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The Politics of Memory and the Legacy of the Civil Rights Movement

Dennis Simon



THE CARY M. MAGUIRE CENTER
FOR ETHICS & PUBLIC RESPONSIBILITY
SOUTHERN METHODIST UNIVERSITY
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Dennis Simon is an Altshuler Distinguished Teaching Professor in the Department of Political Science at Southern Methodist University. He is the recipient of SMU's "M" Award, the Willis Tate Award, and President's Associate award. His research and teaching interests include the American Presidency, national elections, and the politics of change in the United States. He is the recipient of the Southern Political Science Association's Pi Sigma Alpha Award for his study of national forces in state legislative elections and, with Barbara Palmer, has twice received the Miriam Irish Award for their work on women in the electoral arena. Since the spring of 2008, he has taught a course on the Politics and Legacies of the Civil Rights Movement and served as the faculty leader of SMU's Civil Rights Pilgrimage. His most recent book, with co-author Barbara Palmer, *Women and Congressional Elections: A Century of Change* will be published by Lynne Reiner in March 2012. He is currently working on a manuscript entitled *The Great Contradiction: Race and Congressional Elections in the American South*.

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THE POLITICS OF MEMORY AND THE LEGACY OF THE CIVIL RIGHTS MOVEMENT: REFLECTIONS ON THE 50th ANNIVERSARY SEASON

Introduction: The Anniversary Season

When I was invited to speak and write by the Maguire Center for Ethics and Public Responsibility, the topic of the “anniversary season” immediately came to mind. Since the spring semester of 2008, I have served as the faculty leader of the SMU Civil Rights Pilgrimage. Working in this program, sponsored by the Office of the Chaplain at SMU, is a natural fit given my teaching and research interests in the politics of change in America generally and the American south in particular. In my role as faculty leader, I teach a course, *The Politics and Legacies of the Civil Rights Movement*, and also “hit the road” and travel with students on an eight-day bus trip during spring break. The SMU Pilgrims visit key venues in the Civil Rights Movement throughout the south and meet with numerous people who were important foot soldiers in that movement. The requirements for this class include a journal of reflections based upon the pilgrimage and a research project that poses and answers a question associated with the Civil Rights Movement.

In this reflection, I will draw upon my experience in this program and speak to the two missions of our profession, teaching and research. I hope to demonstrate how these missions are reciprocal. Research informs teaching and teaching informs research. To do so, my discussion will present a summary of the “anniversary season” and then focus upon how the movement changed “southern justice,” representation in government, and southern politics.

The Civil Rights Movement can be characterized as a two-pronged attack. The first was aimed at the “Jim Crow” system of state-sponsored segregation. The second sought to realize the promise of the 15th Amendment to the U.S. Constitution and remove the barriers to voting and political participation for blacks and other

minorities. Table 1 presents a summary of the major events whose 50th anniversaries will be commemorated in the coming months and years. The list begins with the integration of “Ole Miss” by James Meredith in October 1962 and ends with the signing of the Voting Rights Act by President Lyndon Johnson in August 1965. As a collective, these events create a narrative of confrontation and conciliation, of triumph and tragedy.

The SMU Pilgrims have visited each of the southern locales listed in the table. Pilgrims have reflected upon seeing the blood stains on the driveway of the Evers home in Jackson, attended church services at the Mt. Zion AME church in Neshoba County, walked across the Edmund Pettus Bridge in Selma, stood in the “school house door” at the University of Alabama, and touched the façade of the 16th Street Baptist Church in Birmingham.

The anniversary list includes the introduction and signing of two landmark pieces of national legislation. The Civil Rights Act of 1964 effectively “killed” the Jim Crow system of state-sponsored segregation and the Voting Rights Act empowered thousands of voters who were disenfranchised by legal mechanisms such as literacy tests, by hostile registrars, and by subtle and not-so-subtle intimidation. There are three major legacies of these laws and the concerted efforts of the mass movement that led to their passage.

TABLE 1
MAJOR EVENTS IN THE CIVIL RIGHTS
ANNIVERSARY SEASON, 1962-1965

October 1, 1962	James Meredith integrates the University of Mississippi in Oxford President Kennedy sends federal troops to quell violence
April-May 1963	Operation “C” in Birmingham to protest segregation; includes the “Children’s March”
June 11, 1963	Vivian Hood and James Malone integrate the University of Alabama over the protests of Governor George Wallace

The Politics of Memory and the Legacy of the Civil Rights Movement

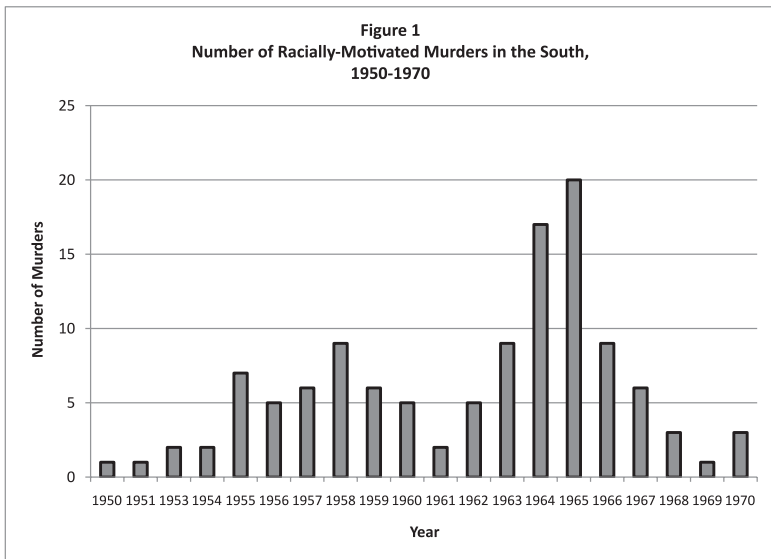
	President Kennedy, in a nationally televised address, proposes what becomes the Civil Rights Act of 1964
June 12, 1963	NAACP Field Secretary, Medgar Evers, is assassinated outside of his home in Jackson, Mississippi
August 28, 1963	March on Washington; Dr. Martin Luther King delivers his “I Have a Dream Speech”
September 15, 1963	16th Street Baptist Church is bombed in Birmingham killing four young women
June 21, 1964	Three “Freedom Summer” workers – Michael Schwerner, James Chaney, and Andrew Goodman – are murdered in Neshoba County, Mississippi
July 2, 1964	President Lyndon Johnson signs the Civil Rights Act of 1964
March 7, 1965	“Bloody Sunday” – Marchers are beaten by police in Selma, Alabama
March 15, 1965	President Johnson, in a nationally televised address, proposes legislation on voting rights
March 21-25, 1965	The Selma-to-Montgomery march for Voting Rights
August 6, 1965	President Lyndon Johnson signs the Voting Rights Act of 1965

Legacies: The “Wheels Of Southern Justice”

It is important to emphasize that for today’s student, the Civil Rights and Voting Rights Acts reside in a cloudy and distant past. There is little, if any, “politics of memory.” What brings these acts front and center during the pilgrimage is that students learn of the “human price” paid for this legislation by the leaders and foot soldiers of the movement. A particularly poignant stop on our journey is the National Civil Rights Memorial located at the Southern Poverty Law Center in Montgomery, Alabama. Here, students learn of “The Forgotten” – a list of 74 individuals who died as victims of racially-motivated violence.¹

¹<http://www.splcenter.org/civil-rights-memorial/the-forgotten> (accessed 15 January 2013).

During my first trip in 2008, Veronica Davis, an SMU Pilgrim, and I talked about the list and raised numerous questions. Were there others who died? Were the perpetrators arrested? Tried? Convicted? As a result of these conversations, we decided to pursue the topic. We would focus upon the south and systematically gather and compile information about the incidents.² Veronica would use these data in writing her distinction thesis in political science.³ As the project developed, we discovered another list of victims published by the Civil Rights and Restorative Justice Project at the Northeastern University School of Law and still others names from the “cold case” initiative of the Federal Bureau of Investigation.⁴ The result of this effort was a list of 122 racially-motivated murders between 1950 and 1970.



²The south is defined throughout this discussion as the eleven states of the Confederacy.

³Veronica Davis, “Southern Justice: A Study of Civil Rights Era Murders.” Presented at the Annual Meeting of the Southwestern Political Science Association, Houston, Texas, April 2, 2010.

⁴<http://www.northeastern.edu/law/academics/institutes/crjjustice.html> (accessed 15 January 2013); http://www.fbi.gov/news/stories/2010/march/coldcase_030210/civil-rights-era-murders-joint-initiative-yields-results (accessed 15 January 2013)

Figure 1 displays the number of these murders by year. The pattern over time underscores the violence associated with the anniversaries that we commemorate. Fifty-one of the murders occurred from 1962 to 1965. These include the well-publicized deaths of Medgar Evers, the four young women who died in the Birmingham church bombing, and the “Freedom Summer” workers – Schwerner, Chaney, and Goodman. The list also includes victims of the “Selma campaign” in 1965 – Jimmie Lee Jackson, shot by a police officer during a demonstration in Marion, Alabama, the Reverend James Reeb, who was beaten in downtown Selma, and Viola Liuzzo, a Detroit housewife and volunteer, who was shot by Klansmen following the march to Montgomery. These deaths illustrate why the “anniversary season” is both celebratory and solemn.

TABLE 2
THE CRIMINAL PROCESS: OUTCOMES OF THE
122 RACIALLY MOTIVATED MURDERS IN THE
SOUTH, 1950-1970

Outcome	Percent (Number)
No Action	63.9% (78)
Investigation, No Arrest	6.6% (8)
Arrest, Case not Forwarded to Grand Jury	4.1% (5)
Case Forwarded to Grand Jury, No Indictment	4.1% (5)
Trial – Found Not Guilty	13.1% (16)
Trial – Found Guilty, Light Sentence and/or Probation	3.3% (4)
Trial – Found Guilty, Sentence Imposed	4.9% (6)

Table 2 reveals what happened in the wake of these murders. We tracked each case through the criminal justice system and recorded the results. The table provides a dramatic illustration of “southern justice” during this era. Of the 122 cases, only six resulted in a trial,

conviction, and appropriate sentence. Equally disturbing is the finding that there were 78 cases (68%) where no legal action was taken.

Our next question was whether there are factors which help us to understand which cases received scrutiny by local officials. We found, first of all, that national publicity, as measured by coverage of the incident in *The New York Times*, increased the probability of legal action. In cases of no coverage, only 24% (21/87) resulted in legal action compared to a rate of 66% (23/35) when one or more stories about the incident were reported. The exposure served as a form of “external pressure” that prompted local officials to at least “go through the motions” of initiating legal action.⁵ A second factor reduced the probability of legal action in a case. In reading about each incident, we recorded whether the narrative claimed that police or local officials were involved. In the face of alleged police involvement, only 19% (8/41) of the cases were the subject of legal action. This compares to a rate of 44% (36/81) where these allegations were absent.

The study of these cases helps us to understand not only the criminal justice system in the “Jim Crow” south but also the sense of injustice that has lingered for decades. However, the victims have not been forgotten. They are memorialized at the Southern Poverty Law Center and elsewhere. Importantly, numerous cases have been reopened since 1990 and perpetrators have been brought to justice. Included among the more publicized convictions are:

Byron De La Beckwith; in 1992, for the murder of Medgar Evers⁶

Sam Bowers; in 1998, for the murder of Vernon Dahmer⁷

Bobby Frank Cherry; in 2002, for the bombing of the Birmingham church⁸

⁵The impact of press coverage is examined more extensively in Gene Roberts and Hank Klibanoff, *The Race Beat: The Press, the Civil Rights Struggle, and the Awakening of a Nation* (New York: Knopf, 2006).

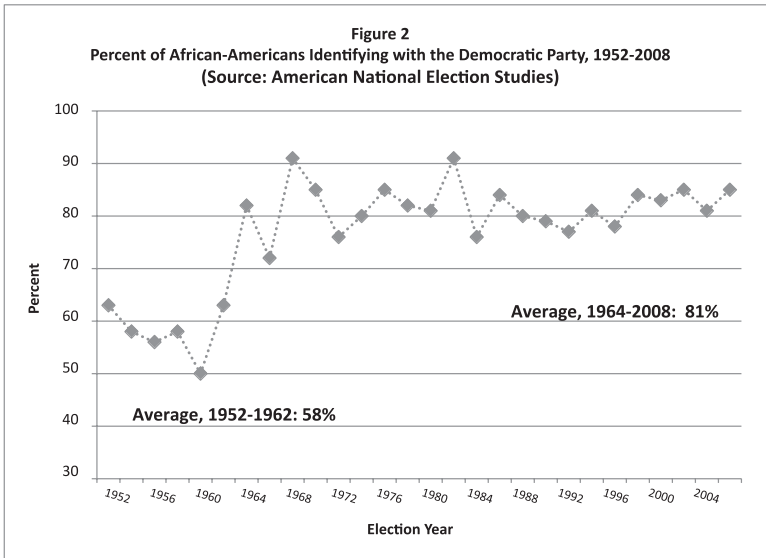
⁶Maryanne Voller, *Ghosts of Mississippi: The Murder of Medgar Evers, the Trials of Byron de la Beckwith, and the Haunting of the New South* (Boston: Little Brown, 1995).

⁷Jennifer Lee, “Samuel Bowers, 82, Klan Leader Convicted in Fatal Bombing, Dies.” *The New York Times*, November 6, 2006. <http://www.nytimes.com/2006/11/06/us/06bowers.html> (accessed 15 January 2013).

⁸Michelle O’Donnell, “Bobby Frank Cherry, 72, Klansmen in Bombing, Dies.” *The New York Times*, November 19, 2004. <http://www.nytimes.com/2004/11/19/national/19cherry.html> (accessed 15 January 2013).

Edgar Ray Killen; in 2005, for the “Freedom Summer” murders⁹
Bonard Fowler; in 2010, for the murder of Jimmie Lee Jackson¹⁰

It is important to emphasize that these and other cases were reopened by local prosecutors and police investigators. The cases were also publicized in stories written by local journalists. In many instances, local prosecutors received federal assistance as a result of the Emmett Till Unsolved Civil Rights Crime Act passed in 2008; the act was initially sponsored in Congress by civil rights icon and now Representative John Lewis.¹¹ Bringing the perpetrators to trial offers – despite the passage of time – closure, justice, and, in some instances, an opportunity for reconciliation within the communities where the deaths occurred.¹²



⁹Jerry Mitchell, “The Clarion-Ledger wins court fight to keep Klan leader from getting its copies of FBI files.” <http://blogs.clarionledger.com/jmitchell/tag/edgar-ray-killen/> (accessed 15 January 2013).

¹⁰Robbie Brown, “45 Years Later, an Apology and 6 Months.” *The New York Times*, November 15 2010. http://www.nytimes.com/2010/11/16/us/16fowler.html?_r=2&hpw& (accessed 15 January 2013).

¹¹http://www.justice.gov/crt/about/crm/cold_case_ini.php (accessed 15 January 2013).

¹²The documentary, *Neshoba* (2008), by Micki Dikoff and Tony Pagano offers an emotional example. Edgar Ray Killen was prosecuted as a result of work by the Philadelphia Coalition, a biracial group formed to commemorate the 40th Anniversary of the “Freedom Summer murders” in Neshoba County, Mississippi.

Legacies: Elections And Representation

The Civil Rights Movement has exercised a continuous impact on politics and elections in the United States. To illustrate, I draw from my current research project, *The Great Contradiction: Race and Congressional Elections in the American South*, and from my work with Barbara Palmer on women and congressional elections.¹³ Consider a key indicator used by political scientists in the study of public opinion and voting – party identification. Figure 2 displays the proportion of African-Americans who identify with the Democratic Party and covers the years from 1952 to the 2008. During the New Deal Era, black loyalties began to shift from the party of Lincoln toward the Democrats.¹⁴ Thus, by the 1950s, an average of 58% of African-Americans identified themselves as Democrats. The change which occurred in response to the events of 1963 and 1964 is dramatic. In 1960, the proportion of blacks identifying with the Democrats was 50%; this increased to 63% in 1962 and then to 82% in 1964. Overall, the average proportion of blacks identifying with the Democratic Party since the passage of the Civil Rights Act of 1964 is 81%.

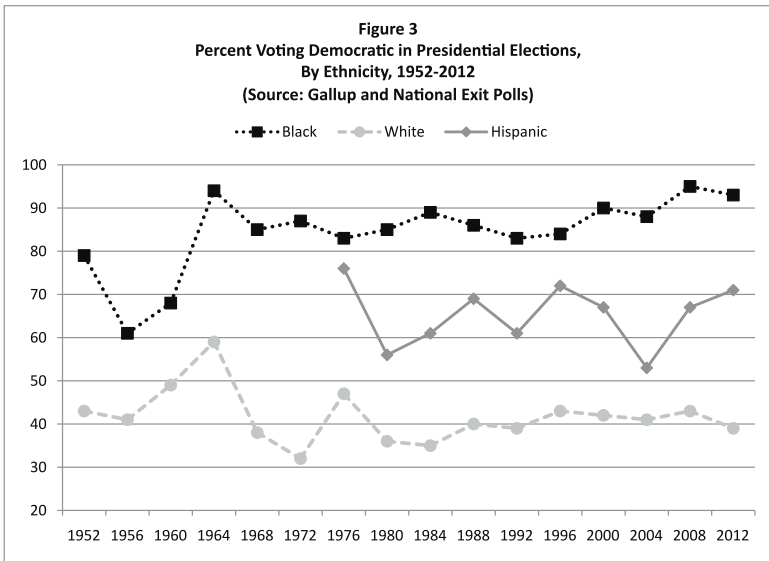
To understand the political changes of the last 50 years, it is important to emphasize that the 1960s and 1970s featured three movements that were entwined. In addition to the struggle to kill “Jim Crow” and obtain voting rights for blacks, there were vibrant movements in the Latino community as well as among women.¹⁵ There are numerous examples that illustrate this point. The “Mendez Case,” decided by the lower federal courts in 1946 and 1947, outlawed the practice in California of establishing separate schools

¹³Barbara Palmer and Dennis Simon, *Women and Congressional Elections: A Century of Change* (Boulder: Lynne Rienner, 2012).

¹⁴See, for example, James Sears, “Black Americans and the New Deal,” *The History Teacher* 10 (November 1976): 89-105 and Harvard Sitkoff, “Harry Truman and the Election of 1948: The Coming of Age of Civil Rights in American Politics,” *Journal of Southern History* 37 (November 1971): 597-616.

¹⁵Maurice Isserman and Michael Kazin, *America Divided: The Civil War of the 1960s*, 3rd Edition (New York: Oxford University Press, 2008), pp. 125-130.

for whites and “Mexicans.”¹⁶ The case foreshadowed the landmark 1954 Supreme Court ruling in *Brown v. Board of Education*. In 1975, the Voting Rights Act was renewed by the U.S. Congress and the coverage in the legislation was expanded to include the Hispanic community.¹⁷ During the debate over the Civil Rights Act in 1964, the U.S. House amended Title VII of the act, which covered discrimination in employment, to include women.¹⁸



It should come as little surprise that these and other events during the “movement era” influenced how African-Americans, Hispanics, and women vote in presidential elections. The evidence is presented in Figure 3 and Figure 4. Figure 3 compares the proportions of blacks, Hispanics, and whites voting Democrat in presidential elections. As with the time series on party identification, there is sharp increase among blacks voting Democratic. In 1956, 61% supported the

¹⁶*Mendez, et al v. Westminster School District, et al*, 161 F. 2d 774 (9th Circuit, 1947)

¹⁷<http://www.justice.gov/crt/about/vot/intro/intro.php> (accessed 10 January 2013)

¹⁸Steven M. Gillon, *That's Not What We Meant to Do: Reform and its Unintended Consequences in Twentieth-Century America* (New York: W.W.Norton, 2000), pp. 121-122.

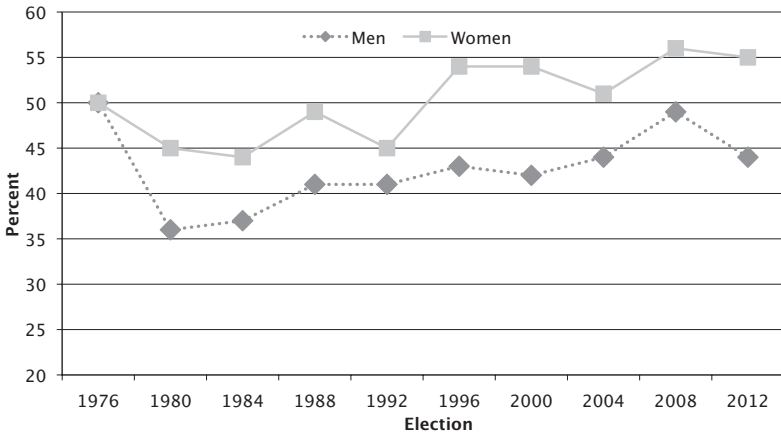
Democratic nominee, Adlai Stevenson; in 1960, John F. Kennedy won 68% of the black vote; this dramatically increased in 1964 when 94% of black voters supported Lyndon Johnson. A legacy of the Civil Rights Movement is that blacks have become the most reliable voting block for the Democratic Party. In the twelve presidential elections between 1968 and 2012, the proportion of blacks supporting the Democratic nominee averages 87%.

Figure 3 also shows that Hispanics have been a vital part of the Democrats' electoral coalition. While not a monolithic as the black vote, a majority of Hispanic voters have supported the nominee of the Democratic Party in every election since 1976.¹⁹ The average proportion of the Hispanic vote won by Democratic nominees since 1976 is 65%. This vote was at its lowest in 2004 when 53% of Hispanics supported Democrat John Kerry. It increased to 67% for President Obama in 2008 and again increased to 71% in 2012. Thus, Hispanics stand next to blacks as stalwarts in the Democratic coalition. In contrast, Figure 3 shows that the "white vote" is typically "up for grabs" in presidential contests with Republicans enjoying greater success. In fact, the landslide election of President Lyndon Johnson in 1964 is the last contest in which a Democratic nominee won a majority of the white vote.

Much as there is a racial and ethnic gap in presidential voting, there is also a gender gap. This is illustrated in Figure 4 which displays the proportion of men and women voting for the Democratic nominee in presidential elections since 1976. The gap first appeared in 1980 and has been present in every contest since then. In the election of 2012, the differential was eleven percentage points with women casting 55% of their votes for President Obama compared to 44% of men.

¹⁹Questions pertaining to Hispanic or Latino heritage were not included in the U.S. Census protocol until 1970 and national survey organizations did not begin reporting the "Hispanic vote" until the mid-1970s.

Figure 4
The Gender Gap in Presidential Voting:
Percent of Men and Women Voting Democratic, 1976–2012

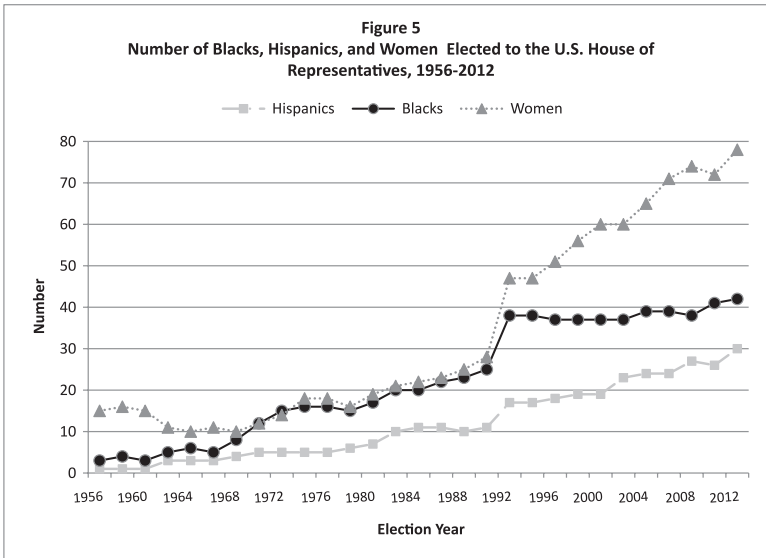


Together, Figures 2, 3 and 4 suggest that in the wake of the “movement era,” the voting loyalties of blacks, Hispanics and women moved toward the Democrats. We next ask whether these changes were accompanied by changes in representation. Did the movement politics of the 1960s and 1970s ultimately open the doors of the U.S. House of Representatives to blacks, Hispanics, and women? Figure 5 suggests the answer is yes.

Figure 5 displays the number of blacks, Hispanics, and women elected to the U.S. House of Representatives from 1956 to 2012. The pace of change here is best characterized as slow and steady. Fifteen women, three blacks, and one Hispanic were elected to the U.S. House in 1956.²⁰ The numbers rise slowly until the election of 1992. In its 1982 renewal of the Voting Rights Act, Congress mandated that minority voters be able to “elect representatives of their own

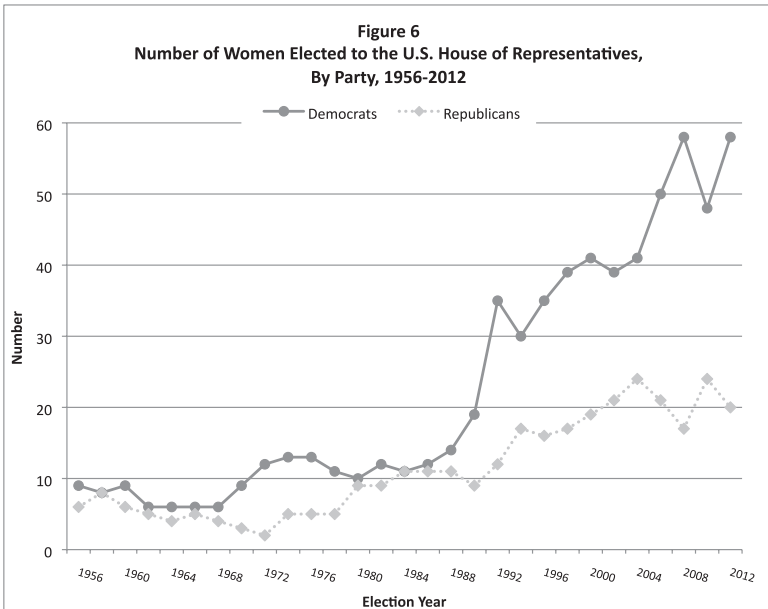
²⁰The women are profiled in Palmer and Simon, *Women and Congressional Elections*, pp. 1-19. The blacks were William Dawson (D, Ill), Charles Diggs (D, Mich), and Adam Clayton Powell (D, NY). The lone Hispanic was Democrat Joseph Montoya of New Mexico.

choice.”²¹ This led to the creation of numerous majority-minority districts, particularly in the south. The directive was implemented during the redistricting process that followed the 1990 Census. In the House elections of 1992, 38 blacks, 17 Hispanics, and 47 women – including 11 of color – were elected.



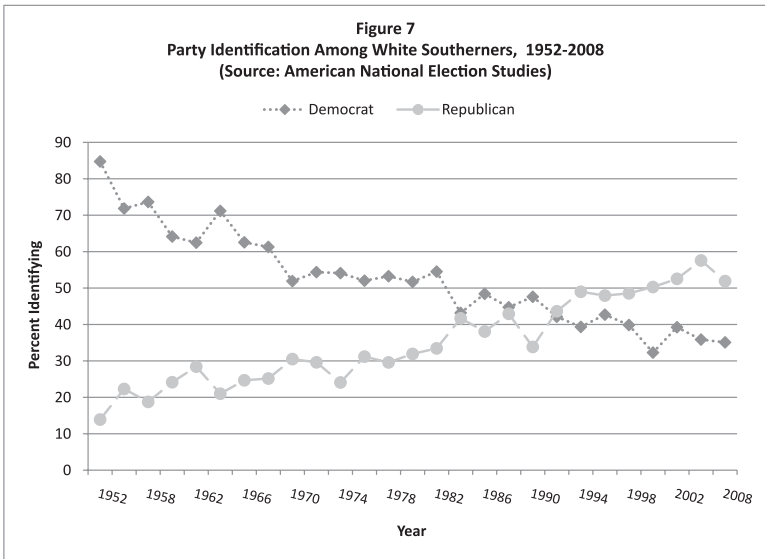
After 1992, the numbers continue to rise and reached historic high-points in 2012 when 42 blacks, 30 Hispanics, and 78 women – including 22 of color – were elected to the 113th Congress. The change in the “face” of the U.S. House of Representatives since 1956 has been substantial.

²¹David Canon, *Race, Redistricting, and Representation: The Unintended Consequences of Black Majority Districts*. (Chicago: University of Chicago Press, 1999).



The growth in electing blacks, Hispanics, and women has not been uniform across the political parties. There is a partisan component – blacks, Hispanics, and women are disproportionately elected as Democrats. This is illustrated in Figure 6 which displays the number of female Democrats and Republicans elected to the U.S. from 1956 to 2012. After a period of relative parity in the 1950s and 1960s, a small gap emerges in the 1970s but closes in the early 1980s. The gap reappears in 1990 and “explodes” thereafter. The disparity is largest for the most recent election. Of the 78 women elected to serve in the 113th Congress, 58 (74%) are Democrats.

There is a similar partisan dimension in the election of blacks and Hispanics to the U.S. House. From 1956 to 2012, 96% (97/101) of the African-Americans elected to the House were Democrats. Although not as dramatic, there are also partisan differences in the election of Hispanic members. Forty-two of the 53 Hispanics (79%) elected to the House since 1956 were Democrats.



Legacies: Transformation Of Southern Politics

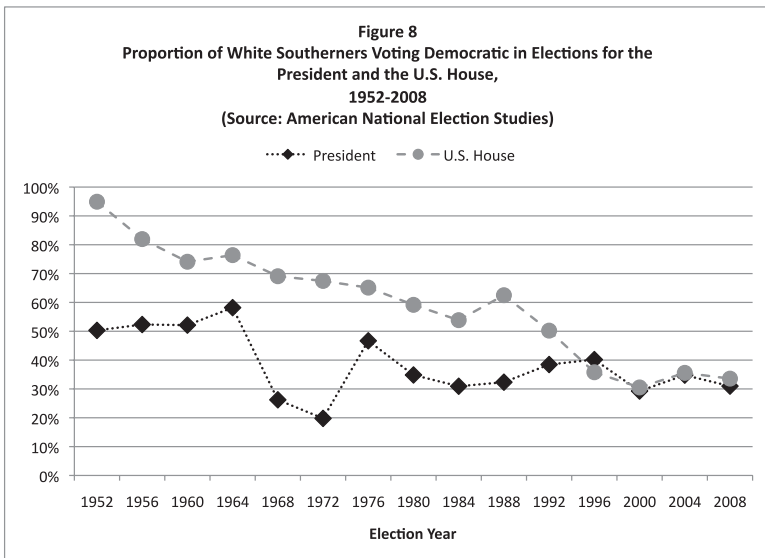
Clearly, one legacy of the “entwined” movements is that, over time, the Democratic Party has become the primary “political home” of blacks, Hispanics, and women. This is especially true with respect to those who run for and win elective office. At the same time, there has been a slow but dramatic transformation in the politics of the south. At the outset of our time frame, the “solid Democratic south” was a virtual one-party system, as described by V.O. Key in his classic study of the region.²² Today, the south is rapidly becoming the “center of gravity” for the Republican Party. The indicators of this change are many.

Figure 7 displays the proportions of white southerners who identify themselves as Democrats and Republicans. In 1952, Democrats enjoyed a 71-point advantage (85% v. 14%). During the years of “movement politics,” this advantage slowly eroded and

²²V.O. Key, Jr., *Southern Politics in State and Nation* (New York: Knopf, 1949).

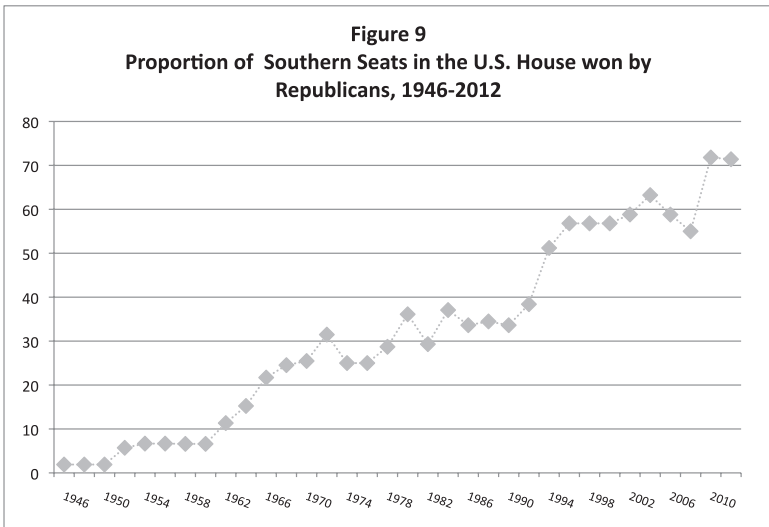
virtually disappeared during the Reagan era. Thereafter, the change continued and the advantage turned to the Republicans in 1994 by a margin of 49%-39%. The most recent data available comes from 2008 where Republicans enjoy a 17-point advantage, 52%-35%.

There is a similar change with respect to the voting behavior of white southerners. Figure 8 presents the proportion of white southerners voting Democratic in general election contests for the Presidency and the U.S. House of Representatives. Both series display a general pattern of decline over time. However, in every election until 1996, the Democratic vote for the U.S. House was greater than the vote for president. This indicates that many voters supported Eisenhower, Nixon, and Reagan for president while simultaneously voting for the Democrat in the congressional contest. This split-ticket voting disappears in 1996 and the elections thereafter. The pattern in Figure 8 is characteristic of “top down” change. Voter loyalties first shift at the presidential level and this is followed by subsequent shifts at other electoral levels.²³



²³The sequence typically runs from U.S. President to U.S. Senators and state Governor, then to the U.S. House, and finally to the state legislature. See David Lublin, *The Republican South* (Princeton University Press, 2004).

Figure 9 displays the impact of the change in how white southerners vote in elections for the U.S. House. The figure plots the proportion of southern seats in the U.S. House won by Republicans in all elections from 1946 through 2012. Here, we can see that the initial rise of the Southern Republicans is distinctly associated with the civil rights era. Fewer than 10% of the southern seats were won by Republicans prior to 1960. Republicans elected to the U.S. House increase throughout the 1960s, remain relatively stable during the 1970s and 1980s, and then increase again in the 1990s and beyond. The change is most dramatic. In 1946, two southern Republicans (1.9%) were elected to the U.S. House; in 2012, 97 won election. This represents 71% of all southern seats. When the 113th Congress recently convened, these 97 southerners constitute 42% of the Republican majority in the House of Representatives.



Conclusion

In my civil rights class, I liken the “entwined movements” of the 1960s and 1970s to the waves of an ocean. The waves rise, crest, and then wash over the landscape. Politically, as these waves hit, they eliminated “Jim Crow,” established a legal framework to fight numerous forms of discrimination, and removed the barriers necessary to open the electoral arena to participation and office-seeking by blacks, Hispanics, and women. In the coming months and years, it is important to remember that those events which we will commemorate transformed the American political landscape. The movements changed “southern justice,” changed the electoral politics of the south and, in so doing, changed American national politics and the two-party system.

THE CARY M. MAGUIRE CENTER FOR ETHICS & PUBLIC RESPONSIBILITY

The leaders of Southern Methodist University believe that a university does not fully discharge its responsibility to its students and to the community at large if it hands out knowledge (and the power which that knowledge eventually yields) without posing questions about its responsible uses. Through the Cary M. Maguire Center for Ethics & Public Responsibility, SMU strives to foster the moral education and public responsibilities of those whom it empowers by:

- Supporting faculty research, teaching, and writing in ethics that cross disciplinary, professional, racial/cultural, and gender lines;
- Strengthening the ethics component in SMU's undergraduate and professional curriculum; and
- Awarding grants to SMU students who wish to study issues in ethics or engage in community service.

SMU also believes that a university and the professions cannot ignore the urban habitat they helped to create and on which they depend. Thus, while not an advocacy group, the Maguire Ethics Center seeks to be integrally a part of the Metroplex, attending to the moral quandaries and controversies that beset our common life. To that end, the Center:

- Has created an Ethics Center Advisory Board of professional and community leaders;
- Organizes local seminars, colloquia, and workshops featuring SMU and visiting scholars; and
- Publishes occasional papers and books based on the Center's endeavors that will be of interest to both academics and the general public.

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