

Report of the Durham City-County Committee on Confederate Monuments and Memorials



Community conversation in the Rougemont Ruritan Club, September 5, 2018

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Committee charge, composition, and work

At the January 9, 2018, meeting of the Joint City-County Committee (JCCC), the JCCC voted unanimously to support the creation of a committee on public monuments. Subsequently, the Durham City Council and the Durham County Board of County Commissioners each endorsed the creation of this Committee. The bodies agreed that this Committee would have a lifespan of approximately eight months, during which time it would have several duties, including:

- Engaging the Durham community in an expansive and transparent public process regarding public monuments and other remnants of the Confederacy present in Durham;
- Proposing to the county commission a plan of disposition for the Confederate monument torn down outside the Old Courthouse as well as the monument base that remains;
- Cataloging all known Confederate monuments and other remnants of the Confederacy or the history of enslavement existing in Durham; and
- Proposing to the city council and/or county commission, as appropriate, a plan for the disposition of such monuments and remnants.

Moreover, the JCCC empowered the committee, at its discretion, to solicit public recommendations for people, events, and locations currently missing from Durham’s historical narrative that could be recognized in future public monuments. The Committee will share our recommendations with the organizers of linked efforts underway to celebrate the 150th anniversary of the founding of the City of Durham.

The City and County appointed five members each to this Committee, striving for a balance of age, gender, race, and profession. In addition, the City and County agreed on two co-chairs, Robin Kirk and Dr. Charmaine McKissick-Melton, bringing the total number of committee members to 12. A complete list of committee members and their backgrounds is available (see [Appendix One](#)).

Executive Summary and Recommendations

The Committee began its work well aware of long-standing support for and opposition to Durham’s Confederate monument; the controversy surrounding how protestors pulled it down; and the state and national debates over how these monuments were erected and their meaning. While our efforts are

clearly informed by these elements, we strove, as much as possible, to keep our meetings and discussions with the public constructive and forward-looking, in line with the charge given to us by the JCCC. We were pleased that, barring some social media comments, the public welcomed this process in a spirit of civil and future-oriented discussion.

We arrived at our recommendations through a careful process that included robust public engagement, valuable input from experts, and lively discussion among a variety of participants. Like the public at large, the Committee members came with views that covered a spectrum. However, we shared a commitment to crafting recommendations that communicate Durham's values and our shared sense of how public memorials can best reflect them. In embarking on our work, the Committee set out with humility, aspiration, and a strong sense of community. The recommendations that follow reflect a consensus on a future-oriented vision that seeks to honor the past -- both what is difficult and what can be celebrated -- while also showcasing the rich and diverse history of our community.

Engagement

The Committee began its work on May 10, 2018. We held eight public meetings that included featured speakers between that date and October 13, 2018. Each of our invited speakers addressed some aspect of our charge (see [Appendix Two](#)).

In addition, we held two working meetings on May 31 and October 13, 2018. In those meetings, we crafted plans to synthesize the information generated during public discussions, crafted recommendations, and produced our final report. The meeting held on May 31 also included public comment.

Throughout this process, the public engaged eagerly with this Committee, demonstrating a deep desire to have a say in how Durham moves forward in many areas. Half of our public meetings included trained facilitators from the Durham Cooperative Extension. These facilitators were county employees who volunteered their time. They proved an invaluable resource.

The Committee also maintained a [Facebook page](#), [Twitter feed](#), email address (DurhamConfederateMonuments@protonmail.com), and physical address to collect community opinion. To further facilitate public engagement, we circulated a Google survey via a link posted on Facebook and circulated via email and neighborhood list-serves. We divided the responses into those

who identified as Durham-based or non-Durham-based respondents (available as Appendix [Seven A](#) and [Seven B](#)).

At the beginning of each meeting, the Committee chairs delivered a clear statement of the principles guiding the Committee's deliberations:

- We affirmed that we intended this to be a public, inclusive, and educational project for all, with a priority of gathering as much public input as possible;
- We stated our expectation that discussions would be passionate and energetic but also civil and constructive; and
- We reminded the public that this was not a process meant to address the rights or wrongs of how the statue came down.

To the extent possible, we recorded, transcribed, filmed, and photographed all meetings and have made those materials available on Facebook, Twitter, and in this report. Those materials have been deposited with the [North Carolina Collection of the Durham Public Library](#), where anyone may review them.

Disposition Recommendation

After our public meeting schedule concluded, the Committee worked to evaluate all of the facts and opinions gathered through our six months of intensive deliberation. On the second item of our charge -- proposing a plan of disposition for the Confederate monument torn down outside the Old Courthouse and its remaining base -- Committee members' opinions covered a broad range, from restoring the monument in its entirety to discarding the statue and removing the remaining base. In arriving at our final recommendations, we endeavored to operate with humility, understanding that the decisions we make at this time are as subject to the current moment as were decisions made both prior to and during the Civil War as well as when the statue was erected in 1924. While we did not always agree on everything, as a group we were committed to working cooperatively and with deep respect.

These recommendations represent a consensus of all 12 Committee members.

As we emphasized at our public meetings, our task was not to pronounce upon the rights and wrongs of how the statue came down. Rather, our goal was future-oriented: to recommend to the City and County of Durham how best to proceed given the diverse views of Durham's citizens and the members of this Committee. Furthermore, we sought to produce recommendations that reflect our appreciation for facts

and historical accuracy; our shared sense of values; and the message that any action taken by the City and County will convey to our fellow citizens.

- **The Statue**

We recommend that the damaged statue be displayed in its current condition along with interpretive text explaining its origin and the history that led to its fall. The display should be located inside one of the interior halls of the building nearest the remaining statue base.

- When the statue was taken down, it was irreparably damaged. Nevertheless, the statue remains as much a historical artifact of these times as it is an artifact of the period when it was planned, erected, and viewed. We believe that the statue should be displayed in its current condition so that whole history of race relations and the fight for civil rights in Durham may in part be illuminated through this object.
- The statue should be accompanied by all companion elements, including two metal lamps and several cannon balls.
 - Many in our community spoke about their difficult relationship with this statue. The Committee anticipates that the statue will continue to be a challenging object. Therefore, we believe that the statue should not be placed in a central area. Those who wish to view the statue should be able to; and those who do not wish to view it -- especially City and County employees in the building for work -- should be able to use the building without having to regularly pass the statue if they do not wish to do so. The interior location where the statue is placed should be accessible during business hours and upon request.
 - Placing the statue in an interior location allows the County to provide needed security to prevent further damage. Since the damage to the statue in August 2017, the base remaining outside has been subjected to repeated vandalism. Additionally, the Committee heard public comment suggesting that a restored statue would be the target of additional vandalism. It is reasonable to assume that security will continue to be an issue. We hope that recontextualizing the statue and relocating it inside will begin to address this unavoidable reality.
 - Our Committee upheld historical accuracy, education, and the importance of carrying our history forward as community values that drove our work. We recommend that the County and City work with Duke University, the University of North Carolina-Chapel Hill,

North Carolina Central University, and the Durham Public Library (including the North Carolina Collection) to develop language to display beside the damaged statue that puts this object in accurate historical context, including the circumstances that led to its new placement.

- **The Base**

We recommend that the City and County commission a new piece of public art that incorporates the existing base and recognizes a more holistic understanding of the experience of the Civil War in Durham.

- This expanded memorial should continue to honor the sacrifice of military veterans and include those from Durham who fought for the Union as well the Confederacy. This expanded memorial should also recognize and honor enslaved people, those who worked for a more equal and just society, and the women and children who suffered at home. A redesigned memorial could look to the Unity Monument at Bennett Place as a model.
- This new monument should feature more comprehensive language explaining the area's history, which included the presence of pro-Union and anti-slavery proponents.
- There should be language that puts the base in context, explaining how and why it was erected, how it was funded, and the context of why the statue was torn down.
- In keeping with this redesigned site, any damage to the existing base should be repaired in a timely way.
- When legally possible, we advocate that the base -- and potentially elements honoring Union veterans, enslaved people, and women and children -- be relocated to the Maplewood or Beechwood city-owned cemeteries.

Catalogue all Known Confederate Monuments and Other Remnants of the Confederacy or the History of Enslavement Existing in Durham

The Committee has created a catalogue of all known monuments to the Confederacy in Durham as well as existing remnants of the Confederacy or the history of slavery. We include 15 sites that satisfy this broad description (see [Appendix Three](#)).

Among these sites, Bennett Place is unique. The site is a memorial to peace and unity, not an army or political view. We counted in our list the homestead as well as the Unity Monument.

Other sites include the graves of Confederate veterans. We strongly felt that both Bennett Place and these graves should not be changed or disturbed in any way. These sites serve purposes either historical, laudable, or deeply personal. They do not, in our view, celebrate the Confederacy or any aspect of slavery or white supremacy.

Propose to the city council and/or county commission, as appropriate, a plan for the disposition of such monuments and remnants.

Our inquiry into other remnants revealed one site of concern, the North Carolina [state highway historical marker to Julian S. Carr on West Chapel Hill Street](#).

Carr's role in early Durham history is pivotal. Yet his membership in the Ku Klux Klan and his support for white supremacy has gone largely unacknowledged until the recent debate over the Confederate memorial at the University of North Carolina-Chapel Hill ("Silent Sam") and the process underway at Duke University to remove Carr's name from the History building and install an exhibit on Carr's complex legacy.

- We recommend that the City petition the North Carolina Highway Historical Marker Advisory Committee to rework the language used in the Julian S. Carr marker and in the accompanying online essay. Recognition of Carr's business successes and philanthropy should be accompanied by information on his membership in the Ku Klux Klan and his white supremacist views and activities.

People, Events, and Locations Missing from Durham's Historical Narrative

One of the most frequent themes that emerged from our public discussions about people, events, and locations missing from Durham's historical narrative was a desire for more inclusive and diverse sites. People eagerly shared groups, moments, locations, and individuals they felt should be honored. Often mentioned was the contributions of workers -- mill, tobacco, and agricultural -- civil rights leaders, and women (see [Appendix Four](#)).

- We recommend that the City and County invest in new public art and memorials that honor a broader range of Durham achievement. Such memorials could include the commissioning of

new standalone art pieces, public decoration (such as wraps for parking garages), and expanding other memorial programs like the State Historical Highway Markers and honorific street and plaza names.

Of note are the names or categories that came up repeatedly in community conversations or in correspondence with the Committee.

- Pauli Murray, civil and human rights activist, poet, memoirist, professor, lawyer, and Episcopal priest
- Charles “Chuck” Rudolph Davis, founder, African American Dance Ensemble
- Floyd McKissick, Sr., civil rights attorney
- Ann Atwater and C.P. Ellis, co-chairs of “Save Our Schools,” a 10-day community summit on desegregating Durham schools
- Tobacco, mill, and agricultural workers
- Native Americans
- Enslaved people
- Women leaders
- Black Wall Street founders
- LGBTQ leaders and community members (first gay Pride march in the state)
- Hayti community
- Royal Ice Cream Parlor sit-in
- A memorial for peace and civil rights
- Sharecroppers
- Labor organizers
- Community organizations

Additional Recommendation

- We recommend that the County expand its investment in training interested employees to be facilitators for community conversations. These dedicated individuals were crucial in helping us deepen our discussions and ensure that as many voices as possible were heard and taken into account

Report

The Committee began its work well aware of long-standing support for and opposition to Durham's Confederate monument; the controversy surrounding how protestors pulled it down; and the state and national debate over how these monuments were erected and what they mean. While our efforts are clearly informed by these elements, we strove to keep our meetings and discussions with the public



Community conversation at North Regional Library, September 27, 2018

positive and forward-looking, in line with the charge given to us by the Joint City-County Committee (JCCC).

The choice by the JCCC to make this a community conversation was both unusual and welcome. There are few similar examples of city or county commissions charged with facilitating discussion around Confederate monuments.

New Orleans, Louisiana offers one noteworthy exception.

Once the mayor and city council decided to remove four Confederate monuments, the removal was hindered due to threats of and actual violence from individuals and groups protesting the effort. After some delay, the statues were removed and housed in an undisclosed warehouse.

In the aftermath, community members organized in an unofficial capacity to consider how to transform Lee Circle, a prominent site and the former location of a statue of Confederate General Robert E. Lee. Led by a Tulane professor and an architect, community members started working with a non-profit called [Colloqate Design](#). They solicited ideas through workshops and other community outreach events for what to do with the sites. Eventually, the group won the endorsement of the city authorities to conduct the project on a larger scale.¹

The mission given to us by the JCCC does not include re-litigating the causes of the Civil War. Nor were we asked to pronounce an opinion on the toppling of the statue. We were tasked with engaging with our fellow citizens, listening to their many and sometimes competing visions, and coming to a set of

¹ Adelson, Jeff, "Plans for empty Confederate-era monument sites in New Orleans revealed by Landrieu," *New Orleans Advocate*, March 7, 2018.



Durham Confederate monument base September 2017

recommendations to help guide our elected officials as we move forward. In executing our charge, we strove to be both historically informed and forward-looking.

At the same time, we recognized specific legal restrictions on the ability of the City and County to make decisions. While other communities have undergone independent processes to reckon with the fate of similar monuments, Durham must take into consideration the 2015 state law that governs “objects of remembrance.”

Our 12 committee members represented a cross section of our community: young and old, different races and genders, from across the City and County. We strove to hold meetings in different sites and, when possible, arrange for our meetings to be recorded or broadcast via the City’s cable channel.

In our public meetings and in email and social media exchanges, participants frequently spoke about diversity, inclusivity, historical accuracy, and adherence to the law as core values. Residents and others who engaged with the Committee via mail and social media shared these values. These values were also shared by members of our Committee.

Some argued passionately for the need to recognize the sacrifice of Confederate soldiers and their families. Other spoke movingly about the statue as a symbol of white supremacy. To this day, enslaved people have received no comparable recognition despite significant contributions to our County and City -- including the struggle to gain freedom for themselves and their descendants who, in turn, fought to be recognized as equal citizens.

Background

Durham’s Confederate memorial honors local men who fought for the Confederate States of America (CSA) between 1861-1865 and died in action.² As a number of participants in our meetings noted, North Carolina did not initially join other states in seceding from the Union. The state was politically divided

² During the war, what is now Durham County was a part of Orange County. According to Confederate enlistment records, over 2,700 men from Orange County, which encompassed Durham, fought for the CSA.

over secession and slavery. While many white men either voluntarily joined the CSA army or were conscripted, others remained loyal to the United States. Both white and black North Carolinians joined Union units.³

In 1861, the state had an estimated 330,000 enslaved people. One of the state's largest slave-owners, Paul Cameron, kept over [900 enslaved people at Stagville](#), near modern-day Durham. While there were few major battles in the state, Durham was home to the largest surrender of the Civil War, between troops under the command of Confederate Gen. Joseph E. Johnston and Union Gen. William T. Sherman, at [Bennett Place](#). The ratification of the [Thirteenth Amendment](#) in December 1865 permanently ended slavery in North Carolina and the United States.

A number of speakers and citizens who engaged with our Committee had passionate views on the historical causes and impact of the Civil War. These views were often at odds. For example, among our invited speakers, [Teresa Roane gave an impassioned defense of Confederate monuments](#) as commemorations of the conflict, including the participation of Black Confederates and free blacks. She disputed that these were symbols of white supremacy.⁴ While that meeting's discussion exposed deep disagreements about the motives behind the creation of Confederate monuments and the messages sent by their presence within a public landscape, this information helped the Committee understand the strong passions behind the support of some for the monument's continued display.

Durham prospered as a post-war town and County built on tobacco and associated industries like textiles and construction. Farmers tilled long rows of tobacco for national markets while white and black families flocked to the city's booming factories and warehouses.⁵ An invited speaker, Andrea Harris (in black on right, with co-chair McKissick-Melton), described the origins of Black Wall Street as part of this economic boom. She also noted that several monuments along Parrish St. recognize the

³ For more on this, see Foner, Eric, "The South's Inner Civil War," [American Heritage](#), March 1989.

⁴ Roane declined to share with us her presentation or her supporting charts and documents.

⁵ For an extensive history, see Anderson, Jean Bradley. *Durham County: A History of Durham County, North Carolina*. Duke University Press, 2011.

accomplishments of Durham’s African-American residents. This information provided useful context for understanding what people, events, and locations are represented in Durham’s public spaces.

Participants in our meetings and those who wrote to the Committee often noted that racism -- including the Jim Crow laws that mandated often violent segregation and disenfranchisement -- was not unique to the South. However, it is undeniable that racism and violence were a part of Durham’s daily life in the early 1900s, when some city leaders began planning to erect a Confederate monument.



Committee co-chair Dr. Charmaine McKissick-Melton and speaker Andrea Harris, Stanford Warren Library, May 22, 2018

One of the most vocal proponents of the statue was Durham businessman and philanthropist Julian S. Carr. As a young man, he fought in the CSA and later assumed the honorific of “General” in light of his wealth, public service, and devotion to promoting Confederate commemoration. Carr used his family’s fortune -- in part built through the labor of enslaved people -- to invest in the [W. T. Blackwell and Company](#), which launched the [Bull Durham](#) trademark. Carr was among the philanthropists whose generosity brought [Trinity College, now Duke University, to Durham](#). He also funded Methodist churches and both the white and black hospitals in Durham, among other charities.

Like many white leaders at the time, Carr was also a white supremacist who supported and funded the political campaigns that violently ended Reconstruction and led to the disenfranchisement and murder of black North Carolinians.

[An avowed member of the Ku Klux Klan](#), Carr was one of a number of wealthy white men who funded activities that contributed to the [obliteration of Wilmington's black community in 1898](#).⁶

At the 1913 [dedication of the Confederate Monument at Chapel Hill known as "Silent Sam,"](#) Carr recounted how he had "horse-whipped" an African-American woman "until her skirts hung in shreds, because upon the streets of this quiet village she had publicly insulted and maligned a Southern lady."⁷



Page from a 1938 scrapbook of the Julian S. Carr chapter of the UDC, North Carolina Collection, Durham Public Library

In their presentation to the committee, archivists from the [North Carolina Collection of the Durham County Library](#) also shared with us many original documents, including some of the scrapbooks of the Durham-based Julian S. Carr chapter of the United Daughters of the Confederacy, which advocated for the memorial. In the collection is also a summary of Carr's 1899 speech to what is now [North Carolina Agricultural and Technical University \(A&T\)](#), in Greensboro. Less than a year after the Wilmington coup d'etat, which Carr helped fund and which violently ended any remnants of Reconstruction, Carr [blamed blacks for most crime](#) and railed against black enfranchisement, vowing that "the southern people as a whole and the white men of North Carolina will never again submit to the government of ignorance, in a great blind unwilling mass led by the artful and greedy, for their own selfish ends." Carr went on to mount a defense of lynching to

protect "the homes and virtue of pure women."⁸

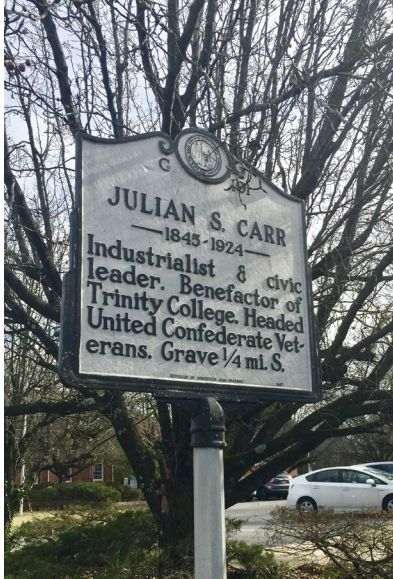
In 1987, the North Carolina State Historical Marker program installed a marker commemorating Carr's contributions to Durham on West Chapel Hill Street. The marker acknowledges Carr's business success

⁶ Carr was proud of his membership in the Ku Klux Klan and identified himself as a member, reflected in "[General Jule Carr on the Ku Klux Klan](#)," *Independent*, November 4, 1921. A full report of how white leaders planned and carried out the Wilmington coup d' etat was prepared by the North Carolina Department of Cultural Resources and is available [online](#).

⁷ A transcription of the Carr speech is available [here](#).

⁸ "[Col. Carr on the Race Problem](#)," *The Farmer and Mechanic* (Raleigh, North Carolina), May 30, 1899.

and civic leadership. The marker does not, however, mention his membership in the Ku Klux Klan or the important role he played in white supremacist campaigns and violence.⁹



The Julian S. Carr marker on Durham's West Chapel Hill St.

Initially, Carr supported the installation of Durham's Confederate memorial. As noted in [Commemorative Landscapes of North Carolina](#), the Durham-based R.F. Webb Camp of United Confederate Veterans and the Julian S. Carr Chapter of the United Daughters of the Confederacy (UDC) supported this effort. However, in a highly unusual decision, they looked to the state legislature to provide the budgeted \$5,000 through a [one-half-of-one-percent tax increase for a one-year period](#).¹⁰

It is important to note that this tax came at a time when many African Americans paid taxes but were unable to vote due to systemic disenfranchisement campaigns and violence supported by white leaders like Carr. Carr's newspaper, the *Durham Tobacco Plant*, railed against black enfranchisement, asking readers, "Will you allow negro rule or a white man's government?"¹¹

According to historian Leslie Brown, in the wake of the Wilmington violence, "Black Durhamites vanished from partisan politics." After 1900, "as the fury and frequency of white violence increased, their retreat must have seemed wise."¹²

Carr, who initially led the statue effort, wanted the county to request triple the proposed amount from tax revenue. He desired a grander statue like the one he had welcomed at his alma mater, the University of Carolina at Chapel Hill, in 1913. The Durham County Commissioners opposed that request, prompting

⁹ Information about the marker is available [here](#).

¹⁰ "[General Carr May Yet Win Out in Monument Matter](#)," *Asheville Citizen-Times*, April 11, 1923.

¹¹ In *Upbuilding Black Durham*, historian Leslie Brown notes that a few black elites voted in Durham after the white supremacy campaigns of the late 1800s. That a few black leaders voted was tolerated, she notes, by white leaders since the majority were prevented by residency and literacy requirements as well as a poll tax. Many whites would also have failed to meet these criteria, but were grandfathered in. For more on black voting at this time, see Brown, Leslie, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow South*, The University of North Carolina Press: Chapel Hill, NC, 2008, pp. 73-74.

¹² Brown, p. 74.

Carr to resign from the commission, claiming that that it would be [“a disgrace” for a county as wealthy as Durham to install a cheap monument](#).¹³

In the end, only public monies funded the statue, which was a relatively inexpensive mass-produced model cast by the McNeel Marble Company.¹⁴ The Durham statue is the only Confederate monument in a public space in North Carolina that was completely paid for with public funds.¹⁵ The statue remained a site of commemoration for descendants of Confederate veterans and others until protestors pulled the statue down in 2017.

[Prof. Fitzhugh Brundage](#) spoke of how prevalent monuments to the Confederacy are in the state, to the exclusion of monuments to virtually all other historical events of importance, including the state’s significant Union support, emancipation, World War II, and the civil rights movement. [In his visual presentation](#), Brundage made special mention of the [United States Colored Troops Monument in Hertford, Perquimans County](#), one of the few in the state -- or the wider South -- that recognizes the sacrifice of African Americans and Union soldiers.

Legal issues

The fall of Durham’s statue should be seen in the context of recent events that have occurred in the southern United States, starting with the [June 17, 2015 murder](#) of nine worshippers at Charleston, South Carolina’s Emanuel African Methodist Episcopal Church. Among them was South Carolina State Senator Clementa Pinckney. The murderer had been radicalized by on-line white supremacist propaganda, among other things. A month later, after years of protest, South Carolina Governor Nikki Haley ordered the [removal of the Confederate flag](#) from the state capitol grounds in Columbia.

In cities like New Orleans, Memphis, and Baltimore, authorities began discussing the removal of statues honoring Confederate leaders like General Robert E. Lee, which many identified as symbols of white supremacy. Tensions over statues erupted into street battles at an August 2017 white supremacist rally

¹³ "[Gen. Julian Carr Says He Opposes Cheap Monument--Durham Monument Would Be 'Disgrace,' He says in Resigning](#)," *Asheville Citizen-Times*, April 4, 1923.

¹⁴ Carr died on April 29, 1924, prior to the Durham monument dedication.

¹⁵ The Unity Monument at Bennett Place, a state historic park dedicated in 1923, was also fully paid for with public money after a petition to the legislature. As noted in [Commemorative Landscapes of North Carolina](#), the Julian S. Carr Chapter of the United Daughters of the Confederacy declined to participate in the dedication. Although they approved of marking the spot for historical purposes, they felt the monument constituted a “monument of defeat.” At a mass meeting held in Durham on October 22 that included Confederate veterans, “memorial plans were strongly endorsed. Editorials and news articles across the state also seemed to support the memorial.”

in Charlottesville, Virginia, organized around preserving Confederate statues. There, a white supremacist drove his car into a crowd of protestors, killing [anti-racist protester Heather Heyer](#), and injuring others.

In 2015, in part as a reaction to tensions around Confederate symbols, the North Carolina State legislature passed a law restricting what local governments' power to modify or remove "objects of public remembrance," which includes Durham's Confederate memorial. One of our invited speakers, [UNC School of Government professor Adam Lovelady](#), pointed out that G.S. § 100-2.1 defines the term "object of remembrance" to mean "a monument, memorial, plaque, statue, marker, or display of a permanent character that commemorates an event, a person, or military service that is part of North Carolina's history."¹⁶

As Lovelady pointed out, the law refers only to intact objects, not objects that have been damaged, as is the case with Durham's Confederate statue. He also noted that the statute does not include a requirement for municipalities to repair or restore damaged memorials. The statute states that objects *cannot* be removed and that they may only be relocated (temporarily or permanently) to "a site of similar prominence, honor, visibility, availability, and access" within the same jurisdiction.

The statute does list specific exceptions that allow for modification or relocation. For example, the law permits relocation for the physical preservation of the object. Lovelady noted that this language likely referred to weather-related deterioration or damage resulting from a natural disaster, but that preservation from vandalism could also be a rationale.

The 2015 statute allows for modification or removal of an "object of remembrance" when public safety is an issue. In an article on the subject, Lovelady notes:

Protests and counter-protests in Charlottesville, Virginia, showed the potential for threats to public safety surrounding an object of remembrance. Moreover, the toppled statue in Durham displayed the potential of an unsafe and dangerous condition when protestors pull down a monument. Could the public safety exception apply when the dangerous condition arises from actions related to the object rather than from the physical object itself? Possibly, but the statute is not clear. The plain language of the statute refers to "an unsafe or dangerous condition." It does not require "an unsafe or dangerous condition [of the physical object]," so

¹⁶ For a full discussion, see Lovelady, Adam, "Statues and Statutes: Limits on Removing Monuments from Public Property," in *Coates' Canons: NC Local Government Law*, August 22nd, 2017, available [here](#).

one could argue that the dangerous condition could be something beyond the physical character of the object. The statute also allows for the determination from “a building inspector or similar official.” With this language one could argue that issues beyond basic building code standards could come into the public safety determination. On the other hand, the statute does refer to “[a]n object of remembrance . . . [that] poses a threat to public safety.” The explicit mention of the building inspector frames the safety considerations around typical building safety matters. And, this type of public safety exception typically concerns threats arising from the object itself (the building or structure or monument).¹⁷

Boyd Sturges, a lawyer who represents the Sons of Confederate Veterans, spoke to the Committee on August 7. He argued that North Carolina law requires that the [statue be restored](#) since it was protected by law prior to the acts that brought it down. He refuted claims that the statue embodied a “threat to public safety,” which he argued has a limited meaning linked to a determination by a “building inspector” as specified in the law.

However, the Committee believes that public safety and the physical security of a restored monument would be significant concerns given continued acts of vandalism to the Durham monument’s base, the protests and toppling of the Silent Sam monument in Chapel Hill, and public comment heard at our committee meetings.

Another lawyer who spoke to our committee argued that a different legal standard should be applied to remove all Confederate monuments. [Scott Holmes, a law professor and criminal defense attorney](#), offered a constitutional argument for permanently removing Durham’s Confederate monument. According to Holmes, monuments located on public land constitute government speech. He argued that Confederate monuments then violate the equal protection clause of the [US Constitution’s 14th Amendment](#) -- as well as prohibitions against discrimination -- because these monuments violate equal protection since they celebrate racism and white supremacy.¹⁸

As is clear from this summary, interpretations of the law and the statue’s effect on the public and public safety varied widely among those who engaged with the Committee and were at times at odds. Some

¹⁷ Lovelady, Adam, “[Statues and Statutes: Limits on Removing Monuments from Public Property](#),” in Coates’ Canons: NC Local Government Law,” August 22nd, 2017.

¹⁸ Holmes noted that this argument related to Confederate statues has not been litigated. Among other cases, Holmes cited [Pleasant Grove vs. Summum](#), which involved an effort to place a religious monument in a public park.

argued that the statue's toppling represented a breakdown of law and order while others maintained that the monument itself is a potent symbol of injustice, inequality, and lack of safety for people of color.

Additionally, Adam Lovelady spoke to the question of altering a monument, particularly the prospect of adding new interpretative material or new memorial elements around an existing monument. He noted that the 2015 law requires approval for alteration, but that the law does not mention or limit the addition of new elements. The addition of such elements to “recontextualize” or provide a broader and deeper history of the monument and the Civil War in Durham was a suggestion that the committee heard frequently from the public.

All of our speakers who addressed the legal questions around the monument noted that none of these interpretations of the 2015 law regarding objects of remembrance have been tested in the courts and that it would be difficult to know who could bring such a challenge and what the outcome would be.

Our committee came to no conclusions about whether or not the public safety exception or other laws could be used for the modification or removal of Durham’s memorial. We believe that our recommendations to the City and County fall within the confines of current law while also reflecting our best effort to fully represent the views of the Committee and Durham.

Value of Statue, Restoration, and Security

According to County records, the statue and base cost a total of \$5,000 in 1923. A [valuation completed after the statue](#) was pulled down estimated the value at \$244,076 and used the following formula to estimate the statue’s value in 2017 dollars: Current price=Base Year Price x (Current CPI/Base Year CPI), where the CPI is the Consumer Price Index (see [Appendix Five](#)).

The cost of protecting similar monuments is high. For instance, UNC police estimate that the cost of protecting the Confederate memorial known as “Silent Sam” was roughly [\\$1,700 per day](#) and might have amounted to as much as \$621,000 in a year. Despite this considerable expenditure, protestors tore that statue down on August 14, 2017.¹⁹

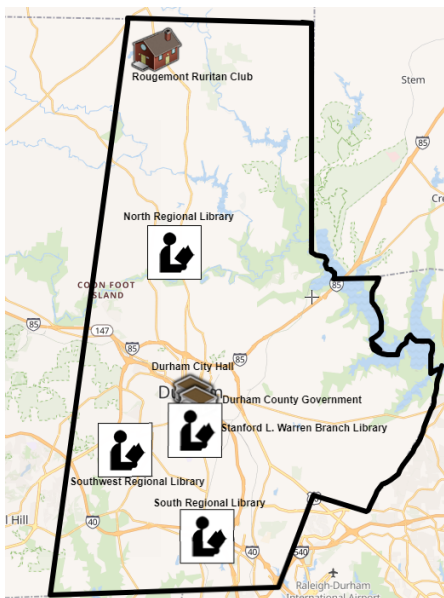
¹⁹ The university clarified that these costs were estimates since the statue’s protection was part of broader security staffing needs in a highly trafficked area on campus. Additionally, costs varied by day based on the needs on that day and the salary rates of those assigned, among other factors. Stancill, Jane, “[How much does it cost UNC to protect Silent Sam?](#)” *Durham Herald-Sun*,

Engagement

Fulfilling our first charge of engaging the Durham community in expansive and transparent conversation regarding public monuments and remnants of the Confederacy, we held eight meetings in 2018: [May 10](#), May 22, [June 7](#), August 7, [August 23](#), September 5, September 27, and [October 11](#). Meetings in the County and City chambers were audio or video recorded. One meeting was cancelled due to Hurricane Florence (September 13). In addition, the Committee had two working meetings, on May 22 and October 13. During working meetings, we planned how to synthesize information, produce recommendations, and craft the report.

Eight of our ten meetings featured an invited speaker to talk about their area of expertise related to Durham history or monuments. The names and affiliations of the speakers can be found in our meeting agendas (see [Appendix Two](#)).

Four meetings were held in City or County chambers and were audio or video recorded. These meetings



included public comment by all attendees wishing to speak.

Another four meetings were framed as community conversations and held in public libraries around the city and county as well as in the Rougemont Ruritan Club (we include a map showing the meeting locations).

Community conversations were conducted with the support of trained facilitators provided by the Durham Cooperative Extension. Given the passions surrounding this debate both locally and nationally, the Committee was prepared to deal with some disruption. However, such instances were rare and occurred primarily over social media. We found that most participants were polite, respectful, and committed to civil

discourse.

The questions at the community conversations were the following:

June 7, 2018.

- What community values should be represented in our public memorials, markers and monuments?
- What memorials or historic markers do you think are missing from our community? What stories, people, places, or events could be publicly recognized?
- Considering that there are legal constraints on altering any existing objects of public remembrance, what do you think could be done with the existing statue and monument that reflects our shared values?

Approximately 140 people attended meetings in person, with more watching via the City of Durham cable channel during the two meetings held in the City Council chambers.

To the extent possible, we recorded, transcribed, filmed, and photographed all meetings and made those materials available on Facebook, on Twitter, and in this report. The two meetings that were held in the City Council chambers were live-streamed via the city’s cable network and are available via the city’s YouTube channel. Both County chambers meetings were audio-recorded and the audio was made available to the public via our Facebook and Twitter pages. Video was posted on our Facebook and Twitter pages as well as the city Youtube channel.

Additionally, Committee chairs Kirk and McKissick-Melton did an interview with the city’s [CityLife program](#). All materials generated by the Committee will be deposited with the North Carolina Room of the Durham County Library, where the public may review them.



Museum of Durham History Executive Director Patrick Mucklow speaks at the North Regional Library on September 27, 2018

In terms of numbers of citizens contacted, we interacted with over one hundred people who attended one or several of our meetings. In addition, we had robust engagement through our [Facebook page](#). We had 149 unique users, most female. Most users were between the ages of 25-64, the majority from Durham (see [Appendix Six](#)).

Over 245 people left comments on our Google survey, available as Appendix [Seven A \(Durham residents\)](#) and [Seven B \(non-Durham residents\)](#). We opened the survey on June 4, 2018 and closed it on October 31,

2018. The questions included

- Name
- Email Address
- What is your connection to Durham?
- What community values should be represented, recognized, and celebrated in our public memorials, markers, and monuments?
- What memorials or historic markers do you think are missing from our community? What stories, people, or events should be publicly recognized?
- What do you think should be done with the Confederate monument torn down outside the Old Courthouse and the base of that monument that remains that reflects our shared values? Please be aware that state law limits the alteration of any existing objects of public remembrance.

We received over 66 discrete emails through our email account (see [Appendix Eight](#)). In addition, we received 7 written letters, petitions, and statements (see [Appendix Nine](#)).

In addition, we were provided with a survey assembled by North Carolina Central University students that reported the views of 53 Durham residents, most female. Ninety-four percent identified as African-American. Of those surveyed, 73 per cent either strongly agreed or agreed that Confederate statues should be removed from all public spaces (see [Appendix Ten](#)).

DISPOSITION PLAN

In discussing the disposition of the damaged statue and the remaining base, we sought to bring together a wide variety of factors, prime among them the views of the hundreds of Durham residents and others who engaged with the Committee. In addition, we sought out speakers with a variety of views who could help the Committee understand the complexity of this issue.

Early in our work, members of the Committee visited the damaged statue and associated pieces, including the metal lamps and cannon balls, in County storage. We observed that the statue has suffered catastrophic damage that makes repair impossible.

In arriving at our recommendation to locate the damaged statue in the County building and to connect additional memorials to the exterior base, we were guided by the values expressed by community participants and the members of our Committee. These values include justice and compassion for all people; the transparency of our own process; thoughtfulness and integrity; and historical accuracy.

We also recognized the significance of other elements that significantly shaped our discussions, including the lasting impact of any County or City decision; and the legal constraints imposed by the North Carolina General Assembly.

For these reasons, we chose to recommend a disposition plan that reflects the enduring values of our community as well as our conviction that periods in our past -- even the most painful ones -- should not be entirely erased.

Catalogue Confederate Monuments and Other Remnants of the Confederacy or the History of Enslavement

The Committee has provided a catalogue of 15 sites that qualify as monuments of the Confederacy or as remnants of either the Confederacy or the history of enslavement (see [Appendix Three](#)).

A Plan for the Disposition of such Monuments and Remnants.

Our catalogue revealed one site of concern, the [state highway historical marker to Julian S. Carr, on West Chapel Hill Street](#). Carr's role in Durham history is pivotal. Born into a slave-owning family, Carr served in the Confederate army before becoming a leading industrialist and philanthropist. He served as trustee to Trinity College (now Duke University) and donated the land where East Campus is located. Carr was a partner in the tobacco manufacturing firm W. T. Blackwell and Co., which established the Bull Durham trademark, and he owned many other businesses.

Yet in addition to his contributions as an industrialist and philanthropist, Carr was also a white supremacist and a member of the Ku Klux Klan. He spoke favorably about the lynching of African-Americans and he was among those who supported the 1898 Wilmington massacre of African-Americans. There, white mobs killed African Americans and their white allies in an assault on homes, businesses, and the city's Fusionist government.

In 2017, the Durham Board of Education voted to [remove Carr's name from a building at the Durham School of the Arts](#). As we write this report, Duke University announced plans to [remove the Carr name from the building](#) where the History department is located and install materials that will give visitors a more complete view of Carr's life.

PEOPLE, EVENTS. AND LOCATIONS MISSING FROM DURHAM'S HISTORICAL NARRATIVE

During our public meetings, we collected dozens of suggestions for new sites and memorials (see [Appendix Four](#)). For the most part, questions about who should be honored by Durham were met with enthusiasm from those who supported the restoration of the statue and those who supported its removal. At our community conversations, there was often agreement on the richness of our history and the need for broader representation.



Pauli Murray Center board members and Durham residents Mayme Webb-Bledsoe (left) and Victoria Phillips at the 2017 celebration of the Fitzgerald home historical designation

In important ways, this effort to commemorate Durham’s history is ongoing and represents an exciting opportunity for the City and County. The childhood home of Pauli Murray, which was designated in 2016 as a National Historic Landmark, represents just one example of a new site for the purpose of educating new generations. Sponsored by the non-profit [Pauli Murray Center for History and Social Justice](#), the home is slated to open full-time in 2020 as a way of honoring the life and legacy of this significant 20th century human rights activist, attorney, educator, poet, and Episcopal priest who was not much recognized during her lifetime.

In a [2004 research report](#), the National Park Service recognized that less than 1% of the properties listed on the National Register for Historic Places focused on women and people of color. Since then, they have made significant efforts to [recognize and commemorate the stories of all Americans](#). Through the work of the National Register and the National Historic Landmarks programs, the statistics are beginning to improve even as we have a long way to go. As North Carolina’s 39th National Historic Landmark, the Pauli Murray Childhood Home is the first in the state to focus on women’s history and the first in the nation to focus on the history and contributions of an African American woman who was a member of the LGBTQ community.

Raised by her grandparents in Durham, Murray went on to formulate winning legal strategies for both the civil and women’s rights movements. She was a co-founder of the National Organization for Women and she was the first African American woman ordained to Episcopal ministry. A prolific author, Murray wrote [Proud Shoes: The Story of an American Family](#) about her grandparents and Durham’s early history.

To date, no site honors the workers who built Durham. Beside the civil rights mural on Morris St, few sites honor local civil rights history, including the leadership of national figures like Floyd McKissick, Sr., the first African-American student at the University of North Carolina at Chapel Hill's Law School and a national director of the Congress of Racial Equality (CORE).²⁰ There are six [historic markers](#) installed on Parrish Street, also known as Durham's Black Wall Street, that share the history of African American entrepreneurship and civic contributions during the early 20th century. These markers were created by local artists under the direction of the Parrish Street Advocacy Group, a now non-active group of citizens convened by the City of Durham's Office of Economic and Workforce Development, for the purpose of developing cultural heritage and economic development strategies that amplify the [history and spirit of innovation and courage on Durham's Black Wall Street](#).

One of our speakers, Museum of Durham History Executive Director Patrick Mucklow, shared with us [some of the Museum's plans to expand and deepen the way Durham history is told](#). This invaluable resource should be an important partner as Durham plans its Sesquicentennial in 2019 and beyond.

²⁰ See <http://www.core-online.org/History/mckissick.htm>.

Acknowledgments

The committee wishes to extend their gratitude to all of those who contributed to making this endeavor productive.

We would like to acknowledge the City and County staff who supported our meetings, among them our Lead Facilitator Donna Rewalt, from the Durham Cooperative Extension. In addition, her crew of volunteer facilitators -- Ajenai Clemmons, Emily Cox, Deborah Cousin, Michael Davis, Aubrey Delaney, Gini Knight, Eric Marsh, Rachel Monteverdi, Lisa Rist, Taylor Share, JT Tabron, Beverly Tucker, Laila Watson-El, and Anne Wells -- helped make our community conversations among the most productive meetings we hosted.

In addition, we relied on the diligent work of many City and County employees as well as officers in the Durham County Sheriff department.

To the many speakers who travelled from across the state and across state lines to provide insightful perspectives. They include Adam Lovelady, Fitzhugh Brundage, Boyd Sturges, Teresa Roane, Lauren Menges, Elizabeth Shulman, Patrick Mucklow, and Scott Holmes. We would also like to thank Mayme Webb-Bledsoe, whose wisdom and insight helped us come to complex decisions about recommendations.

We are especially grateful to the Durham County Library and the three branches where we held community conversations: Stanford Warren, South, and North Libraries. Also, the Rougemont Ruritan Club gave us a warm welcome.

To our visionary leaders, Durham County Chair Wendy Jacobs and Durham Mayor Steve Schewel, who charged and empowered the committee with a forward-looking task.

Last but not least, we owe our greatest thanks to the public who attended, spoke, wrote, and participated in lively discussions at our meetings.