

STATE OF TENNESSEE
TENNESSEE HISTORICAL COMMISSION

IN THE MATTER OF:)	
)	
METROPOLITAN BOARD OF PARKS AND RECREATION)	DOCKET NO. 04.47-223160A
<i>Petitioner,</i>)	
)	THC CASE NO. THC22-0010
v.)	
)	
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION)	

**PETITION FOR DECLARATORY ORDER
BEFORE THE TENNESSEE HISTORICAL COMMISSION
OF THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

Pursuant to Tennessee Department of State Rule 1360-04-01.07, the Metropolitan Government of Nashville and Davidson County (“Metro”) by and through the Department of Parks and Recreation, located at 511 Oman Street, Nashville, Tennessee, brings this Petition for a Declaratory Order. Specifically, Metro requests that the Tennessee Historical Commission (“Commission”) declare the provisions of Tenn. Code Ann. § 4-1-412 inapplicable to the name of Hadley Park (“Park”). The proposed name change for the Park is contested by some members of the community. To avoid needless litigation, Metro utilized the waiver process outlined in Tenn. Code Ann. § 4-1-412 to determine the authority of the Metropolitan Board of Parks and Recreation to modify the name of the Park.

As a threshold matter, the Commission should determine whether this matter is appropriately before it—or whether the Metropolitan Board of Parks and Recreation is free to modify the name of the Park without a waiver.

I. STATEMENT OF THE FACTS

1. Hadley Park is a public park owned by the Metropolitan Government. The Metropolitan Board of Parks and Recreation (“the Board”) supervises, controls and operates Metro’s park system, including Hadley Park. There is significant community interest in the name of the Park.
2. On July 6, 2021, the Board voted to approve a request to change the name of Hadley Park to Hadley-Lillard Park. This action authorized Metro to petition the Tennessee Historical Commission for a waiver under the Tennessee Heritage Protection Act (the “Act”).¹
3. On April 14, 2022, Metro formally filed the Petition for Waiver requesting that the Tennessee Historical Commission waive subdivision (b)(1) of the Act. If granted, the waiver would allow the Board to change the name of the Park to Hadley-Lillard Park.
4. On June 17, 2022, the Commission held an Initial Hearing in this matter. The Commission voted to allow Metro to file a Petition for Declaratory Order within sixty days to determine if the Park is a “Memorial” as defined by the Act.
5. Section (f)(5) of the Act states that “a violation of this section shall result in the public entity being precluded from entering into grant contracts administered by the

¹ Tenn. Code. Ann. § 4-1-412.

commission and the department of economic and community development for a period of five (5) years from the date upon which a violation determination is made.”²

6. Metro submitted the Petition for Waiver out of an abundance of caution to avoid any adverse consequences resulting from a violation of the Act. Metro wanted to ensure full compliance with the law in the event that the name of the Park was interpreted as being named after a “historic figure” under the provisions of Tenn. Code Ann. § 4-1-412.
7. The Act defines a historic figure as “any individual who has been recognized as having served in any historic conflict, historic event, historic entity, public office, or in public service.”³
8. To conserve resources and avoid litigation, Metro requests that the Commission either 1) declare that a waiver is not required or 2) grant the requested waiver.
9. It is not clear who the Park was originally named after. Major E.C. Lewis named the site Hadley Park but did not identify the Hadley that he intended to honor. At the time, a local newspaper assumed Lewis intended to honor John L. Hadley, a supporter of freedmen after the civil war, who had lived on the site. However, it is also possible that Lewis intended to honor the African-American physician Dr. W.A. Hadley, with whom Lewis had worked during the 1897 Centennial Exposition.
10. Based on the above information, the Park is not a “Memorial” that has been named or dedicated in honor of any historic figure as defined in the Act.

² Tenn. Code. Ann. § 4-1-412 (f)(5).

³ Tenn. Code. Ann. § 4-1-412 (a)(5).

II. DESCRIPTION OF HOW THIS STATUTE SHOULD AFFECT METRO

The Act does not apply to the Park because the Park is not a “Memorial” that has been named or dedicated in honor of any historic conflict, historic entity, historic event, historic figure, or historic organization.

The Act does not apply to the Park because the Park is not a “Memorial” as defined in the Act.

As relevant here, the Act defines “Memorial” as:

“(A) Any public real property or park, preserve, or reserve located on public property that has been named or dedicated in honor of any historic conflict, historic entity, historic event, historic figure, or historic organization”⁴

In other words, for the Park to be a “Memorial” two conditions must be satisfied. The first is satisfied because the Park is public property.⁵ Second, it must have been named or dedicated in honor of a historical conflict, historic entity, historic event, historic figure, or historic organization.⁶

The Park was not named or dedicated in honor of a historical conflict, historic entity, historic event, historic figure, or historic organization as defined in the Act. The origin of the Park’s name is unknown. Therefore, the Commission cannot determine that the Park was named for a historical conflict, entity, event, figure or organization. There is speculation that the Park may have been named after an individual named Hadley. The Act defines a historic figure as “any individual who has been recognized as having served in any historic conflict, historic event, historic entity, public office, or in public service.”⁷ While both laudable, neither John L. Hadley nor W.A. Hadley

⁴ Tenn. Code Ann. § 4-1-412(a)(7).

⁵ Tenn. Code Ann. § 4-1-412(a)(7)(A).

⁶ *Id.*

⁷ Tenn. Code Ann. § 4-1-412(a)(5).

are historic figures as defined in the Act. One is a supporter of freedmen and the other is a physician. Accordingly, the Park is not a “Memorial” and a waiver is not necessary.

It becomes even more clear that the Park does not meet the elements of a Memorial as defined in the Act when the Park is contrasted with previous petitions filed before the Tennessee Historical Commission that dealt with well-known historical figures. These petitions include historical memorials such as the bust of Nathan Bedford Forrest on display in the State Capitol Building and the City of Memphis statue of Nathan Bedford Forrest in a public park. These examples illustrate the types of “memorials” intended to be under the purview of the Tennessee Historical Commission. The modification of the name of the Park is distinct from those types of matters. The origin of the Park is unknown. Even if the Commission were to speculate and consider that the Park was named for either John L. Hadley or W.A. Hadley, they are not historic figures as defined by the Act. Accordingly, because it cannot be established that the Park was named or dedicated in honor of any historic conflict, historic entity, historic event, historic figure, or historic organization as defined by the Act, the Park is not a “Memorial”.

III. REQUEST FOR RELIEF

Metro asks the Tennessee Historical Commission to find that the provisions of Tenn. Code Ann. §4-1-412 do not apply to the Park and do not require a waiver to allow the Metropolitan Board of Parks and Recreation to modify the name of the Park. Alternatively, Metro asks that the Commission grant a waiver to allow the name modification.

Respectfully submitted,

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on the 15th day of August, 2022

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