TN Department of Finance & Administration

TRANSMITTED VIA E-MAIL TO Ask.THC@tn.gov

August 14, 2020

E. Patrick McIntyre, Jr.
Executive Director and State Historic Preservation Officer
Tennessee Historical Commission
2941 Lebanon Pike
Nashville, TN 37214

Re: Petition for Waiver; Forrest, Farragut and Gleaves busts in the State Capitol

Dear Mr. McIntyre:

Enclosed herewith is the Petition for Waiver concerning the busts of Nathan Bedford Forrest, David Glasgow Farragut and Albert Gleaves, located on the second floor of the Tennessee State Capitol, filed on behalf of the State Capitol Commission. The Petition for Waiver is being filed pursuant to the Tennessee Heritage Protection Act of 2016, Tenn. Code Ann. § 4-1-412. We respectfully request that the initial hearing on this petition be scheduled during the Historical Commission's October 16, 2020 meeting.

All required materials are included; however, if additional information is needed or if you have questions, please contact Christy Allen, Counsel for the State Capitol Commission, 615-741-9466 or Christy.Allen@tn.gov.

Sincerely,

Butch Eley

Butch Eley
Chair, Capitol Commission

cc: Administrative Procedures Division, Office of the Secretary of State
Ann McGauran, State Architect

Attachments

TENNESSEE HISTORICAL COMMISSION
TENNESSEE HERITAGE PROTECTION ACT OF 2016
PETITION FOR WAIVER COVER SHEET

In accordance with T.C.A. § 4-1-412, an initial hearing before the Tennessee Historical Commission on a petition for waiver shall be scheduled at any regular Commission meeting no sooner than 60 calendar days after a petition is filed. Regular meetings of the Tennessee Historical Commission are normally held on the third Friday of February, June, and October. This cover sheet is designed to aid in the review of the petition for waiver. Refer to T.C.A. § 4-1-412 for procedural and term definitions.

Petition Date: August 14, 2020

Petitioning Entity: State Capitol Commission

Contact Name: Christy Allen, Counsel, State Capitol Commission

Address: Department of General Services, 312 Rosa L. Parks Ave., WRS Tennessee Tower, 22nd Floor, Nashville, TN 37243

Phone Number: 615-741-9466

Email Address: christy.allen@tn.gov

Memorial Owner/Managing Entity (if different): _____

Contact Name: _____

Address:

Phone Number: _____

Email Address: _____

Memorial Name or Description: Busts of Nathan Bedford Forrest, David Glasgow Farragut and Albert Gleaves

Memorial Type (check all that apply):

☐ Artwork	☐ Historic Display	☐ Plaque	☐ Statue
☐ Bridge	☐ Memorial	☐ Preserve	☐ Street
☐ Building	☐ Monument	☐ Real Property	
☑ Bust	☐ Nameplate	☐ Reserve	
☐ Flag	☐ Park	☐ School	

Memorial Subject Category (check all that apply):

- ☐ Historic Conflict
- ☑ Historic Figure
- ☐ Historic Entity
- ☐ Historic Organization
- ☐ Historic Event

Memorial Subject Description:

Each memorial is a bust

Memorial Location Description:

Alcoves in the common area of the 2nd floor of the State Capitol

Memorial GPS Coordinates: State Capitol 36.1658 N, 86.7842 W

Memorial Location City: Nashville

Memorial Location County: Davidson

Waiver Type:

- ☐ Alteration
- ☐ Removal
- ☐ Rededication
- ☐ Renaming
- ☑ Relocation
- ☐ Other Disturbance or Alteration

Waiver Type Description:

This request is to relocate all three busts to the Tennessee State Museum to be made part of an exhibit to be established honoring Tennessee's military heroes.

Basis Upon Which Waiver is Sought:

Please see attached Petition for Waiver and Attachments

Required Attachments:

- ☑ Proof that the memorial is or is located on public property
- ☑ Proof that the petitioning entity is a public entity exercising control of the memorial
- ☑ Detailed statement of the request and the basis upon which the waiver is sought
- ☑ Report(s) showing that there is a material or substantial need for a waiver based on historical or other compelling public interest
- ☑ Excel spreadsheet listing the names and addresses of any private entities, groups, or individuals, including, but not limited to, descendants, that may have an interest in receiving notice of the petition
- ☑ Copy of published notice of the petition for waiver stating the basis on which the waiver is sought and that a copy of the petition and all supporting reports will be provided to any interested party at no cost upon written request submitted to the petitioning entity on the website of the petitioning entity
- ☑ Copy of published notice of the petition for waiver stating the basis on which the waiver is sought and that a copy of the petition and all supporting reports will be provided to any interested party at no cost upon written request submitted to the petitioning entity in at least one newspaper of general circulation serving the area of the memorial
- ☑ Copy of published notice of the petition for waiver stating the basis on which the waiver is sought and that a copy of the petition and all supporting reports will be provided to any interested party at no cost upon written request submitted to the petitioning entity in at least one newspaper of general circulation serving Davidson County
- ☑ Photograph(s) of the memorial

Deliver completed cover sheet and attachments to:

E. Patrick McIntyre, Jr.
Executive Director and State Historic Preservation Officer
Tennessee Historical Commission
2941 Lebanon Pike
Nashville, TN 37214
Patrick.McIntyre@tn.gov
615-770-1550

State Capitol Commission

Petition for Waiver

The Memorials are

Located on Public Property

CERTIFIED COPY

BOOK 6 PAGE 622

STATE OF TENNESSEE

TO

MAYOR

DEED

THIS INDENTURE MADE THIS 11TH DAY OF DEC. A.D. 1843, BETWEEN MAYOR & ALDERMAN OF THE TOWN OF NASHVILLE OF THE ONE PART & THE STATE OF TENNESSEE OF THE OTHER PART;

WITNESSETH THAT WHEREAS THE SAID MAYOR & ALDERMAN OF THE NASHVILLE LENDED TO THE STATE OF TENN A SITE OR SITUATION FOR THE PURPOSE OF ERECTING A STATE HOUSE & OTHER BUILDINGS THEREON IN THE GRANT THE LEGISLATION OF SAID STATE SHOULD PERSONALLY ESTABLISH THE SEAT OF GOVERNMENT AT NASHVILLE & SAID LEGISLATURE HAVING PERMANENTLY FIXED THE SEAT OF GOVERNMENT AT NASHVILLE AND HAVING SELECTED THE FOLLOWING DESCRIBED PREMISES AS THE SITE OF THE CAPITAL OF THE STATE OF TENN , THEREFORE IN CONSIDERATION THEREOF THE SAID MAYOR & ALDERMAN OF THE TOWN OF NASHVILLE HATH GIVEN GRANTED BARGAINED SOLD ALIENED CONVEYED & CONFIRMED & BY THESE PRESENTS DOTH GIVE GRANT BARGAIN SELL ALIEN CONVEY & CONFIRM UNTO THE STATE OF TENNESSEE A CERTAIN TRACT PIECE OR PARCEL OF LAND SITUATE LYING & BEING IN THE TOWN OF NASHVILLE COUNTY OF DAVIDSON STATE OF TENN.

BEING LOTS NOS. 108,109, 120,& 121 AS LAID OFF IN THE ORIGINAL PLAN OF THE TOWN OF NASHVILLE BOUNDED ON THE NORTH BY AN ALLEY ON THE EAST BY HIGH STREET ON THE SOUTH BY CEDAR STREET ON THE WEST BY VINE STREET, BEING THE PREMISES PURCHASED BY SAID MAYOR AND ALDERMAN OF GEO W. CAMPBELL & BY HIM CONVEYED TO SAID MAYOR & ALDERMAN BY DEED OF THIS DATE WHICH PREMISES ARE SURROUNDED AT PRESENT ON ALL SIDES BY A STONE WALL CONTAINING BY ESTIMATION 4 ACRES MORE OR LESS .

TO HAVE AND TO HOLD THE AFORESAID LAND WITH ALL AND SINGULAR THE RIGHTS PROFITS ENROLUMENTS HEREDITAMANTS & APPURTENANCES THEREIN & TO THE SAME BELONGING OR IN ANY WAY APPERTAINING TO THE ONLY PROPER USE BENEFIT & BEHALF OF THE STATE OF TENNESSEE FOR THE PURPOSES HERETOFORE DESCRIBED FOREVER. AND THE SAID MAYOR OF & ALDERMAN OF THE TOWN OF NASHVILLE COVENANT & AGREED TO & WITH THE STATE OF TENN. THAT THE BEFORE RECITED LAND AND BARGAINED PREMISES THEY WILL WARRANT AND FOREVER DEFEND AGAINST THE RIGHT TITLE INTEREST OF CLAIM OF ALL & EVERY PERSON OR PERSONS, WHOM SOEVER

CERTIFIED COPY PAGE 2.

IN WITNESS WHEREOF THE SAID MAYOR & ALDERMAN OF THE TOWN OF NASHVILLE HAVE DIRECTED THESE PRESENTS TO BE SIGN BY POWHATTAN W, MAXEY THE MAYOR OF SAID TOWN AND HAVE CAUSED THE COMMON SEAL TO BE AFFIXED THE DAY AND DATE ABOVE WRITTEN.

POWHATTAN W. MAXEY
MAYOR

(L.S)

STATE OF TENNESSEE.

DAVIDSON COUNTY,

PERSONALLY APPEARED BEFORE ME ROBERT B.CASTLEMAN CLERK OF THE COUNTY COURT OF SAID COUNTY THE ABOVE NAMED POWHATTAN W. MAXEY MAYOR & THE BARGAINOR WITH WHOM I AM PERSONALLY ACQUAINTED & WHO ACKNOWLEDGED THAT HE EXECUTED THE ABOVE DEED FOR THE PURPOSES THEREIN CONTAINED.

TAX PAID.

WITNESS MY HAND AT OFFICE THIS 18TH DAY OF DECEMBER 1843,

RECD FEBY 15TH, 1844 7 58/00 O'CLOCK A.M. • ROBERT B.CASTLEMAN

I, W. T. Jones, Register for Davidson County, hereby certify that the foregoing is a true and correct copy of the DEED *from* STATE OF TENNESSEE *to* MAYOR &C *as same appears of record in my office in book No.* 6, *page* 622, *witness my official signature at office this* 11TH *day of* OCTOBER, 1944

(SEAL) W.T.JONES
Register of Davidson County

By H H Smith
Deputy Register

Lots 105, 104, 120 + 121

CERTIFIED COPY

BOOK 6 PAGE 622

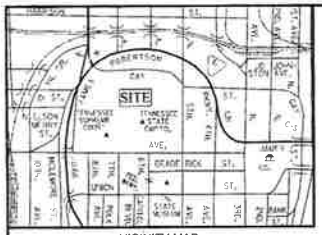
STATE OF TENNESSEE

OF

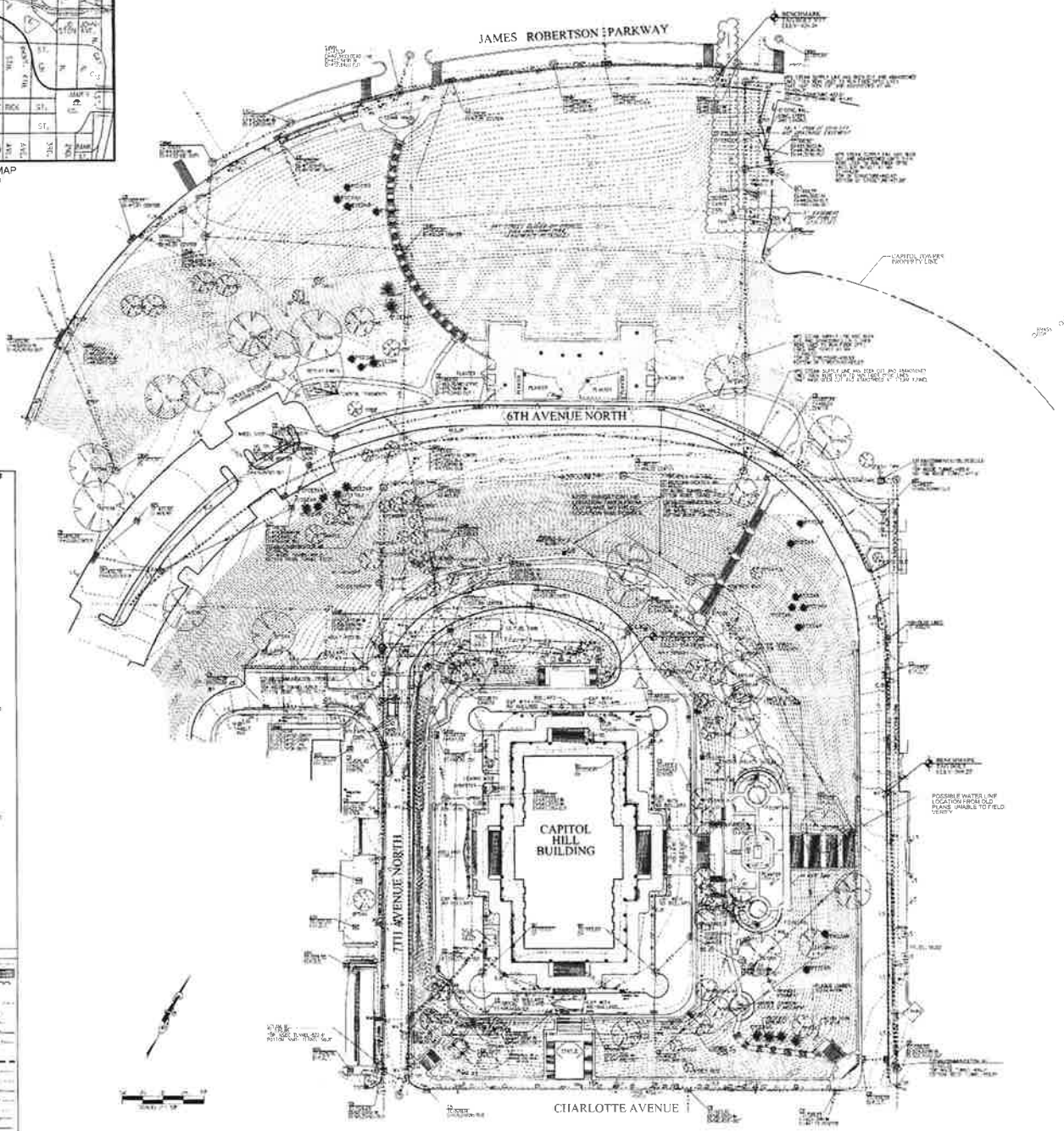
MAYOR & C

REGISTER'S OFFICE
STATE OF TENNESSEE
DAVIDSON COUNTY
Received for record 12 day
of OCT A.D. 1954
at 1:27 o'clock P M.
Noted in Book 53 Page 73
Recorded in Book ..... Page .....
Recording Fee ..... $ 1.75
W. I. JONES, Register
By [signature] Dpt. Reg.

RECEIVED AND RECORDED IN THE OFFICE OF
THE SECRETARY OF STATE
Dec. 11, 1957
IN DEED BOOK VOL. 4 PAGE 31
[signature]
SECRETARY OF STATE



VICINITY MAP
(N.T.S.)



NOTES

1. THIS SURVEY MEETS THE REQUIREMENTS OF AN URBAN LAND SURVEY (CATEGORY 1) WITH A RATIO OF PRECISION OF THE UNADJUSTED SURVEY GREATER THAN 1:10,000 AS PER STANDARDS OF PRACTICE ADOPTED BY THE BOARD OF EXAMINERS FOR LAND SURVEYORS, STATE OF TENNESSEE.

2. NORTH IS BASED ON THE TENNESSEE COORDINATE SYSTEM OF 1983 (NAD-1983), ELEVATIONS ARE BASE ON NAVD-1988, USING GEOID 2003 FOR ORTHOMETRIC HEIGHT DETERMINATION.

3. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM FIELD LOCATED VISIBLE APPURTENANCES, AS-BUILT MAPS AS MAY BE AVAILABLE FROM RESPONSIBLE UTILITY COMPANIES, AND OTHER ORIGINATORS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. PRIOR TO EXCAVATION, THE EXACT LOCATION OF BURIED UTILITIES SHALL BE DETERMINED WITH THE APPROPRIATE UTILITY COMPANIES. IT IS THE RESPONSIBILITY OF EACH EXCAVATOR TO COMPLY WITH THE PROVISIONS OF THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, FOR ANYONE WHO ENGAGES IN EXCAVATION TO NOTIFY ALL KNOWN UTILITY OWNERS, NO LESS THAN THREE (3) OR MORE THAN TEN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE. CALL TENNESSEE ONE CALL AT 1-800-351-1111. UTILITY POSITIONS ARE ESTIMATIONS AND BASED ON CURRENT FIELD RUN SURVEYS USING TRIMBLE R10 RTK GNSS ANTENNAS AND RECEIVERS AND TRIMBLE S9 RTK TOTAL STATIONS. UTILITY TRACINGS WERE PERFORMED WITH RADIO SIGNAL FROM SPAN LOCATOR.

SURVEY QUALITY LEVELS USED ARE AS FOLLOWS:

LEVEL A - SURVEYED LOCATIONS ARE HORIZONTAL AND VERTICAL LOCATIONS OBTAINED ON ACCESSIBLE POINTS ON THE UTILITY OR STRUCTURE. SURVEYED POSITIONS ARE PLUS/MINUS 15 MM.

LEVEL B - LOCATIONS ARE OBTAINED BY SURVEYING POSITIONS AND DEPTHS INDICATED BY SURFACE TRACING. TRACINGS ARE TYPICALLY PLUS/MINUS 2 FEET.

LEVEL C - LOCATIONS ARE OBTAINED FROM SURVEYED LOCATIONS OF VISIBLE VALVES, METERS AND STRUCTURES SUPPLEMENTED BY RECORD MAPS, EXISTING RECORDS, ORAL RECOLLECTIONS, AND PROFESSIONAL JUDGEMENT.

LEVEL D - LOCATIONS ARE OBTAINED FROM EXISTING RECORDS AND ORAL RECOLLECTIONS.

THIS INFORMATION DOES NOT WAIVE THE RESPONSIBILITY OF THE USER TO CALL TENNESSEE ONE CALL SYSTEM INC. AT 1-800-351-1111, PRIOR TO ANY EXCAVATION WORK IN ACCORDANCE WITH THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT.

4. CONTOUR INTERVAL ONE FOOT. CONTOURS WERE INTERPOLATED FROM RANDOM SPOTS TAKEN ON A 50 FOOT INTERVAL.

DEED REFFERENCE

BEING PROPERTY CONVEYED TO STATE OF TENNESSEE BY DEED OF RECORD IN BOOK 6, PAGE 892, R.O.D.C.

PROPERTY MAP REFERENCE

BEING PARCEL 71.00 AS SHOWN ON DAVIDSON COUNTY PROPERTY MAP NO. 93.01

SURVEYOR'S CERTIFICATE

I (WE) HEREBY CERTIFY THAT THIS SURVEY MEETS THE REQUIREMENTS OF AN URBAN LAND SURVEY (CATEGORY I) WITH A RATIO OF PRECISION OF THE UNADJUSTED SURVEY GREATER THAN 1:10,000 AS PER STANDARDS OF PRACTICE ADOPTED BY THE BOARD OF EXAMINERS FOR LAND SURVEYORS, STATE OF TENNESSEE.

BARGE, WAGGONER, SUMNER AND CANNON, INC.

BY: _____ REGISTRATION NO. _____

DATE _____

BWSC | BARGE WAGGONER SUMNER & CANNON, INC.

TENNESSEE STATE CAPITOL

TOPOGRAPHIC SURVEY

500 CHARLOTTE AVENUE

NASHVILLE, DAVIDSON COUNTY, TENNESSEE

METRO COUNCIL DISTRICT

NUMBER 19 - THOMAS COUNTY, TENNESSEE

FILE NO. W93.06

State Capitol Commission

Petition for Waiver

The State Capitol Commission is a Public Entity Exercising Control of the Memorials

West's Tennessee Code Annotated
Title 4. State Government
Chapter 8. State Capitol and Annexes
Part 3. State Capitol Commission

T. C. A. § 4-8-301

§ 4-8-301. Creation

Effective: July 15, 2020
Currentness

(a)(1) There is hereby created the state capitol commission, which shall be composed of seven (7) ex officio members, as follows: the commissioner of general services, the comptroller of the treasury, the secretary of state, the state treasurer, the commissioner of finance and administration, the commissioner of environment and conservation, and the chair of the Tennessee historical commission, or their respective designees. In addition, the membership shall include two (2) legislative members as follows: one (1) member appointed by the speaker of the senate and one (1) member appointed by the speaker of the house of representatives.

(2) The commission membership shall also include three (3) private citizens appointed by the governor to staggered terms of three (3) years.

(A) In appointing private citizens to serve on the state capitol commission, the governor shall strive to ensure that at least one (1) such citizen serving on the commission is sixty (60) years of age or older and that at least one (1) such citizen serving on the commission is a member of a racial minority.

(B) At least one (1) of the private citizens appointed by the governor shall be a black person.

(C)(i) In appointing private citizens to serve on the state capitol commission, the governor shall appoint one (1) person from each of the three (3) grand divisions of the state.

(ii) The private citizen members serving on the commission on March 20, 2012, shall continue to serve until they either vacate their positions or their terms of office expire, whichever occurs first, whereupon the governor shall appoint persons to fill the positions in accordance with subdivision (a)(2)(C)(i).

(3)(A) The commission membership shall also include one (1) private citizen member to be appointed by the speaker of the senate and one (1) private citizen member to be appointed by the speaker of the house of representatives.

(B) The members appointed under subdivision (a)(3)(A) shall serve terms of three (3) years, with such terms to begin on July 1 and expire on June 30, every three (3) years thereafter.

(b) The governor shall appoint a chair from among the full membership of the commission.

(c) All members shall serve without compensation, but shall be eligible for reimbursement for travel expenses in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

Credits

1986 Pub.Acts, c. 838, § 1; 1988 Pub.Acts, c. 1013, § 1; 1998 Pub.Acts, c. 688, § 2, eff. April 1, 1998; 2012 Pub.Acts, c. 586, § 3, eff. March 20, 2012; 2020 Pub.Acts, c. 768, § 3, eff. July 15, 2020.

Editors' Notes

TERMINATION OF GOVERNMENTAL ENTITY

<The state capitol commission, created by this section, is set to terminate June 30, 2026, by § 4-29-247.>

T. C. A. § 4-8-301, TN ST § 4-8-301

Current with laws from the 2020 First Reg. Sess. of the 111th Tennessee General Assembly, eff. through August 1, 2020. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

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West's Tennessee Code Annotated
Title 4. State Government
Chapter 8. State Capitol and Annexes
Part 3. State Capitol Commission

T. C. A. § 4-8-302

§ 4-8-302. Duties

Currentness

(a) The state capitol commission has the following power and duty to:

(1) Formulate and develop a plenary master plan and program for the adaptive restoration and preservation of the state capitol, including the building and contiguous grounds;

(2) Consistent with the master plan required in subdivision (a)(1), to establish policy controlling the furnishings, including, but not limited to, wall, floor and window coverings of the state capitol;

(3) Establish policy governing maintenance of the state capitol;

(4) Establish policy governing the use of the state capitol for any nongovernmental activities; and

(5) Establish a policy relative to historical commemorative additions and improvements on the Bicentennial Mall, such as statues and monuments, and to approve such historical commemorative additions and improvements as may come with such policy; provided, that all other aspects of the administration of the Bicentennial Mall shall remain within the control and jurisdiction of the department of environment and conservation.

(b) All actions of the commission pursuant to subsection (a) shall be subject to the concurrence of the state building commission.

Credits

1986 Pub.Acts, c. 838, § 2; 1998 Pub.Acts, c. 688, § 1, eff. April 1, 1998.

Notes of Decisions (1)

T. C. A. § 4-8-302, TN ST § 4-8-302

Current with laws from the 2020 First Reg. Sess. of the 111th Tennessee General Assembly, eff. through August 1, 2020. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

End of Document

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State Capitol Commission

Petition for Waiver

Statement of the Request and

Basis Upon Which the Waiver is Sought;

Report Establishing a Material or Substantial Need Based on Compelling Public Interest

Before the Tennessee Historical Commission

PETITION FOR WAIVER AND SUPPORTING REPORT

This Petition for Waiver is submitted pursuant to the Tennessee Heritage Protection Act of 2016, Section 4-1-412. In accordance with Tennessee Code Annotated, Section 4-1-412(c), the State Capitol Commission ("Commission") seeks to relocate the busts of Nathan Bedford Forrest, David Glasgow Farragut and Albert Gleaves from their current locations in alcoves on the second floor of the Tennessee State Capitol to the Tennessee State Museum, to be made part of an exhibit to be established honoring Tennessee's military heroes.

The bust of Nathan Bedford Forrest ("Forrest bust") was placed in the Capitol in 1978. In 1973, then-Senator Douglas Henry sponsored Senate Joint Resolution 54, which directed the procurement of the bust for display "in an appropriate niche on the second floor of the Capitol." The Resolution was adopted on May 4, 1973. No state funds were appropriated for the purpose of the Resolution; instead, the Joseph E. Johnston Camp No. 28 of the Sons of Confederate Veterans raised funds through the sales of a portrait of Forrest. The bust was installed in 1978.

To the best of the Commission's knowledge, the bust of David Glasgow Farragut ("Farragut bust") was placed in the Capitol in 1946, and the bust of Albert Gleaves ("Gleaves bust") was placed in the Capitol in or around 1939. It is the Commission's understanding from historical research that in 1944, the Tennessee Historical Commission announced plans to create a gallery of Tennessee naval heroes in the Capitol. Statues in this collection were to be housed in the gallery between the House and Senate chambers. This gallery was to include, among others, World War I hero Albert Gleaves, former U.S. Navy Adm. David Farragut and Mathew Maury, a Tennessean known as the "Pathfinder of the Seas" because of his achievements in meteorology and oceanography. Gleaves' statue, created in 1939, was the first to be installed. At the state's sesquicentennial celebration in 1946, the statues of Farragut and Maury were unveiled. Ultimately, the idea of a "Harbor of Tennessee Heroes" did not materialize.

The Commission has considered the Forrest bust on several occasions over the last few years, particularly during periods of national discussion about statues and memorials honoring Confederate figures. After receiving written comments from numerous interested parties, and after conducting at least two meetings at which it received testimony from interested parties, the Commission deliberated on the Forrest bust and on July 9, 2020 voted to petition the Tennessee Historical Commission for a waiver of the provisions of the Heritage Protection Act to allow the Forrest bust to be relocated to the Tennessee State Museum (draft meeting minutes attached hereto). In its consideration of the Forrest bust, the Commission also considered other military figures commemorated by busts in the State Capitol - David Glasgow Farragut and Albert Gleaves - and determined that the petition for waiver should also include the relocation of the Farragut bust and the Gleaves bust to the Tennessee State Museum. The Commission expressed its intent that all three busts would be made part of an exhibit to be established honoring Tennessee's military heroes.

Part of the basis for seeking this waiver was articulated by Governor Lee in his July remarks on this subject, which were incorporated in support of the motion passed by the Commission. Toward this end, Governor Lee's press statement of July 8, 2020 is attached hereto. In summary, Governor Lee stated that the placement of the Forrest bust in the Capitol did not provide the best opportunity for the full and complex history of Forrest to be told. Governor Lee stated, "I believe [Forrest's] contribution to what life in the 19th century looked like in Tennessee is important and it deserves to be displayed, written about and discussed . . . [and that] the most appropriate way to give full context to this complicated life is to put the bust in the state museum where the very purpose is to see and understand our history in full." In his statement, Governor Lee also referenced the Forrest bust's connection to the Farragut bust (located in an alcove directly across the hall from the Forrest bust) and stated, "In tandem, these two men represent the push and pull of our state's history and the conflict that forged so much of our identity and our role in striving for a 'more perfect Union.'" Governor Lee followed these statements by appearing personally before the Commission on July 9, 2020, and, referencing his remarks of the previous day, expressed his belief that moving the bust to the State Museum was the right path for Tennessee based on his desire to do the right thing for every single Tennessean and provide historical context concerning these historical figures.

Many of the Commission members spoke specifically of Forrest and acknowledged the tension created between history, in recognition of Forrest's impact on and contributions to military history, and the negative symbolism the presence of the Forrest bust represents to many people today. The Commission acknowledged the importance of learning history and stated that relocating the Forrest bust to the Museum would provide the historical and educational context necessary to hear the full story of Forrest. The same can be said of Farragut and Gleaves; one Commission member reasoned that the Museum knows how to present their histories, which cannot be adequately represented on the second floor of the Capitol.

The Commission considered the comments of all who submitted written comments and who appeared personally before the Commission. The Commission determined that the historical or other compelling public interest supporting the material and substantial need for this waiver is the need to give full context to the complicated life and legacy of Nathan Bedford Forrest by moving his bust from the second floor of the Capitol to the Tennessee State Museum, where the purpose is to see and understand Tennessee's history in full. The Commission further determined that Farragut and Gleaves should be relocated to the Tennessee State Museum. Similar to the discussion around the Forrest bust, the Commission determined that there was a material and substantial need for a waiver to relocate the Farragut and Gleaves busts based on the historical or other compelling interest that their historical significance will be more fully recognized or appreciated in the Museum than in the busts' current locations in the Capitol.

In short, the Commission determined that the proper locale to best exhibit the lives, military achievements and contributions to the State of Tennessee of these three men is the Tennessee State Museum. In further support of this direction, Ashley Howell, Executive Director of the Tennessee State Museum, stated on the record at the July 9, 2020 Commission meeting that she did not see any issues in

accepting all three busts. She further stated that the busts are within the Museum's collection, so the Commission's action in voting to file this petition amounts merely to a relocation of the busts.

In summary, this Petition for Waiver respectfully requests that the Historical Commission honor the decision of the Capitol Commission and determine that there is a material or substantial need for a waiver to allow the relocation of the Forrest, Farragut and Gleaves busts to the Tennessee State Museum based upon the compelling public interest that the historical significance and context of these figures will be better conveyed and appreciated in the Museum context, as discussed in this Petition for Waiver and supporting report.

State Capitol Commission

Petition for Waiver

Remarks of Governor Lee

FIND COVID-19 INFORMATION AND RESOURCES

COMMITMENT TO ACCESSIBILITY

Governor Bill Lee Addresses the Nathan Bedford Forrest Bust

Wednesday, July 08, 2020 | 73 °Clear

Remarks as prepared for delivery 7/8/20

"The State Capitol Commission will meet tomorrow to take up the issue of the Nathan Bedford Forrest bust and its future in our statehouse. Tomorrow's commission meeting has been more than a year in the making as appointments have been made to the Capitol Commission and options for the bust have been evaluated with respect to those who want to see it remain in the statehouse and those who want to see it moved to an alternate location.

The Nathan Bedford Forrest bust has spurred a heated debate that began long before all the national ruckus on monuments that we are seeing play out today. Since taking office in 2019, thousands of Tennesseans have reached out to me to express passionate views and I know many reached out to governors before me.

This issue of the Forrest bust that's been going on for the last 40 years is very different from the destructive tide that has swept the nation in recent weeks that has been about defacing property and denying history. It's mob rule that's been confused for activism, yet it represents the worst possible way to address questions of history, symbolism and context.

The State Capitol Commission process is the opposite of what we are seeing play out nationally. It's a process designed by the Tennessee General Assembly with representative citizen appointees who use a framework to determine the historical figures whom we revere in the halls of our statehouse. I have great respect for this process and the task the members face on the complex question of Nathan Bedford Forrest.

A Confederate General from Memphis, Nathan Bedford Forrest is a renowned military tactician and the bust sits opposite a fellow Tennessean, Union Admiral, and esteemed military leader, David Glasgow Farragut. In tandem, these two men represent the push and pull of our state's history and the conflict that forged so much of our identity and our role in striving for a "more perfect Union".

Nathan Bedford Forrest is as much a part of our past as David Farragut, the first leader of the United States Navy.

However, Forrest represents pain, suffering and brutal crimes committed against African Americans and that pain is very real for many of our fellow Tennesseans as they walk the halls of our statehouse and evaluate how he could be one of the just 9 busts elevated to a place of honor and reverence.

Symbols matter - proclamations and statues are not just snapshots of our history, they are a window into what we value. While the Nathan Bedford Forrest bust creates a clear tension between heritage and symbolism, we would be wise to not make this a referendum on his place in history.

The Nathan Bedford Forrest bust is not just another confederate symbol. There is a reason that this particular bust has, for 40 years, stood above others as controversial. It is because this individual, during a season of his life, significantly contributed to one of the most regretful and painful chapters in our nation's history.

I am asking the Capitol Commission to consider whether the current placement of the Nathan Bedford Forrest bust allows for his full story to be

I am asking the Capitol Commission to consider whether the current placement of the Nathan Bedford Forrest bust allows for his full story to be told and his contribution to our history to be understood. As guardians of history, we can't underestimate that history without understanding is quickly forgotten.

Many have argued that despite Nathan Bedford Forrest's disturbing track record, he died a reconciled man who recognized the evil he had perpetrated and turned from his ways.

At a minimum, there should be context around Forrest to acknowledge the complexity of his legacy in Tennessee. I believe his contribution to what life in the 19th century looked like in Tennessee is important and it deserves to be displayed, written about and discussed in the most appropriate location which is the Tennessee State Museum.

While the Capitol Commission's vote acknowledges the vast public interest in the Forrest bust, what I am proposing simply determines the location for the bust: whether it is to remain in the Capitol or be moved to the state museum for display.

I've continuously said that we should learn from our history, rather than whitewash it. More recently, I've said that the most appropriate resolution for the Forrest bust is to put it in the appropriate context. I am as committed to those beliefs today as I have ever been.

What I would add now is that the most appropriate way to give full context to this complicated life is to put the bust in the state museum where the very purpose is to see and understand our history in full.

And these are my thoughts on what the Capitol Commission should do: that we put the bust of Nathan Bedford Forrest in the Tennessee State Museum where it can be part of an exhibit that can be studied, learned from, and seen in full context."

State Capitol Commission

Petition for Waiver

Draft Minutes of the

July 9, 2020 Meeting

of the

State Capitol Commission

MINUTES

STATE CAPITOL COMMISSION

July 9, 2020

1. Introductions / Roll Call

Chairman Butch Eley called the meeting to order at 9:05 a.m.

State Architect Ann McGauran called the roll and a quorum was established with the following members in attendance:

- Commissioner Butch Eley, Chairman
- Commissioner Christi Branscom
- Commissioner David Salyers
- Secretary of State Tre Hargett
- Treasurer David Lillard
- Comptroller Justin Wilson
- Senator Jack Johnson
- Representative Matthew Hill, via telephone
- Howard Gentry
- Hallerin Hill
- Dr. Logan Hampton

One position on the Commission was vacant
TN Historical Commission, Chairman

2. Approval of Minutes

A motion to approve the Minutes from the February 20, 2020 meeting was made and seconded. At a roll call vote ten members of the Commission voted aye, one member abstained from voting and the motion passed 10-0-1.

3. Old Business

Commissioner Eley stated that he will be introducing the Governor then the State Legislators followed by the general public. After the comments he will make a motion and begin discussion with the members of the Commission.

A. Consideration of Nathan Bedford Forrest Bust

Commissioner Eley introduced Governor Bill Lee.

- Governor Lee thanked the Commission for the important role they play, understanding the difficulty of the role. Decisions that are important are often times difficult. We find ourselves in positions in our life that allow us, require us, to make those very difficult decisions that have great implications for people's lives. That's not only a situation we find ourselves in, it is an opportunity we find ourselves in. The Governor shared that we have an opportunity to make decisions here today that will impact not only people's lives but our State. It's a great responsibility and he thanked each one on the Commission for doing the due diligence and wrestling through the process and not lightly coming to decisions. Governor Lee stated that he appreciates, very much, the position they have allowed themselves to be put in, like we all do. It's an opportunity to be leaders, to be given the

chance to have an impact. Personally, Governor Lee has made decisions in his life, particularly in the last year and a half in the role he has been in as Governor that he believes has been in the best interest of every person in the State of Tennessee. That is how he has approached this subject, along with a great deal of prayer, with the desire to have wisdom and discernment as required for the most important of decisions. Scripture says we should admonish one another and do all we can to live peacefully, with the bond of peace, and to live together in unity. Governor Lee stated that he thinks our nation is on a path, as it has been since its beginning, to become a more perfect union. It is a flawed union and has been from the beginning as the people in it have been flawed from the beginning, but it is on a path to becoming a more perfect union. We are on a path of continuously striving to be a nation that lives more in unity with a bond of peace. That's how the Governor has approached this, he has made his recommendations clear in press releases, and he believes that is the right path for our state based on the desire that he has to do the right thing for every single Tennessean. Governor Lee appreciates the Commission's interest in doing the exact same thing. Regardless of the Commission's decision and the way they move on this today he is deeply grateful for every single Commission member and their consideration of this important decision.

- Commissioner Eley thanked the Governor for his comments and his leadership.
- Senator Brenda Gilmore, District #19, thanked the Commission for giving her the opportunity to speak; thanked Governor Lee for taking a just and compassionate stand and asking the Commission to remove the bust and place it in the museum; and thanked the protesters for making a great sacrifice for over 26 days. Senator Gilmore pleaded with the Commission to make today a moment in Tennessee history where they stood together for racial reconciliation. Let this be the first and an important step in a long line of actions we take in Tennessee to heal the divisions that have long separated black and white people in this state and county. She asked, as a colleague of the Tennessee General Assembly, to the constitutional officers, business men and women, and educators - on behalf of all the black citizens who have built their homes and families in Tennessee, to please vote in favor of removing the bust of Nathan Bedford Forrest from our State Capitol building. Senator Gilmore stated that when memorials are installed in our public spaces, which are made possible and maintained by the taxpayers - black, white and brown, those monuments should reflect the values that unite everyone and the moral principles that guide our families, our society and our state today. Confederate General and Ku Klux Klan grand wizard Nathan Bedford Forrest does not represent the values of Tennessee. Forrest made his personal fortune by enslaving, torturing and selling black people. A disgraceful traitor, he waged war against the United States of America to preserve white supremacy and slavery. When the confederacy was defeated and slavery abolished, he led campaigns to further terrorize, murder and suppress the lives and liberties of freed black people. Above all else, the legacy of Nathan Bedford Forrest represents an allegiance to white supremacy in every form. You know his history. Senator Gilmore stated that she didn't have to retell the story of how he was the founder of the Ku Klux Klan and the reign of terror on black people by the Klan during reconstruction. When school children visit the Capitol's second floor today and see the large, metallic Forrest bust enshrined in a beautiful, limestone alcove above his head, what lessons do they learn? Even a young child understands the Capitol is a special building and that the deliberate placement of this bust is an obvious position of honor. Children and adults alike must literally look up to Forrest who is perched on a pedestal as if he should be admired without criticism. This symbolism is not lost on the black legislators, staff members, advocates and citizens who frequent this building either. Some of us know that slaves built the State Capitol. Tears come to Senator Gilmore's eyes every time she gets off the elevator and looks at the Forrest bust.

She can hear the wails and the cries of those over 200 surrendered soldiers, soldiers that had surrendered and were still slaughtered by his command. Surely an unnecessary killing. She can hear the mothers and the crying children and feel the same fear the dads felt as the Ku Klux Klan terrorized them and burned their homes for no reason other than they were black. The role this flawed and atrocious human played in history should be something our society continues to learn from in a place where people are challenged to examine the evils of white supremacy and its aftermath. That goal is much better accomplished outside the people's Capitol. In a State Museum. Perhaps the women's suffrage monument would be a better celebration as we celebrate the 100 years of women having the right to vote. Senator Gilmore is 67 years old and knows it is naïve of her but sometimes she asks herself, why do some white people hate me just because my skin is black? When Officer Chauvin kept his knee on Mr. George Floyd's neck for 8 minutes and 46 seconds, she asked herself, do white people see us, black people, as humans? Slavery, oppression and bigotry are a part of our American history, but we do not, and should not, celebrate these ideals today nor should we glorify them with distinctions of honor in our public places. Our state and our nation have an immense amount of work to do to achieve true racial equality and justice. And while public monuments only play a small role in this work, removing the Forrest bust from the Capitol will correct one mistake made in 1978. Please vote in favor of removing the bust of Confederate General and Ku Klux Klan grand wizard Nathan Bedford Forrest.

- Representative Harold Love, Jr., State Representative District 58, addressed the Chairman, the Governor and members of the Commission. Representative Love stated that for the last two days he has racked his brain trying to craft words that would reassure those who are considering voting to remove the Nathan Bedford Forrest Bust, persuade those who are undecided and change the minds of those who are considering not to. What came to mind were the many conversations he had since he was last before the Commission. With particular emphasis on the belief that what is being asked has never been done before. Then it dawned on him that he should tell the Commission a different story about a time in our history when there was a policy matter that seemed to be irreconcilable. The 19th amendment guarantees all American women the right to vote. Achieving this milestone required a lengthy and difficult struggle; victory took decades of agitation and protest. Beginning in the mid-19th century, several generations of woman suffrage supporters lectured, wrote, marched, lobbied, and practiced civil disobedience to achieve what many Americans considered a radical change of the Constitution. Few early supporters lived to see final victory in 1920. Beginning in the 1800s, women organized, petitioned, and picketed to win the right to vote, but it took them decades to accomplish their purpose. Between 1878, when the amendment was first introduced in Congress, and August 18, 1920, when it was ratified, champions of voting rights for women worked tirelessly, but strategies for achieving their goal varied. Some pursued a strategy of passing suffrage acts in each state and nine western states adopted woman suffrage legislation by 1912. Others challenged male-only voting laws in the courts. Militant suffragists used tactics such as parades, silent vigils, and hunger strikes. Often supporters met fierce resistance. Opponents heckled, jailed, and sometimes physically abused them. By 1916, almost all of the major suffrage organizations were united behind the goal of a constitutional amendment. When New York adopted woman suffrage in 1917 and President Wilson changed his position to support an amendment in 1918, the political balance began to shift. On May 21, 1919, the House of Representatives passed the amendment, and 2 weeks later, the Senate followed. When Tennessee became the 36th state to ratify the amendment on August 18, 1920, the amendment passed its final hurdle of obtaining the agreement of three-fourths of the states. Secretary of State Bainbridge Colby certified the

ratification on August 26, 1920, changing the face of the American electorate forever. Tennessee played a pivotal role in the passage of the 19th Amendment, which granted women the right to vote in 1920. By that summer, 35 of the 36 states necessary had ratified the amendment. Eight states had rejected the amendment, and five had not voted. Suffragists saw Tennessee as their last, best hope for ratification before the 1920 presidential election. Governor Albert H. Roberts called a special session of the General Assembly on August 9 to consider the issue. Pro-suffrage and anti-suffrage activists from around the state and the country descended on Nashville, intent on influencing the legislature. Harry T. Burn of Niota changed his vote to support ratification; he broke a tie in the House of Representatives and made history. The Tennessee General Assembly voted to approve the 19th Amendment to the United States Constitution on August 18, 1920. Now there were some who believed that this change was unnecessary. Anti-suffragists argued that most women did not want the vote. Because they took care of the home and children, they said women did not have time to vote or stay updated on politics. Some argued women lacked the expertise or mental capacity to offer a useful opinion about political issues. Others asserted that women's votes would simply double the electorate; voting would cost more without adding any new value. As a matter of fact, William T. Sedgwick believed that no good could come of letting women vote. He was quoted in 1914 in the New York Times saying: "It would mean a degeneration and a degradation of human fiber which would turn back the hands of time a thousand years. Hence it will probably never come, for mankind will not lightly abandon at the call of a few fanatics the hard-earned achievements of the ages." But as you can see the country didn't go backwards. The rivers didn't dry up and no mountains crashed into the sea. No, what happened instead was women added value not just to the electorate but also to those who would go on to hold office. There would be no Speaker Beth Harwell, no Speaker Pro-Tempore Lois DeBerry, and no Senator Brenda Gilmore if we had given way to fear and denied women the right to vote. He stated that once again the nation is looking at Tennessee. Ironically in 1920 they were dealing with the Spanish Flu and we, in 2020, are dealing with the Coronavirus and the nation looking at Tennessee. There are people on both sides of this policy issue, both elected and non-elected. Once again, like in 1920, the Governor has called for a special meeting. Yes, there have been marches, silent protest, loud protest, legislation proposed and most of all there has been the element of fear. What will happen if we move this bust? Will there be call for others also? What happens if we honor the request of those who have been protesting? Will we be seen as abandoning our heritage? Representative Love assured that, like in 1920, the mountains will not fall into the sea, the rivers will not dry up, the sky will not crack, the world will not end if we remove the Nathan Bedford Forrest bust out of the Capitol, and we will not stop living. This will not cause our economy to crash. We will not find ourselves walking backwards, unlearning our language. It will not cause us to cease living. When asked why women should have the right to vote, Alice Stone Blackwell in 1896 published an article with 16 reasons and the first was because it is fair and right that those who must obey the laws should have a voice in making them. Why should you vote today to request a waiver to remove the Nathan Bedford Forrest Bust from the 2nd floor of the Capitol? Because it is fair to people like him, Harold Love Jr. who is a descendant of Mira Love and Samuel Love who were enslaved, and it is the right thing to do if we want to move our state and nation in the direction of truth and racial reconciliation.

- Representative Mike Stewart wanted the Commission to know that there are few subjects for which he has received more passionate input from his constituents. He thinks anybody that is listening to the people of Tennessee will have an understanding that it is time to move forward. It's time to remove this bust. Representative Stewart stated that he

received communication from mothers and teachers who speak with the same passion that you have heard today from Representative Love and Senator Gilmore. Representative Stewart thinks it's very clear that this bust needs to be moved to the museum, needs to be moved from a place of honor in the Capitol. As a veteran of this Volunteer State, we have to look at the military record of Nathan Bedford Forrest and his action at Ft. Pillow, which had already been referenced. He was the officer in charge that day at Ft. Pillow when people were massacred. The officer in charge, as everybody who has served in the military knows, is responsible for the actions of the soldiers under his command. This is the Volunteer State and we have an extraordinary history in our State of creating military heroes who have served in every war. We have numerous Medal of Honor winners. We have produced numerous citizens that could be honored in the State Capitol. This particular person's military record involved an incident in which he was responsible for troops and there is no question there was a massacre of people who had laid down their arms. That's unacceptable, that is an unacceptable record for any person, for any officer. So aside from all the other things that disqualify Nathan Bedford Forrest from that position in the Capitol, he would urge the Commission to consider carefully his military record alone because he was not a soldier, he was not merely a participant swept up in a historic moment, he was the Commander. The buck stopped with him. He was in charge that day and he bears full responsibility as the Commander for what happened. That alone, setting aside every other thing he did in his life, would disqualify him from that place of honor, particularly in the State of Tennessee, the state that has always done so much in all of our wars, has always done more than its share, is known as the Volunteer State because of our military tradition. That one event alone disqualifies Nathan Bedford Forrest from a place of honor in our Capitol and he urged the Commission to give that additional consideration.

- Representative G.A. Hardaway addressed his colleagues, Senator Gilmore, Representative Love, Representative Stewart, Governor, and the Commissioners. Representative Hardaway stated that there was once upon a time when he would research and write, and he would have all type of lofty language and verbal variances to offer. But he has learned that reading sometimes is not fundamental. Sometimes speaking from the heart is what counts. My young folks are at the door, you've heard them, seen them. They can't get in for whatever reason. That's nothing new. That is what protests are all about, demanding to be at the table that was not set for you, demanding to participate in meetings that you weren't invited to, and demanding to be heard. He stated that the young people will be heard this morning. He stated that he has a brief text that represents the feelings of the young people which was sent to him by a constituent, Amber Sherman. "My friends did not get beaten virtually and therefore they should not be forced to watch these proceedings virtually. The Nathan Bedford Forrest bust represents systemic racism and oppression. It needs to be taken down. The governor has stated it should be moved which is what we've been saying for years. Excluding the public from the meeting today is further infringing on our rights as tax-paying citizens. The vote to remove this statute today is a small step in removing racist symbols that haunted my ancestors, beat and sold my ancestors, and raped and separated my ancestors, from their family. Do the right thing and remove the statue." Those are the same young folks who are making themselves heard now even though they are not at the table. Representative Hardaway stated that he does a lot of reading. One of the things that has come to him over the past couple weeks was a piece that was very, very profound. It said simply if you want to see a memorial of slavery and why the Civil War was fought, the resistance that goes on even today for the rights of people of color, look at him. He stands before you legally and identify as a black man. He is of mixed heritage. He stands before you as a black man that's defined by law merely because he has African American blood and he identifies as such. What we're

living through today as a consequence of Nathan Bedford Forrest, not only what he did as a slave trader which was brutal, tortuous, barbaric. Representative Hardaway stated that you can never balance what he did as a slave trader, raping women, children and men, being able to sell families in whatever proportion he determined - that's wrong. It's a universal wrong. It's a timeless wrong. It can never be right, never. That gentleman that sits between the chambers of the Senate and the House sits in a place of honor, of reverence. Members listen closely. If you honor and revere him and you embrace what he stands for, his values are your values. You cannot separate them. Let's get past heritage and he's respecting and saving his heritage. Your heritage was horrific for me if your heritage embraced the Confederacy. Your heritage is responsible for my parents, my grandparents, my great grandparents enduring the lasting effects of slavery. It's because of that, that he stands there and tells you: You want a memorial? You want a monument? Look at him. You want a monument? You want a memorial? Look at Senator Gilmore. You want a monument? You want a memorial? Look at Representative Harold Love Jr. They are the lasting legacy of the Civil War - pre-antebellum, post construction, reconstruction, Jim Crow, the modern civil rights movement. They stand here as monuments of those times. You have the opportunity today to determine how the world will look at Tennessee. Let there be no doubt about it, the coverage today will get the world's attention. If you recall the moment when George Floyd said, "I can't breathe," the collective community of the world held its breath. We are only now beginning to exhale. But George Floyd's daughter sat on the on the shoulders of George Floyd's best friend and declared, "My daddy changed the world. My daddy changed the world." It's because of that moment, of seeing a man pleading for his life and being tortured and the last dying breath, literally being squeezed out of him, that we are here today. Representative Hardaway has had conversations with some of the members but one thing he knows is the education process must continue. Until we are able to reorganize the thoughts of our mind, we'll never be able to have the heartfelt connections that will let you make the right decision today, to remove that symbol of hatred, that symbol of brutality, that symbol which says he was three-fifths of a man; he was property to be bought and sold. This is their opportunity to bring Tennessee out of the darkness of the old South and position us for greatness, position us as a people who have come to grips with the past and no longer use symbols and statues and memorials to harass people of color and other minorities. So, Representative Hardaway closed by asking the members to do the right thing. He asked them to consider how disrespectful and insensitive it was for all your African-American Legislators to walk past that statute every day as they work to make laws for the 6 million plus citizens of Tennessee without regard to their gender, race, creed, color, that they have to endure that statue. To those who are of like mind, he thanked them. To those who hold their position, which says to him that he hasn't done his job, which says to him he needs to do a better job of communicating and educating. He thanked the leadership that has come out and spoken boldly on this issue. The bottom line is they were merely doing their job. He asked the members to do theirs. He promised them that he will go forward working in unity with all so that we can do our job and serve the people of great State of Tennessee together and thanked the members for listening.

- Senator Joey Hensley thanked the Chairman, the Governor, and committee members. Senator Hensley stated that he represents southern Middle Tennessee; 6 rural counties. Included in that is Maury County which is home of the Sons of Confederate Veterans. All of us know that the Civil War was a terrible time, during the Civil War and after the Civil War. Approximately, 187,000 Tennesseans served in the Confederacy, and about 51,000 served in the Union. He stated that he had two great-great grandfathers and one great-great-great grandfather that served in the Confederacy. William A. Kilpatrick, Sr., who was

actually a prisoner of war during the Confederacy. He contracted TB during serving for the Confederacy, and died after the war. His wife and five children were share croppers on a farm after the Civil War. William Cooper was his great-great-great grandfather. He died during the Civil War. The final was Ethelbert Halbrook who survived the war and lived into the 19th century. All of these men and the 187,000, including Nathan Bedford Forrest, fought to defend their homeland, their farms, their families, and their state. They only fought because the people of Tennessee and the Legislature in Tennessee voted to succeed from the Union. They only did that after Lincoln had called for troops; Tennessee was one of the last to leave the Union. These men, including Nathan Bedford Forrest fought to defend their homeland. There was suffering during the war. There was a terrible time during the four years of the war and after the war for many years even though Tennessee was the first state to rejoin the Union. Nathan Bedford Forrest is honored in that place in the Capitol because he was a great military General. After the war he did a lot to help the freed slaves. He even spoke at one of their conventions. It was said there were 10,000 white people and 3,000 blacks at his funeral in Memphis. Some have mentioned some of the things he did during the war and we all know that history is written by the victors. It's always been said there was a Fort Pillow massacre. That he massacred surrendered soldiers but that's just not true. It was a terrible battle. There were soldiers killed but they were not surrendered soldiers who were massacred. That story, just like we have fake media today, they had it back then during the war and different sides made different stories. Forrest was in the Ku Klux Klan but he was not a Grand Wizard. He got out of the Klan when they started committing violence. Senator Hensley feels we should honor him and when he sees the statue of Nathan Bedford Forrest, he thinks of all the soldiers that fought. He thinks of his great grandfathers that fought for the Confederacy. They fought for their homes. Very few of them owned slaves. They fought because they were invaded and they were simply defending their homeland. The Nathan Bedford Forrest bust was put there by, we all know, Senator Douglas Henry who was a Civil War historian, put it there because he wanted to balance out other busts that were on the second floor of the Capitol. Senator Hensley feels that bust, Nathan Bedford Forrest, represents all the other soldiers that fought in the Civil War. It was a terrible time, and we don't want to repeat it but if we take down all of our symbols of history, of heritage; then we are going to lose our history. This bust is only the beginning. We all know there are a lot of other statues. Andrew Jackson, to name one, will probably be next. Removing Nathan Bedford Forrest will not solve any of our problems; it will not fix any of the problems we have in our racial divide. Senator Hensley believes Tennessee is doing pretty well. Tennessee has a lot of black legislators and that is obviously Tennessee is doing the right thing. But he implored the Commission to vote to keep the bust there. It has been there 40 years. It's only the beginning. If you do want to move it, this is a long process and it should be a long process. We have seen many other states, and even here, where one of the statues was torn down on the Capitol grounds. We have seen what's happening in these other states. I think Tennessee needs to be a leader and show other states that history should be the past and should be looked at relative to the time the events occurred. We cannot hold people in history. George Washington, Andrew Jackson, and Abraham Lincoln to today's standards. Abraham Lincoln's plan was to colonize the freed blacks and to send them to colonies in other countries. Of course, Abraham Lincoln was killed. We need to show other states that Tennessee can lead. It's right that we keep the bust there so that people do see both sides of the story. People are able to judge historical figures by the times that they lived. The times were different 150 years ago, 200 years ago. Times were different and we can't hold these historical figures to what we believe today.

Senator Hensley implored the Commission to vote to keep the bust where it is and thanked them for letting him speak.

- Representative Mike Sparks thanked the committee and Governor for being allowed to speak and stated that his remarks were for the Governor. Representative Sparks shared that has been a lawmaker for ten years and a county commissioner for eight years. He also stated that history is important to this great state and everyone knows that, Republicans and Democrats know that history is important. Tennessee tourism represents $22 billion to the state. He quoted Governor Lee as saying, "From our thriving cities to our beautiful rural landscapes and everything in between, Tennessee has solidified its place as a leader in tourism across the country. Our booming tourism sector is outpacing the nation in every category. World-class food, music, and adventure are just a few things folks find when they come to Tennessee, and thankfully, folks are visiting this remarkable place more than ever." I'll argue that many of those folks are coming here not only for our music but for the history. From the battle fields that we have in Representative Sparks community, to see his local courthouse, to see the State Capitol and to visit the beautiful new State Museum. Representative Sparks quoted, "for such a time is this" from scripture and stated that he knew that had also crossed the Governor's mind. He stated that as a young county commissioner he didn't know much about history but he became really good friends with a local historian, Ernie Johns who was a great guy and Representative Sparks heard that he was not anyone's "yes man." He spoke to his police chief Sally Walls, the first female officer in Smyrna whose funeral he is planned to speak at the following weekend, she was a mentor of his, she was strong independent and grew up poor and was an old democrat. Ms. Walls said that Ernie Johns was no one's "yes man." Representative Sparks took Mr. Johns to lunch, he heard about the raid on the old courthouse, there were innocent civilians that were going to be executed during the civil war. Mr. Johns shared that Forrest was with his cavalry when he sees some women crying and they share that the union forces were going to execute their husbands, brothers, and sons. Forrest assures then that their family members will be home by the next day and he freed those folks. Representative Sparks understand from Mr. Johns that Forrest always had 56 or 65 black troops that always rode with him which he considered remarkable. There was no doubt that Forrest was a remarkable military tactician as stated by Dr. Hensley. When Representative Sparks went to MTSU during the time when the ROTC building was in the news and he spoke with some of the 120-150 student protestors. College educated protestors, with sadly probably about $25,000-30,000 of debt which is a separate issue we need to discuss, $1.7 trillion in student debt today, he wished those protestors would be protesting that because we need some voices for it. Representative Sparks asked the protestors four questions: Who was Sampson Keeble? And none of them knew who he was; probably many people in this room don't know who he is but he was a former confederate soldier, a republican, who became the first black lawmaker. These stories need to be told. Everyone has a story. Then he asked who John Newton was? And no-one knew who he was. John Newton was a slave ship caption, he was sold into slavery at one time, and he wrote the hymn Amazing Grace. John Newton had a story of redemption; we all have stories of redemption. Representative Sparks then said that he liked the Governor's stance on criminal justice reform, didn't feel we should be mass incarcerating people, and shared that the US had more inmates than any other country. He asked the reporters to report that and stated that the Governor was doing something about it, he wanted to educate people and he was for turning people's lives around. Everyone has a redemptive story. Matthew Charles had a redemptive story. You may remember him from the Trump speech. Then he asked the student, who is William Wilberforce? But no one knew. He freed the slaves in Great Britain. He suffered mockery and persecution from his

fellow lawmakers. Then he asked who probably had the most African Americans at their funeral? And Representative Sparks said the answer is Nathan Bedford Forrest. He was studying history and questioned if Nathan Bedford Forrest really had 3,000-5,000 African Americans pay honor to him at his funeral which Representative Sparks felt was amazing. No student knew this answer either. The really amazing part of this story is that the main protestor, the hell-raiser of the bunch, you can see him on channel 5 or YouTube with a goatee came up to Representative Sparks and asked if that was why there is Wilberforce University in Ohio? He was inquisitive and he brought his two fraternity brothers with him. These people who went before give Representative Sparks encouragement, ability and courage to speak today because this is intimidating but give God the glory because it's not intimidating. The protester asked if he could be an intern for Representative Sparks. He learned that he had interned for Representative Pat Marsh so he asked one of the assistants who responded that she didn't think this young man really knew his dad and that she thought he was looking for guidance. He thinks this young man was looking for guidance and that many of the protestors today are looking for guidance. He became Representative Sparks' intern and one of the first things he told him was if you are going to protest, don't do nothing crazy. Don't break any windshields; don't burn any cars because you are going to be looking for a job one day. He stated that he knows the Governor is a believer and most people in this room probably are. Most people believe in forgiveness, it's a powerful tool. When he was running for reelection the intern wanted to help but Representative Sparks didn't want to get him involved and wouldn't invite him because he was worried about the media and what would the think about inviting this young protestor. This is where God had a plan. And when he was visiting the capitol Representative Sparks introduced that young protestor after the house members sang Amazing Grace and he stated that as he looks at that young protestor, he felt there had to be a redemptive story with Nathan Bedford Forrest who had 3,000-5,000 African American at his funeral and God was going to use that young man, that protestor, one day he predicted. Three days later he got a book in the mail called Nathan Bedford Forrest's Redemption. Jim Gifford from Rutherford County sent it to him and when asked he said he just saw it on his bookshelf and thought he would send it. History matters; factual evidence matters. Representative Sparks' mom is from Scotland and he feels that Scotch-Irish also probably helped built the Capitol with mason workers. His mother is Catholic, born at the foot of Edinburgh Castle, and she always said that the Klan is after them because they are Catholic. He was not raised to be oppressive. His father was from Oklahoma and has since passed on. He then read Nathan Bedford Forrest's Pole-Bearers Association speech. "Ladies and Gentlemen I accept the flowers as a memento of reconciliation between the white and colored races of the southern states. I accept it more particularly as it comes from a colored lady, for if there is any one on God's earth who loves the ladies I believe it is myself. (They say there was immense applause and laughter.) I came here with the jeers of some white people, who think that I am doing wrong. I believe I can exert some influence, and do much to assist the people in strengthening fraternal relations, and shall do all in my power to elevate every man to depress none. I want to elevate you to take positions in law offices, in stores, on farms, and wherever you are capable of going. I have not said anything about politics today. I don't propose to say anything about politics. You have a right to elect whom you please; vote for the man you think best, and I think, when that is done, you and I are freemen. Do as you consider right and honest in electing men for office. I did not come here to make you a long speech, although invited to do so by you. I am not much of a speaker, and my business prevented me from preparing myself. I came to meet you as friends, and welcome you to the white people. I want you to come nearer to us. When I can serve you I will do so. We have but

one flag, one country; let us stand together. (Repeated this phrase) We may differ in color (Representative Love), but not in sentiment. Many things have been said about me which are wrong, and which white and black persons here, who stood by me through the war, can contradict. Go to work, be industrious, live honestly and act truly, and when you are oppressed I'll come to your relief. I thank you, ladies and gentlemen, for this opportunity you have afforded me to be with you, and to assure you that I am with you in heart and in hand." At the end Nathan Bedford Forrest thanked Miss Lewis for the bouquet and then gave her a kiss on the cheek. Representative Sparks wanted to challenge lawmakers, challenge his party. He stated to the Governor that there is a lot of oppression going on with the title pawn industry and payday loans which unfairly target minorities. Stories need to be told; he got a call that morning from a lady by the name of Ms. Helen who has gotten caught up in predatory lending.

- Commissioner Eley asked Representative Sparks to stay on track and Representative Sparks said that some speakers had gotten off track and he was talking about oppression and modern-day slavery. In this particular case there was 133% interest.
- The previous day, Representative Sparks received a call from an elderly lady, she was 85, and had worked tirelessly for about four years to get a marker about an old church in their community called the Inis Springs Meeting House. She raised $1,500. Someone stole the marker and Representative Sparks couldn't understand why someone would steal it, particularly since Sampson Keeble was born about three football fields from this marker. Sampson Keeble needs to be recognized and Representative Sparks thinks a video documentary would be appropriate and that the stories should be told both about Representatives Hardaway's version of Fort Pillow and factual testimony from Representative Sparks' historians. Fund a film if the bust is going to be moved. If you move Forrest then where does it stop? Is Sampson Keeble next because he was a Republican confederate soldier? Is Sam Davis next? Sam Davis was from his community. Is Andrew Jackson next? Lot of arguments for Andrew Jackson to be moved even if he's not making one. If the Commission is going to do this then, please fund a film, fund the truth and let's settle some of this stuff and believe in forgiveness and reconciliation. Representative Sparks told the Governor that sadly this probably won't stop with this bust because they will come up with something more. He challenged his Democrat lawmakers to look at the predatory lending which unfairly targets African Americans and particularly single females 5 times more than any other group. Let have some courage of conviction and go after that.
- Commissioner Eley stated that as they moved onto the public comment portion that the reason public comment was electronic was simply for health and safety because there was no way there could be more people in the room and he wanted to make sure that everyone was aware of that. We have eight speakers who will each be given three minutes each to speak.
- State Architect McGauran stated that a number of people had sent in written comments or letters which have been included in Commission members packages. Some of them chose to speak as well. The following people submitted written information:
    - Senator Brenda Gilmore
    - Dr. Timothy L. Wesley, Associate Professor of Civil War Era History, APSU
    - Ashley King
    - Marian Ott , President, League of Women Voters of Tennessee
    - Lynn Egan
    - David McCormick, Agent, Benchmark Realty LLC.
    - Senator Thelma Harper
- Mr. Robert Jackson asked if the Chair was willing to include written remarks in the minutes given the nature of this electronic format and the historic nature of this meeting.

Commissioner Eley replied that the written comments would be included in the minutes. Robert Jackson stated that he is speaking because there is something quite telling about the one thing George Floyd and Nathan Bedford Forrest have in common – neither man is still breathing today. Yet we are here confronting the breath taken from George Floyd and the breath given, by this Commission, to Nathan Bedford Forrest. It has been too often in our nation's history that our movements of justice have ended at the hands of a lone assassin. Don't forget that this state marks one of those spots. But Mr. Jackson stated that it won't happen this time. Not with this movement. This movement has been designed so that generations themselves are the torchbearers of truth and not one man alone. So let there be no question by anybody today, we have studied history and it is incumbent upon our leaders to hear our nation's cry for a third reconstruction – black lives matter. Our statues are like symptoms. Mr. Jackson stated that as the first Grand Wizard of the KKK, Nathan Bedford Forrest wiped out all the gains of the first reconstruction and he was so effective that first time, those white supremacists in the 1970s chose him as their symbol of hate and oppression. Mr. Jackson shared that he has no illusions that removing this statue will ensure racial equity...no. While today this state has maybe considered what a black child feels as she stands in her State Capitol, know that we have yet to ensure equal justice to the voices of the black and accused. Mr Jackson stated that it is time to end qualified immunity for police officers in Tennessee. It is time to end the mass incarceration of the black and brown communities across this state and it is time to restore the vote to those who have served their time in our prisons. Mr. Jackson reminded the commissioners of a poem recited by the man born the son of sharecroppers, the late honorable Chairman Elijah Cummings. It said, "I have only but a minute, sixty seconds in it, forced upon me I did not choose it, but I know that I must use it, give account if I abuse it, suffer if I lose it. Only a tiny little minute, but eternity is in it." Mr. Jackson stated that the commissioners and he have only but a minute and he asked that they use their minute to give hate less space in our capitol and remove Nathan Bedford Forrest.

- Dr. Learotha Williams, Jr. stated that he is an Associate Professor of African American and Public History at Tennessee State University who also has the honor of serving as the founding coordinator at the North Nashville Heritage Project where he and his students explore the history of African Americans in the Music City. He is a scholar who was formally trained in the history of the Civil War, Reconstruction and African American Studies at Florida State University where he earned his Doctoral degree in history in 2003. He is also a veteran of the Gulf War and according to his best estimate; his ancestors were brought to America in chains in the 1790's. Dr. Williams spoke about the bust of Nathan Bedford Forrest, his thoughts and visceral reactions to it as a student of history and why it should be immediately removed from the State Capitol to a museum. Although the volunteer state began integrating public spaces in the 1960s, the placement of this bust of Forrest in a position of prominence in the Capitol in 1978, was tantamount to placing a gold-plated, whites only sign on state property. From its elevated position in this golden totem encompasses the carefully crafted false narrative of the lost cause and enshrined in the Capitol the spirit of white supremacy for the next 40 years. To say that Forrest is deserving of this space one must overlook significant events in his life and ignore the voices of people he victimized. A description of a Memphis slave pen notes that women were often stripped naked and with a bucket of saltwater standing by in which they dipped their instruments of torture, a heavy leather thong, their backs were cut up until blisters covered the whole surface; the blood of their wounds mixing with the briny mixture to add to the torment of infliction. The placement of the bust in this space requires one to mute the cries of the people he victimized. Some may look at these skills as a leader but when you read the accounts of Fort Pillow, such as that of UCT soldier Eli

Swalls who remembered, they killed all the men after they surrendered until orders were given to stop. They killed all they came to, white and black, after they surrendered. You must concede when you gaze upon that bust every day; that you are looking at a leader who ordered his men to engage in war crimes. Lastly, to justify the placement of this bust here in the Capitol you must forget that Forrest led a terrorist organization in the post-Civil War era. One that victimized both black and white Tennesseans. You must mute accounts like those given by recently freed John Lawson, who remembered the morning he started from Nashville, and within a quarter mile from where he started he found a man hanging by the feet who had been skinned, and discount the fact that their dependents are still amongst us today. Dr. Williams submitted to the Commission to remove the bust and do so immediately.

- Dr. Timothy Wesley, Associate Professor of Civil War Era History at Austin Peay State University (PhD, Penn State) thanked the Commission for this opportunity to address them on this issue. Dr. Wesley stated that these statues are not history. Statues and busts are statements. The decisions about statues and busts, the deliberations, the debates, that's the history and we are engaging in that history. Public monuments represent what the people who put them up hope to convey. To promote values they wanted to endorse. This bust was dedicated more than a hundred years after Forrest died and Dr. Wesley believes that it is something to be removed. In this light he is asking what the members will be saying to history if they vote to keep it in the Capitol. If you are not championing a lost cause, an embarrassing lost cause, in keeping it. Are you saying that you will be bullied by the moment in our history by not removing the bust? The study and science of history is about change over time. Members will not be remembered for removing this bust because it somehow happened in response to the momentary pressure but instead will be celebrated because they finally corrected an error that has stood for over forty years. By removing a bust that has been opposed by many ever since it was erected and in whose removal is supported by an overwhelming majority of Tennesseans today. Are you saying that the State Capitol is a place to educate? The halls and foyers and grounds of capitol buildings are places of honor not education per se and Dr. Wesley doesn't know anyone who earnestly believes otherwise. If this is your assertion he would say you are not wrong in one sense, for the presence of Nathan Bedford Forrest in the Tennessee State Capitol has taught Tennesseans something to be sure. Unfortunately, the lesson that has been taught has been the veneration of perfidious Tennesseans of the past, when their treachery was offered in the name of white supremacy and it was the very essence of the Confederacy, making no mistake. That has apparently meant more to this Legislative body than has the happiness and comfort and emotional well-being of all Tennesseans. Let that no longer be the case. Move the Forrest bust to the State Museum or his birthplace or private museum. Replacing him with a worthy Tennessean, no matter how flawed perhaps but one who worked to make United States better and not one who worked to render it asunder. Lastly, allow him a personal note. He was born in Harriman City Hospital, raised in Oakdale in Morgan County, educated as an undergrad and MA student at Tennessee Tech, and taught for years in Sumner County public schools. He is about as "Tennessean" in his origins as it gets. And he remembers how embarrassing it was when this bust was first displayed in 1978. As a scholar of the Civil War Era and still very proud Tennessean, it is even more embarrassing, and dare say shameful. He thanked the Commission for their time and consideration on this issue and thanked them for their service to our state.
- Ms. Lynn Egan, a retired corporate attorney and a private citizen. She stated that she knows that Tennessee history is long and the choice about the things that we choose to honor is important because it says who we are to the world. Ms. Egan stated that she does not support the wholesale tearing down of monuments and believes that these

things need to be considered carefully with reflection and with qualified objective experts before they are removed. Her request to the Commission is that the bust be removed to the museum where verifiable facts can be set out by historians to tell his story. First of all, Forrest's character is not worthy of our Capitol. A lot of things have been said about this already. He was a traitor, he was the Commander when the atrocities occurred in Fort Pillow and he was the first leader of the Klan. Another thing is that slavery and Jim Crow which he fought to maintain were an absolute horror show and could only be operationalized through a system of terror. The typical tools included murder, torture, rape and selling of family members. Two things stand out to her as a woman and mother, the use of rape as a weapon of terror and the fact that some slaveholders actually sold their own children into slavery. Ms. Egan can't think of anything more depraved than that and for that reason alone he should be removed from our Capitol because that is the system that he promoted. We've got this issue in the South of the conflict between the horror of slavery and the desire to honor those who fought for it, many slaveholders became pillars of their community yet the horrors put them in a tough spot because the problem was how do you hold your head high in the public square after you participated in such a system. You are a pillar and a villain at the same time. The answer was that a narrative needed to be created, to somehow make this okay, so people could hold their heads up. A narrative involved determining what could be put into textbooks and putting up monuments such as the Forrest monument. It's time for our State to square our moral beliefs against murder, rape, torture, and selling of children with our actions and symbols. To focus not on the people who try in vain to defend the horror of that time but to the sentiments of those who were wronged by slavery. William Faulkner, at a 1955 meeting of the Southern Historical Association, encouraged attendees to urge Southerners to accept the end of white supremacy with dignity and goodwill. He urged them to "speak now." Faulkner was asking the attendees to show leadership, and to prepare Southerners for change. So she is asking, where are the leaders today? She earnestly hopes that they were in this room. She urged the members to speak out against the symbol of Forrest that mars our State Capitol simply because there is no honor in it. Ms. Egan also urged the members to speak personally with the Historical Commission so we can get this done.

- Mr. Ashley King, Memphis, TN, works at the Terry Clayton Associates law firm. He stated that he is for the removal of the bust of Confederate General Nathan Bedford Forrest and all symbols of white supremacy from the Tennessee Capitol. Just Google it. For the last few years on the first day of session he has peacefully and respectfully protested near the bust of the proprietor of the Forrest & Maples Slave Mart, Nathan Bedford Forrest, not only calling for its removal but for the removal of all symbols of white supremacy from the Tennessee Capitol. This year on the first day of session while peacefully and respectfully protested near the bust of the Traitor, Terrorist and Butcher of Fort Pillow, Nathan Bedford Forrest, he was approached by a group of young school children. They asked why he was protesting, he replied that they should Google it, and they did and joined in. The children peacefully and respectfully called for its removal and all symbols of white supremacy from the Tennessee Capitol. Mr. King asked members of the Commission to Google it and to join the children in peacefully and respectfully calling for the removal of, Child Sex Trafficker, Traitor, Terrorist, Butcher of Fort Pillow, Knights of the Ku Klux Klan Grand Dragon and Confederate General, Nathan Bedford Forrest and all symbols of white supremacy from the Tennessee Capitol. Just Google it and remove the bust.
- Mr. Allan Ramsaur, Treasurer for the Tennesseans for Historical Justice (THJ), represented THJ. Mr. Ramsaur stated that THJ is an organization that is about a year and a half old, founded to seek and discover the truth about racial violence in Tennessee and then to use those incidents of violence to begin to discuss reconciliation and healing. The group works

with several local remembrance projects or with the Equal Justice Initiative based in Montgomery, Alabama. THJ has no formal affiliations with either the local or the national group. Mr. Ramsaur stated that THJ met late last week as the issue began to emerge again and resolved to support any effort to remove the indicia of honor of Nathan Bedford Forrest in our public spaces, including the removal of the bust in the State Capitol. Mr. Ramsaur pointed to the testimony of our fellow black citizens; the placement of the bust in the Capitol causes enormous pain and is a terrible insult to them as they exercise their right to be in the Capitol. Mr. Ramsaur also noted the Ken Paulson's column in the Tennessean this week regarding the bust of Nathan Bedford Forrest is a billboard to racism in the 20th century. Mr. Ramsaur urged removal of the bust from the Capitol as proposed by Governor Lee and welcomed this step in removing Forrest from a place of honor. Mr. Ramsaur thanked the Commission for the opportunity to speak.

- Mr. Doug Jones thanked the Governor, Chairman, and members of the Commission. He stated that he represents the Sons of Confederate Veterans. He stated for the record that his local chapter is the chapter that provided the bust to the State. He stated that Tennesseans oppose erasing American history and he would suggest the members today be very blunt and straight forward. Please don't play word games in your deliberations. You are about to erase part of our history. It has been said, if it quacks like a duck, if it flies like a duck, if it waddles like a duck, it's a duck. That's what you are about to do. You are about to erase history. You can call it whatever you want. You can use sophisticated expressions but it is erasing American history and he would submit that millions of Tennesseans are against that. He pointed out that today as he opposes the removal of the General Forrest bust, our country is facing anarchy. It's clear. The members already heard speakers discussing it. President Jackson is next. They want to take down everything on Capitol Hill. Mr. Jones felt the members needed to understand that. They are getting ready to go down a slippery slope. The public wants to get inside the Capitol and take that down. The members needed to be prepared for that with this decision today. What our country is seeing today day is consistent with what happened with Russia in 1917 with the Communist, the Nazis of 1938 and the Taliban. You erase history, you erase culture and then you take over and that is what we are seeing in our country today, with all due respect. Yesterday the city of Jackson, Mississippi took down Jackson's statue. Mr. Jones felt that the members should know what the public are going to do with our Jackson statue on the Capitol grounds. It's coming. Look at what they did with General Grant's monument in San Francisco, who was not a hero to the South. Abe Lincoln, Frederick Douglass, George Washington, he stated that he could go on and on. This is anarchy. This does doesn't have anything to do with Confederates. Mr. Jones stated that in response to the events at Fort Pillow, Congress looked at it twice. Congress found that the Union Army never surrendered at Fort Pillow. Congress found nothing against General Forrest. Mr. Jones concluded by saying Tennesseans are overwhelmingly against removing statues. They are against removing statues. Tennesseans want to protect their history. It's not perfect. It is flawed. Some of the speakers this morning are correct. It is flawed but its Tennessee history. If the members erase history today, they erase the truth. He asked that they please vote against this and thanked the Commission.
- Larrick Johnson was unable to be connected. Commissioner Eley stated that Mr. Johnson would be contacted for any written remarks. (Mr. Johnson chose not to submit remarks.)
- Commissioner Eley stated that the public speaking has concluded and that every individual who asked to speak has been heard and appreciates the indulgence of the members of the Commission.

Motion: Commissioner Eley moved that the Capitol Commission petition the Tennessee Historical Commission for a waiver allowing the bust of General Nathan Bedford Forrest to be moved from the Tennessee State Capitol to the Tennessee State Museum, stating as its basis the historical or other compelling public interest in giving full context to the complicated life and legacy of Nathan Bedford Forrest by moving his bust from the Second Floor of the State Capitol to the Tennessee State Museum, where the purpose is to see and understand our history in full, and that the Commission direct the following action in connection with seeking a waiver:

- That the Capitol Commission staff prepare under the supervision of the Chair, a petition for waiver citing the aforementioned basis for the waiver and a supporting report incorporating Governor Lee's remarks yesterday and today as the material and substantial need for the waiver based on historical or other compelling public interest, and
- That the chair of the Capitol Commission or his designees file and pursue this petition for waiver and supporting report through the waiver process set forth in Tennessee Code Annotated, Section 4-1-412, including but not limited to through the Tennessee Historical Commission hearing and decision process, and to take any such other action as might be necessary or appropriate to accomplish the purpose of this motion.

The motion was seconded by Mr. Howard Gentry.

Discussion:

- Commissioner Eley stated that all are aware of the gravity before the commission for this issue and the members understand that this conversation involves much more than just the statue. Each one of us who are part of this Commission certainly come from a different place. Commissioner Eley stated that he grew up in Cheatham County in the 60s and just so happened that the beginning of elementary school was the first year with integration in Cheatham County. That experience made him acutely aware of the unspoken rules that legally kept us together but practically kept us apart. A lot has been said about different opinions here today. He respects those that feel the bust should be maintained in the State Capitol, and it's clear to him also that this bust is a stark reminder of the painful ideology and way of life which has caused tremendous anguish and distress for many African Americans. The Forrest bust has created tension between history and symbolism and as we heard the Governor say today, symbols matter. They are not just snapshots of history; they are windows into what we value. Commissioner Eley stated that today he was not there to vote to turn our backs on history, indeed we must never forget this part of history and we must learn from it to ensure that we do not relive it. By taking this action this body will be placing the bust in the State Museum where we and those who come after us will hear that full story. This is just the first step in a long process, but he is hopeful. He is hopeful that from the action today the Commission will provide new opportunities, new conversations for building relationships that have been damaged, and for living out the real meaning of the words of our founding documents that all men are created equal.
- Commissioner Eley stated that letters from retired State Senator Thelma Harper and the family of Senator Henry were received and will be part of the record. Commissioner Eley then opened the floor for discussion.
- Commissioner Branscom stated that as a lifelong Tennessean, she considers it an honor to sit as a member of this Commission and to participate in deliberations related to the review and approval of the monuments, statues, sculptures and other memorials erected in and around the Capitol. She stated that she listened with great

interest to Governor Lee's remarks, and has appreciated significant points made by others who have spoken, especially Senator Gilmore's eloquent and heartfelt words and Representatives Love and Hardaway's call to do the right thing. She also followed closely the debate in the news media about the Forrest bust and its future, both recently and in 2017, when a motion related to the bust was last heard by this Commission. Commissioner Branscom stated that she has tried to read every email, every letter and the notes from every phone call, from people all across the state and even a few that came from outside the state. She stated that she deeply appreciates the rich history of the state and agrees with those who say that studying history is important if we want to understand why we are the way we are. Commissioner Branscom stated that shortly after she became Commissioner of the Department of General Services, she had the opportunity to tour our magnificent Tennessee State Museum. She was struck by its impressive section on the Civil War, and viewed the display related to the life and career of Nathan Bedford Forrest. Commissioner Branscom stated that while it is important to talk about the installation of the bust in 1978, she thinks it is more important that the Commission pay closer attention to the views and perspectives of the present, with an eye toward what message our state Capitol might convey to current and future generations of Tennesseans. The truth is, a simple bust of Nathan Bedford Forrest, no matter where it is located, cannot tell his story in a meaningful way. Forrest was admired by some as a brilliant military leader, but his personal and professional life as a slave trader and early Ku Klux Klan leader – deserve censure, not commendation. During the war and ever since, Forrest has been highly controversial, both here in Tennessee and elsewhere in the nation. Commissioner Branscom stated that she believes the Tennessee State Museum is the right place to provide appropriate context for understanding a complex historical character like Forrest. Moving the Forrest bust to the museum will allow for telling the story of his life with historical and educational context. Displaying his bust in the Capitol suggests to all visitors that he represents the values of our state, and that his life is worthy of emulation. It is not. Nathan Bedford Forrest is unquestionably one of the most divisive figures in Tennessee history. That, combined with the statements made here today, convinced her that there is a material or substantial need for a waiver based on historical or other compelling public interest. Commissioner Branscom stated that she will be voting in favor of the motion.

- Commissioner Salyers stated that he appreciates the thoughtful comments on all sides of this issue. He appreciated the comments from the Governor, the honorable members of the General Assembly and his colleagues on the Commission and the comments brought forward by Tennesseans. Commissioner Salyers stated that he, like Commissioner Branscom, really worked hard to read most of the emails sent to him, there were thousands, but he believes the greatest thing that you can do as leaders when faced with dynamic decisions is to listen and to understand and that's what he has been trying to do and that's what he has tried to do in preparation for his vote in preparation for this meeting. One thing that he knows is that the history of both good and bad helps inform the decisions of today and will help inform the critical decisions that the Commission makes together for tomorrow. Commissioner Salyers stated that the decision to remove the Nathan Bedford Forrest bust from the State Capitol is not entirely about history. A decision today is more about the future. It's about the ideas and the people that our government chooses to promote, to celebrate, and to exalt in our public civic spaces in very public ways and where every citizen connects. Commissioner Salyers stated that after thoughtful consideration his vote will be removed the Nathan Bedford Forrest bust from the Capitol and support the motion

that is on the floor. He stated that he truly believes that after listening to and understanding the passionate opinions on all sides of the issue, the removal of the bust from the Capitol will put Tennessee on a path to racial reconciliation. As a state and a nation, we're always trying to grow to become better. This is one of the many reasons that we are the greatest country on earth. Removal of the bust in the State Capitol will not delete history or erase history, it will however, help further cement the foundation on how we envision our future and while that is an ever evolving journey his hope is that the vote today will help facilitate further growth in the way that we think and act on issues that surround race.

- Mr. Hallerin Hill thanked everybody that has taken the time to thoughtfully consider this, no matter their perspective. Mr. Hill stated that he thinks this process of deliberation and this process of collaboration is important. He thinks it represents where we are hopefully, as a nation now and going forward, that we could sit down at a table together, that we could talk through a difficult issue, and that we could make important decisions. Mr. Hill stated that he received a lot of communication too. One of the things that struck him, was the speech that Nathan Bedford Forrest made to the society of pole-bearers, it's been mentioned a few times, and he said in that speech "I come with the jeers of many whites, they think I'm wrong." Mr. Hill stated that what struck him about that was he went against his base. Forrest did something that was fundamentally unpopular because maybe he thought of redemption. Maybe at the end of his life, when he was about 98 pounds, he could barely stand up and would only live to the age of about 56; he started to reconsider his life at least from what Mr. Hill studied. Whenever there is redemption, there is a turning away from something to turn toward something else, and he fundamentally, if you take that narrative, changed positions. He moved to a new position, the man himself moved to a new position. There are thirty-two monuments or remembrances or placards to Nathan Bedford Forrest in the State of Tennessee, thirty-two. If he, as a man, could fundamentally change position to move to a context that would tell the whole of the story, why then couldn't a bust change positions to tell his whole story. This would not be a move to erase history, otherwise you wouldn't spend $160 million building a state-of-the-art, almost national worthy, museum and enshrine in the museum a separate section for the Civil War where each of the ornaments in that museum is lit, in other words, to show you in great relief not only the images but to tell the stories in context. If you look at the origin story of the bust itself and how it came to be in the Capitol it didn't come there as a result of some great move of the State of Tennessee to honor a particular legacy and a certain way. Senator Douglas Henry said there needed to be balance. There was a union admiral and there should be a confederate general. This was a move that had something to do with something else and it was in the 70s. Mr. Hill stated that when he thought about it what he landed on was that people are different, they are complex, they have good, they have bad, the they have ugly and boy there's some ugly. God is the one who renders the ultimate judgment on our lives; he did reach out to the thief on the cross so all of that is part of the story. If Nathan Bedford Forrest could move why can't the bust. This is not erasing history. We don't erase history. History is what it is but we do revise and update. When you get an update on your phone, you hit it. Mr. Hill stated that in this instance we need to keep the whole of history. He thought about this has spent about six months studying all of the minutia; he confessed to everybody in the room that he is a nerd through and through. He has read everything he could read from all sides because he wanted to know for himself. He wanted to move from ignorance, what he didn't know, to informed, to hopefully inspired, and he thought about his grandfather. He

stated that he is a son of this state and would not exist without this state. His grandfather was an orphan in The Steele Home for children in Chattanooga, Tennessee. He was taken in after being found under a porch, dehydrated, his little brother had passed away, and he had been abandoned. His grandfather was taken in by a white woman on the streets of Chattanooga and raised in an orphanage. The first iteration of the orphanage was burned down because she had the audacity to reach out to little black children. Mr. Hill's father was also born in Chattanooga, Tennessee. Nathan Bedford Forrest said, "We were born on the same soil, breathe the same air, and live in the same land. Why, then, can we not live as brothers? Mr. Hill stated that what he hopes is that as fellow citizens of the state, we can recognize that if we recognize every person in this state as a brother then the state is better. That we will tell the whole story of the history of our state and will tell it in the most appropriate place. Our decision today is not a decision to erase history. It is a decision to tell history; maybe even to make history. Mr. Hill stated that he will support the Governor and thinks we should place this bust in context.

- Senator Johnson thanked the Chairman and the members the Commission and stated that it is good to be with them. Senator Johnson stated that he has really enjoyed the conversation that they have been having. Interestingly, over the last 72 hours or so he had been having this very same conversation with his thirty-two colleagues in the Tennessee State Senate. Some of those conversations took place via some brief text messages; some of them were over long conversations that got into deep discussions about history, philosophy, social justice, and so forth. He stated that it was an important exercise. Senator Johnson stated that he serves on this Commission as a member of the Senate and he represents the Senate here today so his vote will represent the will of the Senate and he wanted to explain that before he cast the vote. He polled the members the State Senate and as he did so he found something is very consistent with what we heard here today. The hundreds and hundreds of calls and emails that we've all received over the last several days and that people are very passionate on all sides of this particular issue. Those who are very passionate about removing the bust, and those who are passionate about leaving it. Those who are passionate about not moving it when we have social unrest taking place across the country and statues are being torn down; who ask, is this the right time? Senator Johnson stated that he will cut to the chase and within the State Senate there were nineteen votes to not remove and there were fourteen votes to remove. Senator Johnson stated that there was a similar vote about three years ago and he was a member of the Commission at that time as well and went through a similar exercise. He wanted to say how proud he was of his fellow Senators including two that took the time to be at the meeting, Senator Hensley and Senator Gilmore. He also wanted to say to the others that are not here, but that did take time to speak with him over the last few days, some of them he spoke to many times, some of them told him they felt one way and then they called him back the next day and said they had changed their minds. The process is important; he respects the process and he respects Governor Lee. He respects this body but also respects his Senate colleagues and he will be voting according to that. Senator Johnson stated that he is not compelled to do that, he is not compelled to poll his members and vote according to their wishes, but he felt it was important. He felt like it was important to have that conversation with all of the members of the body that he respects so much, and he will be voting accordingly.
- Dr. Logan Hampton stated that when the Civil War commenced, Tennessee was a divided state - the last state to secede from the Union. In fact, it has been said that this great state provided more regiments to the Union than every other Confederate state

combined. Tennessee was then, and is today, a state made up of citizens with diverse, strongly held opinions all believing that they are in the majority. Dr. Hampton stated that while we make history this day, our action, our vote, will have no impact on the history of the flawed individual that we debate. Whatever our vote, it will not change, revise or alter history made before our time. Neither will our vote feed one hungry child, pay the salary of one teacher, fix one pothole on a state highway, liberate even one of our drug addicted neighbors or protect one citizen from predatory lenders. Dr. Hampton stated that Governor Lee said, "symbols matter." He added that symbols inspire and provide that which we aspire to be and do. Symbols, well established, do not need an explanation. If symbol-splaining is necessary, by definition, that object may be a historic educational device, but an inspirational, aspirational mark, it is not. If a debate is required, if further explication would be useful, if politics and poli-tricks are needed, the object is not a symbol to be held in high esteem much less one that should occupy the highest most laudable location in the grand divisions. We must remove the historical artifact and move it to the history museum. Dr. Hampton stated that a few years ago he stumbled across a story of General Lee surrendering to General Grant at Appomattox to end the war. It is said that General Lee slowly mounted his horse. General Grant watched and raised his hat in salute, and his officers did likewise. General Lee, in turn, lifted his own hat in return and rode away. These two men tipped their hats in honor and respect to one another. Dr. Hampton stated that he prays that we learn from this history, that we find the strength to honor one another, respect one another, tip our hats to one another, live out our true southern heritage and hospitality to invite a neighbor with a different opinion, different skin hue to enjoy some Prince's hot chicken, Reggi's barbecue in Jackson or a slice of City Cafe hummingbird cake with a sip of your favorite beverage while discussing our history, our heritage as citizens, as brothers and sisters, as inhabitants in this great state that we have.

- Representative Hill stated that he does not have any additional comments to add but appreciates everyone that has given testimony, those that have shared their comments and their concerns and the voices that have been raised. Representative Hill stated that he also, as Senator Johnson indicated, is here to represent the House of Representatives and that will be his intention when casting his vote.

Amendment to Motion: Comptroller Wilson moved that the motion be amended by adding the following two items:

- That the statues of Admiral Farragut and Admiral Gleaves also be moved from the Second Floor of the State Capitol to the Tennessee State Museum, with these two statues, along with the bust of Lieutenant General Forrest, to be made part of an exhibit to be established honoring Tennessee's military heroes;
- And that the alcoves vacated after these three items are moved shall be filled with items commemorating state or federal elected officials from Tennessee or events directly related to actions or activities that have occurred on the Second Floor of the State Capitol, as determined by the Tennessee General Assembly.

The motion was seconded by Secretary Hargett.

Discussion:

- Comptroller Wilson stated that this bust was placed on the second floor of the Capitol opposite of Admiral Farragut as result of a 1973 resolution and was there to recognize

General Forrest's military achievements and accomplishments. For that reason and no other reason. The language of the resolution is clear and unambiguous, and it was unanimously adopted by the Tennessee General Assembly, both houses, but a portion of our population has come to view the statue as something very different. Comptroller Wilson stated in his view, as a very practical matter, it's unlikely that the original focus and the original intent can be effectively appreciated today. Likewise, the significance of Admiral Farragut and Admiral Gleaves is lost. Comptroller Wilson stated that the reason for this motion is to celebrate the fabulous military history of the State of Tennessee. Overmountain Boys in the Revolutionary War, Andrew Jackson at the battle of New Orleans, David Crockett at the Alamo, General Gleaves in Manila Bay, Sergeant York in World War I, eight awardees of the Congressional Medal of Honor in World War II, Korea, Desert Storm, the list goes on. We are the volunteer state and Admiral Farragut and General Forrest are a part of this. Both of them are recognized internationally for their military genius. This is a material interest and in doing so it is based on history and the public interest. The museum knows how to present this magnificent history, which in his view, regrettably cannot be adequately presented on the second floor of the Capitol. Comptroller Wilson stated that he believes that the Tennessee General Assembly is the appropriate body to decide who should be honored on the second floor. That should be limited to elected state and federal officials, as well as those activities and events that are connected to that space or General Assembly. He stated that he would not have a vote on this but if he did, he certainly would cast his vote for Senator Doug Henry to occupy one of the alcoves. Not so much for his real efforts on the financial integrity and stability of the state but for all he did in his life to protect Tennesseans who are unable to protect themselves. Comptroller Wilson stated that he has gotten emails like some of the others. For those who say that the 1973 resolution was designed for white supremacy, or some sort of nonsense like that, those who say that are simply misinformed. The black caucus unanimously and without dissent voted for the resolution and the completely correct language of the resolution itself.

- Commissioner Eley stated that there is a motion made and properly seconded to amend the motion that he made and was seconded. There will be discussion on the amendment, vote on the amendment and then move on to the main motion and vote on the main motion as amended.
- Secretary Hargett thanked the Chairman. Secretary Hargett wanted to confirm that he heard correctly, because he knew that Representative Whitson had written an op-ed last week that he found of great interest and the motion sounds similar to it. Comptroller Wilson's motion is for the busts to go to the State Museum to create an exhibit. That op-ed called for the military branch of our State Museum, which he thinks most people probably don't know exists right now, but when the economy turns back around we would be hopefully able to bolster that when the War Memorial Building is renovated and maybe we should be bolstering the collections of those to include other military heroes. Secretary Hargett wanted to clarify that the Comptroller's motion was for the State Museum and not the military branch State Museum. Comptroller Wilson confirmed that was correct. Secretary Hargett stated he would support the motion.
- Mr. Hallerin Hill wanted make sure that he was right about history as well. In the 30s and 40s Admiral Farragut, Gleaves and he believed Maury were part of an idea for a Hall of Heroes. Comptroller Wilson confirmed they were for a Hall of Naval Heroes. Mr. Hill stated that we ended up with these busts in these alcoves not because that was the original intent. The intent was they were going to have a Hall of Heroes and

when that failed, when it didn't materialize, there were busts that were already put there. Comptroller Wilson stated he did not know how Maury left, he never could figure that out. Therefore, the gallery of Naval heroes was what it was and for some reason Maury was moved and no one knew exactly why. Mr. Hill stated that it seems that they are circling back to the original intent, which was to honor military heroes.

- Commissioner Eley confirmed with the Comptroller that his motion is to honor military not solely naval. Comptroller Wilson stated that Alvin York wasn't a navy guy. Commissioner Eley stated he was confirming that the original intent of naval is not necessarily carrying forward.
- Mr. Howard Gentry wanted to get a little clarity on this. To be clear he came to vote to remove the Forrest bust from the second floor to the State Museum. What is being proposed sounds good as long as the State Museum is ready to take all three busts. If this in any way delays moving through the process from the Commission to the Historical Commission to the museum than he would have a problem with that. As much as he would love to see everyone all together voting on as one body to do this and as long as the Forrest bust move does not get delayed as a result of it, he would be okay with it. Mr. Gentry asked the Comptroller if there had been discussion with the museum and if he was comfortable that the museum is ready to take three instead of one. Comptroller Wilson stated that he had not but that he does have questions on this and he's not at all sure that the museum is prepared to take Forrest or whatever the Historical Commission says. Comptroller Wilson doesn't believe that it would delay anything at all. Mr. Gentry stated that he believes the museum is prepared to take Forrest. He believes they were prepared to take Forrest three years ago. The Commission may be able to get an answer. Commissioner Eley stated that a representative from the museum board is available. Commissioner Eley asked Ms. Ashley Howell if there is a potential delay accepting the bust, one or three, and if she sees any issues with that.
- Ms. Ashley Howell, Executive Director of the Tennessee State Museum, stated that she does not see any issues in accepting the busts. These busts are within the State Museum collection; this would simply be a relocation to the State Museum. In terms of the display that specifically relates to military history, the museum would need some time to think about that. As long as the timeframe is open and they would be able to appropriately plan for that, work with state partners. Ms. Howell stated that is the job of the State Museum and they are willing to take that on. They would just need to appropriately plan for the timeframe, for those costs, and for that space.
- Commissioner Eley confirmed that all three busts are currently part of the museum now. Ms. Howell confirmed that was correct. Commissioner Eley stated that it's not changing anything from that standpoint, it is just location. To follow up on Mr. Gentry's question regarding if the museum has had conversations about the Forrest bust and what could be done with it. Ms. Howell stated that specifically for the Forrest bust and knowing that this had been discussed with the State Museum being a part of those conversations. The museum does have thoughts about where the bust could go on display within the interpretation of the State Museum. They don't know how much the bust weighs so there are some logistics. The museum does have a commitment, especially with the amount of conversation around the bust, to really think about how they will display it, to facilitate conversation within the context of the bust. That is the job of the State Museum and they are there to support the Capitol Commission, the Historical Commission and their decisions and say they will figure out that path forward.

- Commissioner Branscom clarified that Ms. Howell is talking about the timeline for setting up an exhibit and not for moving the bust. Ms. Howell stated that was correct.
- Mr. Howard Gentry asked if the museum could accept all three of the busts before displaying. Ms. Howell replied that was correct. Ms. Howell clarified that if both the Capitol Commission and the Historical Commission are okay that the State Museum will have to think about the timeframe, specifically in terms of display and interpretation. It is a process and the museum will make sure they do it right and that they do have the appropriate scholars as part of that process.
- Commissioner Salyers stated that he is a little confused about the timing of this as it goes to the Historical Commission per to Mr. Gentry's comments. The Commission came to talk about the Forrest bust and asked to hear a little bit more on how this plays out with the Historical Commission. Does this go as a package of moving three busts?
- Commissioner Eley stated that what will happen is that there is an amendment that is about to be voted on. Depending on the outcome of that amendment passing then they will vote with it added on the main motion or not depending on what the outcome is. It would then be a duly approved motion of this body and there is an entire process for the Historical Commission to take up the matter, there has to be a 60-day notice prior to getting the petition to them. Sixty days before they hear it. There is a lengthy process which the Historical Commission is required to go through to make sure that the Commission meets all those standards. Part of the motion includes making sure that this Commission meets all those standards. Then it would go to the Historical Commission. At that time it will be out of the hands of the Capitol Commission. What is required of this Commission is to act on approval or not of the motion before them. That is all the Capitol Commission can do at this point. That sets everything else in motion with the Historical Commission and any action that they may or may not take. Commissioner Eley read the amendment again. Commissioner Eley stated that the amendment states directly that it is an amendment to the main motion. The main motion included General Forrest and this motion adds Admiral Farragut and Admiral Gleaves.
- Mr. Howard Gentry stated that he has another concern and asked if there is another way to word the amendment that allows the Forrest bust to go if the Historical Commission doesn't agree with removing three. He stated that he is concerned that they are in a position; they came to talk about the Forrest bust, where there is a possibility, great possibility, that this can be moved to the museum, which he thinks is a great idea, but that they are now possibly creating a scenario that might not be accepted by the Historical Commission. Is there a way to construct this where the Historical Commission has a choice of taking the Forrest bust and not taking the other two or taking all three of them?
- Commissioner Eley asked if Mr. Gentry was asking for Comptroller Wilson to change his amendment. He stated in his interpretation, and they could ask legal, if the action of this body is that they are simply taking action to accomplish removal of these three. He does not think the Historical Commission is limited, whether it is one or three. The Historical Commission may take whatever action it wants based on their volition. He does not see one or three impeding or making a difference. The Commission has heard from the museum and he does not think it makes a difference to them. Commissioner Eley stated that it could enhance the museum to have more than one, but it was his personal opinion. He stated that he thinks that the Historical Commission is going to take what direction it takes based upon what they want to do

and whether it's Nathan Bedford Forrest by himself or whether it also includes Admiral Gleaves and Admiral Farragut, he does not see them doing anything differently.

- Mr. Hallerin Hill stated that he believes what Mr. Gentry is concerned about is if there is a binding effect, in other words if this Commission asks for waiver for three versus one, when the Historical Commission receives that and they look at it are they bound to make a vote on all three or no vote at all. Are they bound to receive this as a package of busts that have to be decided on when the primary issue was Nathan Bedford Forrest?
- Ms. Christy Allen, Counsel to the Commission, stated that she has not been through this process with Historical Commission before and she cannot say for certain. She stated that she can tell you that if the amendment to the motion passes and then the main motion passes a single petition for waiver would be prepared. That would get filed with supporting documents and the basis for the petition and that gets filed with the Historical Commission. Sixty days later the Historical Commission hears it. When the Historical Commission hears the matter it conducts a brand-new hearing, called a de novo hearing, in other words it is not as if it were an appeal of the Capitol Commission action and is a brand-new hearing. Ms. Allen stated that her assumption is, having not been through this with that entity before, that at that time that Commission could take whatever action it deems appropriate whether it's one or three or none. Commissioner Branscom confirmed that the Historical Commission could do that regardless of what the Capitol Commission proposed. Ms. Allen stated that was correct. The initiating document will be the petition but once it gets into that hearing stage her assumption is the Historical Commission can act in whatever way it deems appropriate because it's a new matter.
- Mr. Hallerin Hill stated that part of this would be to make the compelling argument to provoke a waiver. Mr. Hill asked if the argument would be built on three or one. Ms. Allen stated that the argument would be built on whatever the record of this meeting is.

Vote: At a roll call vote Commissioner Eley, Commissioner Branscom, Commissioner Salyers, Secretary Hargett, Treasurer Lillard, Comptroller Wilson, Howard Gentry, and Hallerin Hill voted aye. Logan Hampton voted no. Senator Johnson and Representative Hill passed. The motion passed 8-1-2.

Motion as Amended: Commissioner Eley moved that the Capitol Commission petition the Tennessee Historical Commission for a waiver allowing the bust of General Nathan Bedford Forrest to be moved from the Tennessee State Capitol to the Tennessee State Museum, stating as its basis the historical or other compelling public interest in giving full context to the complicated life and legacy of Nathan Bedford Forrest by moving his bust from the Second Floor of the State Capitol to the Tennessee State Museum, where the purpose is to see and understand our history in full, and that the Commission direct the following action in connection with seeking a waiver:

- That the Capitol Commission staff prepare under the supervision of the Chair, a petition for waiver citing the aforementioned basis for the waiver and a supporting report incorporating Governor Lee's remarks yesterday and today as the material and substantial need for the waiver based on historical or other compelling public interest;
- That the chair of the Capitol Commission or his designees file and pursue this petition for waiver and supporting report through the waiver process set forth in Tennessee Code Annotated, Section 4-1-412, including but not limited to through the Tennessee

Historical Commission hearing and decision process, and to take any such other action as might be necessary or appropriate to accomplish the purpose of this motion;

- That the statues of Admiral Farragut and Admiral Gleaves also be moved from the Second Floor of the State Capitol to the Tennessee State Museum, with these two statues, along with the bust of Lieutenant General Forrest, to be made part of an exhibit to be established honoring Tennessee's military heroes;

- And that the alcoves vacated after these three items are moved be filled with items commemorating state or federal elected officials from Tennessee or events directly related to actions or activities that have occurred on the Second Floor of the State Capitol, as determined by the Tennessee General Assembly. The motion was seconded.

Discussion:

- Secretary Hargett thanked the Chairman and stated that he prepared his remarks because he found that he wants to make sure that he says everything he needs to say and doesn't leave anything unsaid. First, he thinks that it is important for the benefit of those members who were not a member of this body three years ago, or those who have not read the minutes to understand the events of that meeting. Secretary Hargett stated that he will not go into every detail, you may not understand that Commission members were asked to vote to form a committee that would write a report that would be uneditable nor come back to the Commission for a final vote. Secretary Hargett stated that he, and he believes other members, were very uncomfortable with this process. In addition, some committee members, like himself, expressed support for Treasurer Lillard's broader plan for rotation of the busts found in the State Capitol. That suggestion was not considered. Once again, the central figure of the Commission's deliberations is a Tennessean who many hailed as a military genius and someone, according to Commercial Appeal coverage of what is known as "Pole-Bearers" speech, who sought to seek racial reconciliation. Secretary Hargett stated that he also recognized that today the presence of his bust in the State Capitol is a symbol of sin and the sin of slavery and a source of pain. He stated that now he must decide what to do with busts placed there by legislators of a different time and a different party than himself. While alternatives have been discussed for quite some time about how to deal with this issue that has been a distraction from the affairs of our state, this meeting is further complicated by people whose method of communicating has not helped but sorely hurt efforts to resolve this issue. Secretary Hargett stated that he wanted to make clear that the efforts of a few have weakened the opportunity for those of us seeking healing and unity and attempts at constructive dialogue. At the 2017 Commission meeting, he told the body about growing up in Lauderdale County and learning about the issue of slavery and looking at his African-American classmates wondering about the lives of their ancestors and how his classmates viewed that period of time. Some will say that is our history, he agreed, it is our history. History has to be taught so that we can learn from it but teaching our history and displaying a bust are not one in the same. He stated that his vote will reflect his faith and his desire for Tennessee to move forward. For not only his African-American classmates and those he has worked alongside, but most importantly for all Tennesseans, he is going to vote aye on the final motion. Secretary Hargett stated that it would be his desire that if alcoves become available that they will find a way to honor the importance of women in the state. None of the alcoves

recognize any of the prominently elected women from our state government. He hopes this will be strongly considered when the opportunity becomes available.

- Mr. Howard Gentry stated that he was also at the meeting three years ago and his lifelong friend and colleague Dr. Reavis Mitchell was sitting next to him. Dr. Mitchell has gone on to glory. Mr. Gentry stated that he remembers quoting the constitution, and sharing stories about going into the Capitol as a child and using colored bathrooms and water fountains and how that affected him. When he was through speaking Dr. Mitchell whispered to him that he had moved from politician status to statesman and he guessed that was to tell him that he did a good job. If Dr. Mitchell told you that you did a great job speaking, you took that as a compliment because he was amazing. Mr. Gentry stated that he didn't have a statesman's speech and to be honest he wasn't very comfortable. He voted for an amendment that he's not comfortable with, but he voted for the amendment because he came to see the Nathan Bedford Forrest statue moved off the second floor and moved to the museum. Sometimes you have to do some things you are not comfortable with, as long as it's not wrong, for the end result. He hoped and prayed that voting for the amendment is not going to, in any way, impede or deter what his intent was. Mr. Gentry stated that he did talk about his experiences a child in the Capitol but those who don't really see out of the same lens as some of us. He knows that it has been said that Forrest had 3,000-5,000 black people, colored, at his funeral, you might chuckle at this since half of them were probably his children or relatives. Mr. Gentry's stated that his last name is Gentry because Gentry was his dad's grandfather's name, he was a slave master. His mother's last name was Laughlin. Laughlin was the name of his mother's grandfather and he was a slave owner. There were thirteen kids on his mom's side and eleven on his dad's, so the numbers grow pretty quickly and so he doesn't tell the story often. He stated Representative Love did a great job explaining his history. Mr. Gentry stated that when he sees Nathan Bedford Forrest you can tell him all the things you want to tell him about how he changed, God bless him he hopes he is in heaven, but the only thing he sees is his great-grandparents. While he's glad that he has great-grandparents because at least he's here to be able to do his job but he doesn't see what you see if you tell him that you just see a hero or that you see a great man that changed. Mr. Gentry stated that he gets it, but he sees his great-grandparents. He sees a rapist and slave owners. That story needs to be told but it still does not need to be told on the second floor of the Capitol where we should be seeing freedom, peace, love and togetherness. Mr. Gentry stated that he is going to vote for the motion as amended even though he's not comfortable with the amendment, but he hopes and prays that the amendment works, and that we finally move this bust to a place it belongs, and we are able to start a new day on the second floor of the State Capitol.

Vote: At a roll call vote Commissioner Eley, Commissioner Branscom, Commissioner Salyers, Secretary Hargett, Treasurer Lillard, Comptroller Wilson, Howard Gentry, Hallerin Hill and Logan Hampton voted aye. Senator Johnson and Representative Hill voted no. The motion passed 9-2.

4. Other Business

There being no other business, the meeting adjourned at 12:02 p.m.

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State Capitol Commission

Petition for Waiver

Excel Spreadsheet of Interested Parties

State Capitol Commission Petition for Waiver from Heritage Protection Act

Interested Parties

Name	Phone	Email	Address/City/State/Zip Code
Senator Brenda Gilmore		sen.brenda.gilmore@capitol.tn.gov	425 5th Avenue North Suite 768 Cordell Hull Bldg. Nashville, TN 37243
Representative Harold M. Love, Jr., PhD		rep.harold.love@capitol.tn.gov	425 5th Avenue North Suite 668 Cordell Hull Bldg. Nashville, TN 37243
Representative Mike Stewart		rep.mike.stewart@capitol.tn.gov	425 5th Avenue North Suite 662 Cordell Hull Bldg. Nashville, TN 37243
Representative GA Hardaway		rep.ga.hardaway@capitol.tn.gov	425 5th Avenue North Suite 404 Cordell Hull Bldg. Nashville, TN 37243
Senator Joey Hensley		sen.joey.hensley@capitol.tn.gov	425 5th Avenue North Suite 746 Cordell Hull Bldg. Nashville, TN 37243
Representative Mike Sparks		mikesparkstn@gmail.com	425 5th Avenue North Suite 532 Cordell Hull Bldg. Nashville, TN 37243
Robert Jackson Mary Jackson Andy Jackson			1017 Falling Leaf Circle Brentwood, TN 37027
Learotha Williams, Jr., Ph.D. Associate Professor of African American and Public History, TSU		lwilli22@Tnstate.edu	Tennessee State University 3500 John A. Merritt Boulevard Nashville, TN 37209
Dr. Timothy L. Wesley Associate Professor of Civil War Era History, APSU		wesleyt@apsu.edu	Harned Hall 321 P.O. Box 4486 Clarksville, TN 37044
Lynn Egan			Atherton Court Brentwood TN 37027

Allan F. Ramsaur on behalf of Tennesseans for Historical Justice (THJ)		allanramsaur@gmail.com	1417 Beddington Park Nashville, TN 37215
Ashley King		mrashleyking@gmail.com	
Larrick G. Johnson			92 Bloomington Drive Brighton, TN 38011
Doug Jones Attorney for the Sons of the Confederate Veterans	615-584-5050	djones@slblawfirm.com	Schulman, LeRoy and Bennett 3310 West End Avenue, Suite 460 Nashville, TN 37203-7601
Marian Ott President League of Women Voters of Tennessee			PO Box 158369 Nashville TN 37215
Farragut Folklife Museum			11408 Municipal Center Dr Farragut, TN 37934
London Lamar State Representative District 91			425 Fifth Avenue North Suite 424 Cordell Hull Bldg. Nashville, TN 37243
Tennessee Division, Sons of Confederate Veterans			1202 Ballantrace Blvd. Lebanon, TN 37087
City of Farragut	865-966-7057		11408 Municipal Center Drive Farragut, TN 37934
East Tennessee Historical Society	865-214-8824		601 South Gay Street PO Box 1629 Knoxville, TN 37901-1629
Jack Neely Knoxville History Project	865-337-7723		516 West Vine Avenue Suite 8 Knoxville TN 37902
Naval History and Heritage Command	202-433-4882		805 Kidder Breese Street Washington, DC 20003
Beth Murphy			3535 Mountain Creek Road #A16 Chattanooga, TN 37415

Tennessee Black Caucus of State Legislators	615-741-5625		425 Fifth Avenue North Cordell Hull Building, Suite 404 Nashville, TN 37243
Rev. Neely Hicks Exec. Director, Harper Hill Global Interfaith Clergy and Congregants			4838 Old Hickory Boulevard Nashville, TN 37218

State Capitol Commission

Petition for Waiver

Copies of Published Notice of the

Petition for Waiver:

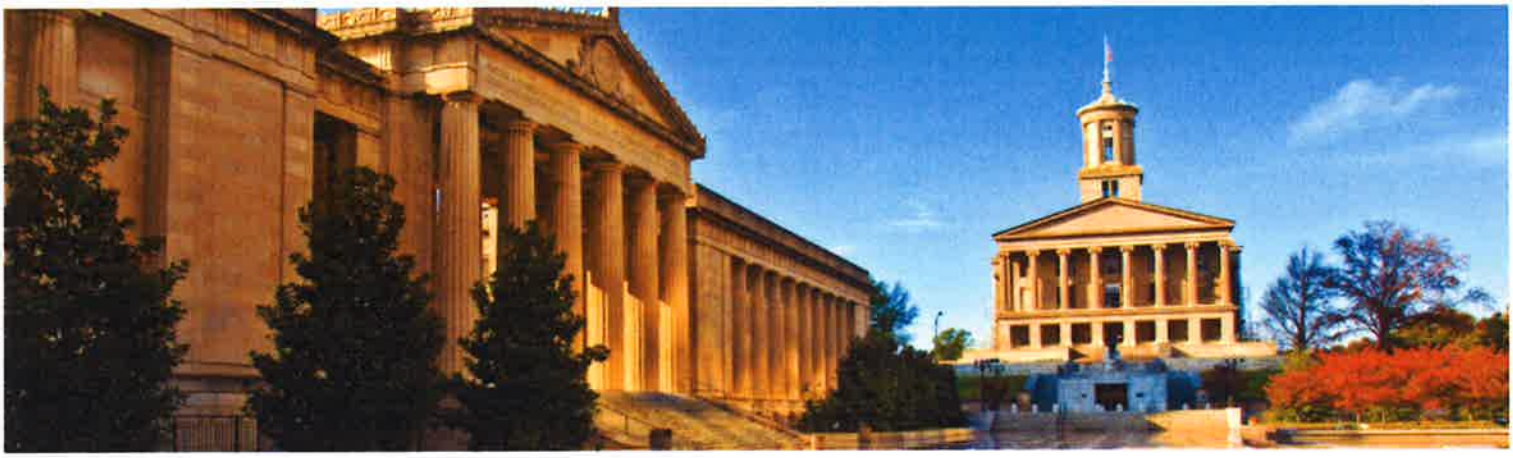
The Tennessean

State Capitol Commission Website

FIND COVID-19 INFORMATION AND RESOURCES

PUBLIC NOTICE - STATE CAPITOL COMMISSION PETITION FOR WAIVER - RELOCATION OF FORREST, FARRAGUT & GLEAVES BUSTS

State Capitol Commission (SCC)



The State Capitol Commission (SCC) was created by the Legislature in 1986 (TCA 4-8-301) to formulate and develop a plenary master plan and program for the adaptive restoration and preservation of the State Capitol, including the building and contiguous grounds. That role was expanded in 1998 to include the Bicentennial Mall and the monuments and other permanent fixtures in the park. Consistent with the master plan, the SCC's responsibility is to establish policy controlling the furnishings, governing maintenance and use of the Capitol, and to approve all modifications and improvements.

Per resolution of the Commission, a subcommittee was established for the purpose of developing a process for evaluating the characteristics of Tennesseans who should be honored in the Capitol Complex and other processes regarding the management of the collection.

The State Capitol Commission meetings are scheduled on an as-needed basis and do not have standing meeting dates.
NOTE: Pursuant to T.C.A. § 8-44-108(c)(2), if a quorum of members is not physically present, the meeting may be conducted permitting participation of electronic or other means of communication.

INFORMATION:

- **Public Notice**

State Capitol Commission Petition for Waiver

Relocation of Forrest, Farragut and Gleaves Busts

To requested a printed copy, mail your request to Office of General Counsel, Tennessee Tower, 22nd Floor, 312 Rosa L. Parks Ave., Nashville, TN 37243 or email your request to State.Architect@tn.gov.

- AS A COURTESY - THE LINK TO THE TENNESSEE HISTORICAL COMMISSION

scheduled on an as-needed basis

Albert Gleaves

Location: 2nd at the top of the grand stairway 's South side