

## **What's Taking So Long? Why Tennessee's Confederate Monuments Aren't Coming Down**

In July 2021, after forty years of protest against the state capitol's bust of Confederate general and KKK leader Nathan Bedford Forrest, the Tennessee Historical Commission (THC) finally voted to allow its removal.<sup>[1]</sup> Back in 2013, the Tennessee legislature gave the THC ultimate say over changing historical markers.<sup>[2]</sup> The Forrest bust decision was the first (and, thus far, only) time the THC has ever granted a waiver to remove a Confederate monument.<sup>[3]</sup>

There's a plausible reason removal was finally granted at that moment: A year prior, in June 2020, George Floyd's death instigated massive protests outside the Capitol building.<sup>[4]</sup> This unprecedented resistance likely led Governor Bill Lee, Republican governor of Tennessee, to reverse his opposition to removal and appoint removal-friendly commissioners.<sup>[5]</sup>

Nevertheless, this renewed opposition has not led to more widespread removal of other Confederate monuments, even those that provoke vandalism and violence. Tennessee has many public Confederate monuments—seventy in 2013.<sup>[6]</sup> Most were built between 1900-1909 and 2000-2009 and are therefore more likely to be monuments to Jim Crow and backlashes to Civil Rights than memorials to fallen soldiers.<sup>[7]</sup>

The current stalled efforts to remove the Sam Davis statue from Nashville's Centennial Park suggests why renewed opposition has had limited impact. Erected in 1909, during the [Jim Crow era](#), this statue celebrates the "Lost Cause" mythology (that the Civil War was not about slavery but preserving states' rights and a "Southern way of life"), and historically marked Centennial as a whites-only park.<sup>[8]</sup> This particular statue has not faced constant protests comparable to those against the Floyd bust, although a 2019 act of vandalism—covering the statue in red paint and the words "They Were Racists"—drew national media attention.<sup>[9]</sup> This vandalism, plus the "untimely deaths of Breonna Taylor and George Floyd," instigated the Metro Board of Parks and Recreations ("Metro Parks Board") to renew removal discussions.<sup>[10]</sup> During this meeting, one member remarked that the simultaneous effort to remove the Forrest bust made it "a good time" to present the Davis removal request as well.<sup>[11]</sup> On January 5, 2021, the board unanimously voted to petition the THC for removal.<sup>[12]</sup>

A month later, at least two news outlets erroneously reported that a petition had been filed. For example, [The Tennessee Star](#) reported that "Metro Parks Board has sought permission to remove the Confederate Private Monument... from Centennial Park. They submitted the formal request to the Tennessee Historical Commission (THC)." [Fox17](#) similarly claimed that "Metro Parks has formally sent a request to the State Historical Commission to remove the 112-year-old Confederate monument." These stories told Nashville citizens that action was being taken, and quickly.

In reality, however, no petition had actually been filed.<sup>[13]</sup> Even today, over a year after the Metro Parks Board vote, the Board’s lawyer is still compiling information and notifying interested parties so she can submit the petition. By the time this petition gets submitted to the THC, the unique opportunity presented by renewed popular resistance, a supportive Metro Board, Republican Governor leadership, and removal-friendly commissioners will likely be long gone.

This delay and dissipation is not surprising: the petition process is difficult and time-consuming by design. It is also apparently confusing to news sources, which can in turn mislead the public into thinking its concerns will be heard promptly. Moreover, once a petition is finally submitted, it cannot be heard in under 60 days and is likely to face further delays.<sup>[14]</sup> For example, the hearing to address [a petition](#) to remove the Confederate flag from Williamson County’s seal, submitted Nov. 5, 2020, is currently delayed until April of 2022.<sup>[15]</sup>

In advocating to remove the Capitol’s Forrest bust, Governor Lee encouraged protestors to reject “mob rule... the worst way to address questions of history” and to instead appeal to “representative citizen appointees” on the State Capitol Commission process, and ultimately the THC.<sup>[16]</sup> However, the slow, difficult, and confusing petition process prevents local energy and urgent resolutions from reaching the THC. Citizens therefore lack “representative” pathways to voice concerns about historical monuments in a timely manner. And without legitimate channels to funnel discontent against these monuments, communities are likely to see increasing acts of vandalism and violence.<sup>[17]</sup>

--Sage Snider

ARTICLE SUMMARY: Metro Parks Board faces an uphill battle in responding to renewed calls for Confederate monument removal after George Floyd’s death. The burdensome petition process mandated by the Tennessee Heritage Protection Act prevents local leaders from answering calls for change in a timely manner.

PERSONAL SUMMARY: Sage Snider is a 2L from Nashville who loves studying and busking in Centennial Park and performing with her pirate band “Tom Mason and the Blue Buccaneers.” Her Note, “Grey State, Blue City: Defending Local Control Against Confederate ‘Historical Preservation’” will be published by JETLaw in May 2022.

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[1] [NewsChannel5](#)

[2] [Nashville Scene](#)

[3] [THPA](#)

[4] [NewsChannel5](#)

[5] [Tennessean](#)

[6] [Tennessean](#)

[7] [HuffPost](#); [Southern Poverty Law Center](#)

[8] Jessica Owley & Jess Phelps, *Understanding the Complicated Landscape of Civil War Monuments*, 93 Ind. L.J. Supp. 15, 17.

For background on this sculpture, see [Snider](#).

[9] *See e.g.*, [The Tennessean](#), [Breitbart News](#), [Fox News](#), [Washington Post](#).

[10] [Metro Minutes](#).

[11] *Id.*

[12] *See id.*; [WPLN](#).

[13] [THPA](#).

[14] *See, e.g.*, [Williamson Petition](#).

[15] [Williamson Herald](#).

[16] [Governor Bill Lee Addresses the Nathan Bedford Forrest Bust](#)

[17] [NPR](#) (After losing his own historical commission petition, North Carolina’s Democratic governor Roy Cooper stated that the General Assembly needed to give citizens a “better path” to safely challenge monuments and that protestors who had knocked down monuments had concluded that their leaders “would not – could not — act on the frustration and pain it caused.”).