www.nytimes.com/2014/04/07/world/europe/facing-his-torturer-as-spain-confronts-its-past.html>.

first time in 1967, when he was not yet twenty years old. Over the next five years, he was in and out of prison⁴² and would be tortured by Antonio González Pancheco, otherwise known as “Billy the Kid” on three separate occasions. In testimonies he gave about his experience, Galante described being handcuffed to the ceiling, kicked and beaten in the face, chest, and the genitals, and waterboarded.⁴³ Then, nearly forty years later, Galante discovered that his torturer lived right down the street from him, just meters away, where he is able to walk right up to the door. Despite the amnesty law that absolved Pancheco of his crimes, Galante wanted to see him pay in some way. When the participants in the case were asked what they would say to the judge if they could, Galante answered, “I’m a plaintiff because I’m reclaiming my right to justice.”⁴⁴

In addition to victims of torture at the hands of those working within the Franco regime, the class action lawsuit also included descendents of those killed during the war and subsequent dictatorship who wanted to find their parents, grandparents, or other relatives that had been put into mass graves without identification. The documentary begins with María Martín López making her way to the side of a highway to a mass grave that contains the remains of her mother, who was killed by Nationalists just two months after the Civil War started in 1936. She explains that her mother was found by the side of the road and the townspeople would not allow for her to be moved to a cemetery. Then, after tying flowers to the guardrail, she says, “This is the mass grave.”⁴⁵ While it is moving to see the pain in her physical appearance, it is also quite jarring to visualize that Spain has literally paved over its mass graves. Not only does it seem disrespectful

⁴² Raphael Minder, “José María Galante, Dogged Pursuer of Justice for Franco’s Victims, Dies at 71,” *The New York Times*, The New York Times, 27 May 2020, <https://www.nytimes.com/2020/05/27/obituaries/jose-maria-galante-dead-coronavirus.html>.

⁴³ Jim Yardley, “Facing His Torturer as Spain Confronts Its Past,” *The New York Times*, The New York Times, 6 April 2014, <https://www.nytimes.com/2014/04/07/world/europe/facing-his-torturer-as-spain-confronts-its-past.html>.

⁴⁴ *The Silence of Others*, directed by Almudena Carracedo and Robert Bahar (2018; Madrid: El Deseo, 2019), Netflix. (15:21).

⁴⁵ *The Silence of Others*, directed by Almudena Carracedo and Robert Bahar (2018; Madrid: El Deseo, 2019), Netflix. (1:55).

to be constantly driving over the remains of others' loved ones, but it shows the vehement need to seal up their past and move on.

Martín López expressed how her father had wanted to give her mother a proper burial, but did not get a chance. After he died, she took up the mission, sending over a hundred letters to any member of the Spanish government who she thought might be able to help her plight, including two Kings, six Prime Ministers, and judges on the Spanish Supreme Court.⁴⁶ Martín López explains in the documentary, while talking to Argentine lawyer Ana Messutti, that she does not want revenge, she just wants her mother's remains so that she can bury them with her father.⁴⁷ Unfortunately, María Martín López died in July 2014, before the documentary was finished and before she was able to achieve her goal. Though her children were divided over whether their mother's goal was worth pursuing, her daughter María Ángeles Martín has committed to acquiring her grandmother's remains for her mother and grandfather.

The documentary also features Ascensión Mendieta Ibarra, who sought to recover the remains of her father. He was shot by a firing squad of Francoist soldiers after the end of the Civil War on November 16, 1939 for being a member of the socialist General Workers Union. After he was killed he was thrown into a mass grave with 20 other victims, in an area that would eventually hold multiple mass graves containing over 800 other people.⁴⁸ Mendieta was thirteen years old at the time of her father's death and spent the rest of her life searching for her father's remains in the hopes of giving him the proper burial that he, and his family, were robbed of after his untimely death. Mendieta serves to demonstrate the importance of the class action case as she

⁴⁶ Stephania Taladrid, "Spain's Open Wounds," *The New Yorker*, Condé Nast, 10 January 2019, <https://www.newyorker.com/news/dispatch/spains-open-wounds>.

⁴⁷ *The Silence of Others*, directed by Almudena Carracedo and Robert Bahar (2018: Madrid: El Deseo, 2019), Netflix. (20:45).

⁴⁸ Katharine Q. Seelye, "Ascensión Mendieta, 93, Dies; Symbol of Justice for Franco Victims," *The New York Times*, The New York Times, 22 September 2019, <https://www.nytimes.com/2019/09/22/world/europe/ascension-mendieta-dies.html>.

travelled all the way to Argentina from Spain in 2013 in order to give testimony to Judge Servini after pressure from the Spanish government forced Argentina to cancel the video testimonies that they had arranged to take place within Spain. At the time, Mendieta was already eighty-eight years old, yet insisted on having her and her father's story heard. Through the lawsuit, Mendieta was finally granted permission to retrieve her father's remains and an exhumation of the mass grave that he was believed to have been put in was ordered. The documentary follows Mendieta as she gets a DNA test and eventually attends the emotion-filled exhumation. The exhumation was performed by volunteers from the Association for the Recovery of Historical Memory, a group that was formed in October 2000 during the emergence of the memory movement and has led the movement to exhume mass graves. As of 2014 the association had exhumed 158 mass graves containing 1,337 victims.⁴⁹ Though during filming volunteers pointed out to Mendieta the remains they believed to belong to her father, DNA results revealed that to not be the case. It was not until July 2017, after the documentary filming had concluded and another unsuccessful attempt had been made, that Mendieta finally received the remains of her father, who was actually buried in a mass grave adjacent to the one they had originally excavated. Then, she was finally able to achieve a nearly eighty year old goal of properly burying her father. This was the first time that a victim of Franco had their remains recovered and returned to their family through the court system.⁵⁰

The lawsuit also dealt with another crime that haunted Spain from the days of the Franco regime, mothers whose babies had been stolen from them at birth. María Mercedes Bueno tells her story of being eighteen years old and pregnant in 1981, six years after Franco's death, while

⁴⁹ "What is the Association for the Recovery of Historical Memory," Asociación para la recuperación de la memoria histórica, <https://memoriahistorica.org.es/who-are-we/>.

⁵⁰ Katharine Q. Seelye, "Ascensión Mendieta, 93, Dies; Symbol of Justice for Franco Victims," *The New York Times*, The New York Times, 22 September 2019, <https://www.nytimes.com/2019/09/22/world/europe/ascension-mendieta-dies.html>.

living in La Línea near Gibraltar. On December 24th of that year, her doctor hospitalized her and put her under anesthesia for the birth. When she awoke from the anesthesia, her doctor told her the baby was dead. Twenty-eight years later, she learned of multiple cases of babies being stolen from the same hospital with the same doctor, as well as other cases all over Spain.

The practice of taking babies from their birth parents without their consent had started in the 1940s, shortly after Franco seized power. Dr. Antonio Vallejo Nágera was the head of military psychiatry under Franco and was interested in the studies of eugenics popular in Nazi Germany. He eventually published his own book, *Eugenesia de la hispanidad y regeneración de la raza*, or *Eugenics of Spanishness and the Regeneration of the Race*. His main claim was that there was a genetic component to being a leftist or a Marxist, and that gene needed to be purged from the Spanish race. He believed the best way to do this was to separate children from their parents and give them to families who were loyal to Franco and his regime. This practice eventually evolved from having political targets to having moral ones, such as single mothers and poor families. It is estimated that tens or hundreds of thousands of babies were stolen from their parents during and after the dictatorship. When making her case for the parents of these stolen children to be a part of the class action case, Bueno states, “I get that this lawsuit focuses on crimes committed under Franco, but we belong there too. Because when a system is in place for forty years, the machinery cannot just be stopped in ‘75. These practices continued, they went on and on. We want our children, alive or dead.”⁵¹

The documentary concludes by saying that maybe Spain is ready to remember, as regional governments have started to pass laws that acknowledge victims and make steps to exhume the mass graves and locate the stolen children. Then, at Madrid City Hall a law was

⁵¹ *The Silence of Others*, directed by Almudena Carracedo and Robert Bahar (2018: Madrid: El Deseo, 2019), Netflix. (45:30).

passed to rename streets and plazas that still memorialize Franco and his supporters. However, the amnesty law is still in effect today and the Spanish government continues to block the extradition of those accused in the Argentine lawsuit. “Billy the Kid,” who tortured not only Chato Galante but hundreds of others, died of coronavirus on May 7, 2020, without ever going to trial for his crimes, even though Judge Servini had put out a warrant for his arrest for thirteen counts of torture. Many, including Spain’s deputy prime minister, found it shameful that Pacheco never paid for his crimes.⁵² While there has been limited success with Judge Servini’s case, she continues to investigate Franco-era human rights violations. Just recently, in September 2020, she received a video testimony from Martín Villa, who was accused of twelve civilian deaths.⁵³

Connecting the Past to the Present

In addition to telling the specific stories of different victims of the Franco regime, *The Silence of Others* also connects the suffering of the past to what is currently going on in Spain. At the very beginning of the documentary, there are interviews with young people living in Spain in the present day. It is striking to hear how little they have learned of the Civil War, the Dictatorship, and the Pact of Forgetting. The average child or young adult in Spain is not taught about their recent history in school or by their parents. So, to them, all of that history is quite literally forgotten. Once those who lived through the events are all gone, they will not be able to tell the next generation what happened because they do not know themselves. When answering that he did not know what the Pact of Forgetting or the Amnesty Law were, one young man said, “We don’t study those things,” while another young woman answered, “It rings a bell but...no.”

⁵² Raphael Minder, “Antonio González Pacheco, Accused Policeman in Franco’s Spain, Dies at 73,” *The New York Times*, The New York Times, 15 May 2020, <https://www.nytimes.com/2020/05/15/obituaries/antonio-gonzalez-pacheco-accused-policeman-in-francos-spain-dies-at-73.html>.

⁵³ Guy Hedgecoe, “Spain tackles Franco’s ghost (again),” *POLITICO*, POLITICO, <https://www.politico.eu/article/spains-tackles-francos-ghost-again/>.

Then, two older women asserted “We must forget the whole past because it was forty years ago,” demonstrating the older generation’s reluctance to try to remember in order to pass it on.⁵⁴

The documentary also features a huge rally held in Madrid in 2016, which commemorated Franco’s dictatorship with people shouting “¡Arriba España!,” one of Franco’s mottos, while doing the fascist salute, showing that there are still a lot of people who are nostalgic for the dictatorship and hold onto the values of Franco’s regime. Participants also held signs saying, “Make Spain Great Again,” an homage to the campaign slogan of right-wing United States President Donald Trump, maintaining a connection to the United States that is also shown through photos and videos of Franco with multiple United States Presidents, such as Dwight Eisenhower and Richard Nixon.

The filmmakers also talked to Jaime Alonso of the Franco Foundation, who said that “The most important thing to remember about Franco is that he was never wrong. Franco saved Christian Western civilization from communist tyranny.”⁵⁵ Regardless of who one is talking about, it is alarming to hear someone refer to any politician as “never wrong.” However, Alonso also points out that many who worked under Franco continued to work within the Spanish government while distancing themselves from their involvement in the dictatorship. Some of them still work in the government today, and none have had to pay for their involvement.

Furthermore, the documentary shows how Franco and his regime are still memorialized in Spain through public monuments. Franco’s coat of arms remains on buildings and his victory arch remains standing. Chato Galante speaks about how he lives on Calle de General Yagüe, one of the generals that revolted with Franco and is known as “The Butcher of Badajoz” because he

⁵⁴ *The Silence of Others*, directed by Almudena Carracedo and Robert Bahar (2018: Madrid: El Deseo, 2019), Netflix. (23:33).

⁵⁵ *The Silence of Others*, directed by Almudena Carracedo and Robert Bahar (2018: Madrid: El Deseo, 2019), Netflix. (32:30).

executed four thousand prisoners in the city's bullfighting ring. "Every day I wake up on a street dedicated to this war criminal," Galante explains, frustrated.⁵⁶ However, one of the bright spots in the film is that in the conclusion of the documentary, at Madrid City Hall, they pass a law to rename streets and plazas that still memorialize Franco and his supporters. Fortunately, Galante's street was one of those included.

The United States of America

Historical Context: The Civil Rights Movement and the Continuous Fight for Racial Equality

Starting in the 1950s and carrying through the 1960s, the Civil Rights Movement sought to end the racial inequalities that continued to plague the United States after the abolishment of slavery in 1865. The Fourteenth Amendment was ratified in 1868 proclaiming, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."⁵⁷ Yet, since the amendment entered into force, Jim Crow laws continually limited the rights of Black citizens across the Southern United States, and systemic inequalities existed throughout the country, limiting any progress toward full equality between races.

There were two federal laws passed as a consequence of the Civil Rights Movement, which were intended to fill in gaps that had persisted even with the passage of the Reconstruction Amendments after the Civil War. Though there were Civil Rights Acts proposed in 1957 and 1960, the Civil Right Act of 1964 proposed by President John F. Kennedy was finally signed into law by President Lyndon B. Johnson, motivated by the murders of three young civil rights

⁵⁶ *The Silence of Others*, directed by Almudena Carracedo and Robert Bahar (2018: Madrid: El Deseo, 2019), Netflix. (38:39).

⁵⁷ U.S. Constitution, amend. 14, sec. 1.

workers at the hands of the Ku Klux Klan (KKK) in Mississippi on June 21st of the same year.

The act sought to end discrimination based on race, color, religion, or national origin. The Civil Rights Act stated that it was:

An Act To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.⁵⁸

The second law was passed the following year, in response to the horrific occurrence of Bloody Sunday on March 7, 1965, in which violence rained down upon peaceful protesters marching from Selma, Alabama, to the state capital of Montgomery to advocate for the voting rights they were owed. The terrible event was captured on camera and aired across the country, horrifying many and motivating Congress to pass the Voting Rights Act of 1965. The act was intended to reinforce the fifteenth amendment which, ratified in 1870, was supposed to guarantee that, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”⁵⁹ The Voting Rights Act (VRA) made requiring literacy tests in order to vote illegal, as well as designating special provisions for counties which had the most voter disenfranchisement. The VRA made it so the federal government would have to approve any changes to voting processes in these areas and gave the Attorney General the power to assign them a federal examiner if necessary. Then, if the county had been assigned a federal examiner, the Attorney General could also assign a federal observer to watch over the voting activities of that county. The act did not

⁵⁸ Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (codified as amended in scattered sections of 2 U.S.C., 28 U.S.C., and 42 U.S.C.).

⁵⁹ U.S. Constitution, amend. 15, sec. 1

abolish the poll tax, but it was found unconstitutional in the 1966 case, *Harper v. Virginia State Board of Elections*.⁶⁰

These two laws are considered the big wins of the Civil Rights Movement. They helped to start to lessen the huge gap that was preventing equality in the United States of America. However, as with every previous advance to reduce racial inequality, it spurred a lot of white opposition. As Carol Anderson put it in her book, *White Rage: The Unspoken Truth of Our Racial Divide*, “Once again, the United States moved from the threshold of democracy to the betrayal of it, within two decades having locked up a greater percentage of its black males than did apartheid South Africa.”⁶¹ In subsequent years the Nixon and Reagan administrations, as well as the Burger and Rehnquist Supreme Courts, attempted to dismantle the progress made by the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Anderson asserts that this was done in two ways, by redefining both what the movement had been about and what racism actually was. The Civil Rights Movement was reduced to a fight to let people sit wherever they wanted to on the bus or use the most convenient restroom, when it was really about moving toward social, political, and economic equality. This was done to convince white Americans that because they removed overt segregationist signage from public places, everyone was suddenly equal. Then, racism was redefined as simply the heinous photos of hate crimes committed by the KKK or police being overly violent. Racism was designated “an individual aberration rather than something systemic, institutional, and pervasive.”⁶² Both of these redefinitions are still perpetuated in today’s society. Americans still question whether systemic racism exists, as

⁶⁰ “History of Federal Voting Rights Laws,” *The United States Department of Justice*, The United States Government, 28 July 2017, <https://www.justice.gov/crt/history-federal-voting-rights-laws>.

⁶¹ Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2017), 99.

⁶² Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2017), 100.

evidenced by the fact that its existence was the subject of a question in the 2020 Vice Presidential Debate on October 7, 2020.

Historical Memory Through Documentary Film: I Am Not Your Negro

To look at American historical memory of the Civil Rights Movement, I will be using the 2017 documentary *I Am Not Your Negro*, directed by Raoul Peck. This documentary uses the words of James Baldwin, voiced by Samuel L. Jackson, laid over pertinent footage from the Civil Rights era through to contemporary recordings of police brutality and the Black Lives Matter movement to create a visual imagining of the work Baldwin never got to finish, which he had titled *Remember This House*. In the documentary, we hear Baldwin's words of reflection about himself and his experience as an African American, his fellow citizens, the Civil Rights Movement and its aftermath, and what he thinks the United States of America actually stands for.

Remember This House was going to be a book that reflected on the lives and deaths of three of Baldwin's famous friends: Martin Luther King Jr., Medgar Evers, and Malcolm X. Each of these men was a figurehead of the United States Civil Rights Movement, and each of them was assassinated for his position; however, they all took different approaches to the issue of achieving racial equality. Baldwin stated that he wanted "these three lives to bang against and reveal each other, as in truth, they did, and use their dreadful journey as a means of instructing the people whom they loved so much, who betrayed them, and for whom they gave their lives."⁶³

Martin Luther King Jr. is undoubtedly the most recognizable face of the Civil Rights Movement. Every January, on the Monday closest to his birthday, the United States observes a national holiday in his honor. However, as his daughter, Dr. Bernice A. King, said in an

⁶³ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (5:22).

interview with Jimmy Fallon on the Tonight Show in June 2020, “I say in ‘68 my father was one of the most hated men in America and now he’s one of the most loved men in the world, so much so that people do take liberties to kind of take different quotes to fit their situation. And nothing is more frustrating to me than that.” She goes on to mention her father’s famous quote, from his iconic “I Have A Dream” speech, that he hopes one day that his children will be judged by their character rather than their race. Dr. King explains that this was not her father endorsing the colorblind United States that Carol Anderson warns against,⁶⁴ but rather promoting that people be accepted for every part of them, including their race.⁶⁵ In reflecting on the life and death of Martin Luther King Jr., James Baldwin also discusses the complicated nature of legacy, something that he has an interesting perspective on as he is one of King’s peers that survived long enough to see it. In *I Am Not Your Negro*, Jackson voices Baldwin’s words about Martin Luther King Jr. that, “He took on his shoulders the weight of the crimes and the lies, and the hope of a nation.”⁶⁶ Even if he had not intended to, Baldwin observed that King very quickly became the face of the movement. In doing so, he also became responsible for reckoning with the violence and the ugliness in the country’s past and present in order to discern how to move forward, as well as managing the many great hopes that people had for the future.

Baldwin talks about meeting Malcolm X for the first time and says, “Malcolm might be the torch that white people claim he was, though, in general, white America’s evaluations of these matters would be laughable and even pathetic did not these evaluations have such wicked results.”⁶⁷ Here, Baldwin clearly emphasizes that the way in which white Americans have chosen to remember the past, especially when it comes to African Americans, can have deadly

⁶⁴ Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2017), 101.

⁶⁵ The Tonight Show Starring Jimmy Fallon, “Dr. Bernice A. King Calls Out People Twisting Her Dad Martin Luther King Jr.’s Words,” Youtube video, 2:20-3:36, 4 June 2020, https://www.youtube.com/watch?v=U2vYhF0PmjU&ab_channel=TheTonightShowStarringJimmyFallon.

⁶⁶ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (5:15).

⁶⁷ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (19:57).

consequences. While Martin Luther King Jr. is now lauded in the American historical memory for being a civil rights activist who promoted pacifism, Malcolm X is known for being an activist who did not shy away from violence if it was needed to achieve his goal.

Medgar Evers is the third prominent man of the Civil Rights Movement that Baldwin covers in his work. Evers was the first field officer for the NAACP in Mississippi, where much of his work made him a target, especially his investigation into the death of fourteen-year-old Emmett Till, who was lynched in 1955.⁶⁸ Before his death on June 12, 1963, Evers asked Baldwin to assist him in one of his investigations, on which Baldwin reflected in his writing for *Remember This House*. As James Baldwin was from New York, he had a very different experience to Medgar Evers who was born and raised in Mississippi, and his “field trip” with Evers caused him to think about his status as a witness versus an actor.⁶⁹ In trying to define that line, Baldwin mentions how he is not affiliated with a certain group like the three other men he discusses. He was not a member of the Church like Martin Luther King Jr. because they do not actually live their teaching of “love one another as I love you,”⁷⁰ he was not a Black Muslim like Malcolm X, nor a Black Panther, as he did not want to preach that all white people are evil. He was not a member of the NAACP, in which Medgar Evers had a prominent role in the South, because of the class distinctions it perpetuated in the North.⁷¹ Baldwin reflects on his role in the movement, as he was not leading any action. He did not make the big decisions or control the money, and he never stayed in one place. Baldwin expressed that, “This was sometimes hard on my morale, but I had to accept, as time wore on, that part of my responsibility as a witness, was to move as largely and as freely as possible. To write the story, and to get it out.”⁷² While

⁶⁸ “NAACP History: Medgar Evers,” *NAACP*, NAACP, <https://www.naacp.org/naacp-history-medgar-evers/>.

⁶⁹ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (21:15).

⁷⁰ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (21:58).

⁷¹ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (22:02).

⁷² *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (23:12).

historical memory may more easily remember figures like Martin Luther King Jr., Malcolm X, or Medgar Evers for their actions, it is also important to have someone there to actually witness it and record it properly. In this documentary, Peck seeks to set the record straight with regard to race relations in the United States since the Civil Rights Movement, something that would not have been possible if Baldwin had not taken the time to write it down. Those who actually write history are seldom recognized, but in *I Am Not Your Negro*, Peck brings Baldwin to the forefront. Both Baldwin's writing and the documentary emphasize the necessity of looking at both the actors and the witnesses in history.

Connecting the Past to the Present

I Am Not Your Negro makes sure to air a lot of the United States' dirty laundry from the Civil Rights Movement. Peck, the director, uses it to draw comparisons to the contemporary United States in order to show how pertinent it is to discover the untold stories of that era and show that many of the problems faced over fifty years ago are still prevalent now.

The documentary begins with a recording of an interview that James Baldwin did on *The Dick Cavett Show*, in which Dick Cavett asks Baldwin about how he feels about the notion that African Americans should be more optimistic about their position in American society, considering there are Black mayors, athletes, and actors. He asks the question, "Is it at once getting much better and still hopeless?" Baldwin responds by saying, "I don't think there's much hope for it, you know, to tell you the truth, as long as people are using this peculiar language. It is not a question of what happens to the Negro here, or the Black man here, that's a very vivid question, for me, you know, but the real question is what is going to happen to this country."⁷³

⁷³ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (1:31)

Immediately, there is a shift to photos of police brutality that have been taken just in the last few years, showing exactly what has been happening to the United States.

Jackson also voices Baldwin's recollection of what he calls "The Famous Bobby Kennedy Meeting," in which he and the famous playwright Lorraine Hansberry, as well as other prominent Black Americans, met with then Attorney General Robert F. Kennedy, brother of the President. They had wanted him to ask the President to accompany a young Black girl who was going to be attending a school in the Deep South. Kennedy said that it would be a meaningless moral gesture. While they were meeting to discuss the possibility of President John F. Kennedy walking a little girl to school, Hansberry made a very impactful comment about the recent Birmingham riots, in which once peaceful protests for racial equality had been met with violence. She said to the Attorney General, who claimed that he and the President had done a great job advancing civil rights, "'But I am very worried,' she said, 'about the state of the civilization which produced that photograph of the white cop standing on the Negro woman's neck in Birmingham.'"⁷⁴

These words feel particularly important in 2020, when earlier this year a video circulated of an eerily similar scene. On May 25, 2020, Minneapolis police arrested George Floyd, who was accused of buying cigarettes with a counterfeit twenty dollar bill. During the arrest, Derek Chauvin knelt on Floyd's neck for over eight minutes while Floyd exclaimed that he could not breathe, eventually killing him. Though this is too recent to have been featured in the documentary, it is a clear example of how history repeats itself. Just before making the statement about the photo Hansberry had seen, she and Baldwin had told Kennedy that they were seeking a moral commitment from him, which he denied them. Though Bobby Kennedy has consistently been lauded as a civil rights hero, he could not give Baldwin and Hansberry, and African

⁷⁴ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (37:06).

Americans as a collective, a moral commitment to tying their rights to the national identity. There still is not a moral commitment from anyone in power in the United States government. President Donald Trump made a statement on his disgust at what happened in Minneapolis this summer; however, he has stayed silent on most crimes of police brutality in recent years and has not condemned white supremacists. Many white Americans found themselves shocked by what happened to George Floyd, as well as Breonna Taylor, who was murdered by police in her home on March 13, 2020, and Ahmaud Arbery who was killed while out for a jog on February 23, 2020. However, as is demonstrated throughout the documentary, police brutality and violence against Black Americans is not something new.

This phenomenon of white Americans being shocked whenever a similar tragedy occurs is also mentioned by Baldwin with regard to the riots in Birmingham. He observed that, “White people are astounded by Birmingham. Black people aren’t. White people are endlessly demanding to be reassured that Birmingham is really on Mars. They don’t want to believe, still less act on the belief, that what is happening in Birmingham is happening all over the country.”⁷⁵ In framing it as a one-time issue, even if it is done over and over, it allows for a distance to be created between the event and the actual core issue, racism. People can mourn it as a tragic event, but then ignore the pattern and the social and systemic problem that is causing it.

Warily, Baldwin also remarks as the documentary comes to an end that, “The tragedy is that most of the people who say they care about it do not care. What they care about is their safety and the profits.”⁷⁶ Though not a term used in Baldwin’s time, it seems as though he is describing something that came to the forefront of social justice conversations in the summer of 2020 following the deaths of George Floyd, Breonna Taylor, and Ahmaud Arbery: performative

⁷⁵ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (25:16).

⁷⁶ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (1:21:07).

activism. On June 2, 2020, social media turned into a sea of blank black squares, and then, subsequently, a debate on their effectiveness. The original intent was to have a show of solidarity following the death of George Floyd, and for companies and individuals alike to have time to reflect on how, specifically the music industry, has profited from Black art and how it treats its Black artists.⁷⁷ However, the gesture snowballed into everyone simply posting a black square, and sparked a conversation on not only if whether or not it was substantive activism, but if it was actually harmful, as the posts used #BlackLivesMatter and flooded a typically informative hashtag with blank squares.⁷⁸ People posted to demonstrate that they care, but, as Baldwin asks, do they really? If they did, would they do something more substantive?

In the conclusion of the documentary, Baldwin makes a claim that is particularly pertinent to the argument that I make in this paper, “History is not the past, it is the present. We carry our history with us. We are our history. If we pretend otherwise, we literally are criminals.”⁷⁹ As evidenced by the footage that spans across American history and Baldwin’s words that are still just as relevant, if not more so, now than they were when he wrote them, history now only impacts the present, but it exists in the present. Today, our history is still here for us to grapple with and that fact must be acknowledged.

⁷⁷ Joe Coscarelli, “How Blackout Tuesday Became a Social Media Moment,” *The New York Times*, The New York Times, 2 June 2020, <https://www.nytimes.com/2020/06/02/arts/music/what-blackout-tuesday.html?action=click&module=RelatedLinks&pgtype=Article>.

⁷⁸ Joe Coscarelli, “How Blackout Tuesday Became a Social Media Moment,” *The New York Times*, The New York Times, 2 June 2020, <https://www.nytimes.com/2020/06/02/arts/music/what-blackout-tuesday.html?action=click&module=RelatedLinks&pgtype=Article>.

⁷⁹ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (1:26:32).

Analysis

Historical Memory Through Documentary Film

Both documentaries seek to expose portions of the past of the respective countries that have been left out of the historical memory of the societies they represent. *The Silence of Others* and *I Am Not Your Negro* can both be used to show how the history that has been covered up only causes more problems later on. They do so not only by connecting past history to current events that are happening in the country, but also telling the stories of people who have had their stories be covered up or misconstrued in the historical memory of their country.

Through each documentary it is evident that Spain and the United States have dealt with the ugly parts of their past in different ways. In *The Silence of Others*, the laws that Spain has passed regarding their historical memory, which were created to help the country's transition to democracy, take center stage as the main obstacle preventing victims of the Spanish Civil War and subsequent Franco dictatorship from getting justice. Spain is still constantly coming up with new laws to legislate around how its citizens remember both the Civil War, the Dictatorship, and the Transition, as evidenced by the law that was just proposed in September 2020.⁸⁰ While there are many more supporters of the memory movement now, the Spanish government as a whole is still reluctant to reopen the wounds of the past, let alone let another country, Argentina, do so.

In the American case, there is no such legislation or formal acknowledgement that there was anything to forget, so the gaps in historical memory and their effects are much more insidious. While Spain may not expressly expose all of the wrongdoings of the past and who was involved, the amnesty and historical memory laws do formally acknowledge that Spain has a complicated past that they want to ignore. The United States, on the other hand, has yet to

⁸⁰ Guy Hedgecoe, "Spain tackles Franco's ghost (again)," *POLITICO*, POLITICO, <https://www.politico.eu/article/spains-tackles-francos-ghost-again/>.

concede to the violence and discrimination that happened following the Civil Rights Movement. In *I Am Not Your Negro*, the clip of when James Baldwin was on *The Dick Cavett Show* in 1969, after the height of the Civil Rights Movement, is a clear example of the way that the country had thought they were ready to move on. While Cavett acknowledged there was still a sense of hopelessness around the idea of racial equality, he spoke something that many Americans were thinking: now that there were Black public officials and celebrities, racism had been solved, or at least as much as it was going to be, and African Americans should be satisfied. While Baldwin refuted the notion that there was racial equality in the United States, this idea would still be perpetuated in the country's narrative for the foreseeable future.

The two cases are an interesting comparison. As evidenced in each documentary, both countries suffer from the consequences of how they have dealt with their past, or how they have not. Both cases have victims of the past and its management that are still seeking justice. In Spain, many victims and their families who suffered torture, were put in mass graves, or had their children taken from them against their will, are still waiting for the day they receive some sort of reparations. In the United States, Black Americans still suffer under systemic racism and police brutality. However, they have different obstacles in their pursuit of justice. Spanish victims are blocked from justice from the actions that Spain did take, whereas American victims struggle for justice from the steps that have not been taken in the United States.

Connecting the Past to the Present

The two documentaries used in my case studies, *The Silence of Others* and *I Am Not Your Negro*, highlight both countries' strong connection between their past and their present. Comparing the two, it is evident that though they may have managed their historical memory in

different ways, they are seeing similar results. In both the Spanish and American case, it is evident that there has been manipulation of historical memory in order to distance oneself from the reality of the past. For example, as was previously mentioned, the younger generations in Spain do not know what happened during the Civil War or the Dictatorship because it is not talked about and not taught in school. Americans of all ages suffer the same fate, having been fed a very specific narrative about race relations after the Civil Rights Movement. However, each country is seeing that though it has tried to forget the past, many of its citizens, especially those who suffered as a result, are not so ready to relinquish their responsibility to maintain their own history.

In *The Silence of Others*, the case that the filmmakers focus on is one of the greatest examples of the memory movement at work in Spain. It demonstrates how they are not ready to let go and give into the forgetting that the Spanish government has enforced. Hundreds of victims joined the class action lawsuit and Judge Servini continues to investigate the perpetrators at present, despite the government's reluctance. The documentary also mentions the historical memory organizations that were funded by victims and their families, such as the Association for the Recovery of Historical Memory, as well as the Association of Stolen Babies that María Mercedes Bueno is a part of. However, while the documentary showcases much of the movement to remember the atrocities under the Franco regime, it also shows how there are many Spaniards on the other side of the spectrum, such as Jaime Alonso of the Franco Foundation, that want to memorialize Franco and continue to ignore all the bad that he caused in favor of putting him on a pedestal. Yet, slowly but surely, Spain seems to be reckoning with how their past exists in their present. In the documentary, they covered a vote to rename streets that carried the names of criminals from the Civil War and the Dictatorship. Though it happened after the documentary

concluded filming, the exhumation of Francisco Franco from the Valley of the Fallen also serves to show that the movement to remember Spain's history is still strong and is making progress.

I Am Not Your Negro, also demonstrates how though the United States has tried to ignore its complicity, and aggression in too many instances, in the subsistence of racism in the country, following the Civil Rights Movement, there are people who are going to make sure that they do not. James Baldwin, who was at the center of the documentary, was just one figure that made sure to set the record straight with regard to race relations in the United States. In both the documentary footage of multiple Black Lives Matter protests and in even more recent events, such as the protests following the murder of George Floyd, the United States case also serves to demonstrate that a country cannot ignore parts of their history without continuing to not only suffer from the same problems, but also have a movement of people who will fight to fill in the gaps.

Conclusion

Aided by the use of the documentaries *The Silence of Others* and *I Am Not Your Negro*, my analysis of both Spain and the United States concludes that when there are gaps in a country's historical memory, the problems that existed in the past will persist in the present, regardless of whether the country has formally acknowledged its forgetting. The memory movement in Spain and the Black Lives Matter movement in the United States demonstrate how there is still a present need to push these governments to rectify the atrocities of the past.

I contributed to how we can start to understand not only how historical memory works in specific cases, but also what effects it can have later on. By focusing on Spain and the United States, I have connected two countries that do not often get compared. This comparison brought

light to the idea that though countries may deal with historical memory in differing ways, or not acknowledge it in the case of the United States, they can still end up with the same results: a need for its citizens to create movements to remember what their country has tried to forget.

Historical memory provides for such a broad area of study, it can be found in a variety of different cases and can touch so many different aspects of the social sciences. This thesis touches on just two cases of many possibilities. In addition, both of the movements that I reference in these cases are still ongoing, and continued research is needed as each of them continues to change. Further research could also consider whether or not a study on the effects of historical memory and its faults ever really concludes. As Baldwin wrote, history is always with us in the present.⁸¹

⁸¹ *I Am Not Your Negro*, directed by Raoul Peck (2016; New York: Magnolia Pictures, 2017), Netflix. (1:26:32).

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