North Carolina Historical Commission
Meeting Minutes

September 3, 2020

Conference Call

The North Carolina Historical Commission (NCHC, Commission) met via Zoom conference call on Thursday, September 3, 2020. All commissioners were present: David Ruffin, Chair; Dr. Mary Lynn Bryan; Dr. David C. Dennard; Samuel B. Dixon; Dr. Valerie A. Johnson; Dr. Malinda Maynor Lowery; B. Perry Morrison Jr.; Susan Phillips; W. Noah Reynolds; Barbara B. Snowden; and Dr. Darin Waters.

Other staff members of the North Carolina Department of Natural and Cultural Resources (DNCR) in attendance included: Dr. Kevin Cherry, Deputy Secretary of the DNCR, Director of the Office of Archives and History, and Secretary of the NCHC; Phil Feagan, General Counsel, DNCR; Ramona Bartos, Director of the Division of Historical Resources (DHR) and Deputy State Historic Preservation Officer (HPO); Ken Howard, Director of the Division of State History Museums (DSHM); Sarah Koonts, Director of the Division of Archives and Records (DAR); Michelle Lanier, Director of the Division of State Historic Sites and Properties (DSHSP); Angela Thorpe, Director of the North Carolina African American Heritage Commission (AAHC); and Parker Backstrom, OAH administrative assistant and Recording Secretary of the NCHC.

Also in attendance were: Karen Blum, Special Deputy Attorney General, North Carolina Department of Justice, and General Counsel to the NCHC in matters dealing with the relocation or removal of Confederate monuments; and John Maddry, General Counsel, North Carolina Department of Administration (DOA).

Call to Order and Opening Remarks

Chairman Ruffin called the meeting to order at 1:02 P.M. He reminded everyone that the state remains in a state of emergency, as proclaimed by the Governor. As such, as required by statute governing virtually held public meetings, attendees are to identify themselves when speaking or voting.

Conflict of Interest Statement

Mr. Ruffin asked each Commission member, their having had a chance to review the agenda in advance of the meeting, whether any might have a real or perceived conflict of interest pertaining to the business that would come before the Commission this day. Commissioner Snowden stated that because she is a member of the board of directors at the Museum of the Albemarle, she would recuse herself of matters pertaining to that institution.

Roll Call

Chairman Ruffin called roll with each commissioner noting his or her presence by replying "aye."

Approval of Minutes

At Mr. Ruffin's invitation, Professor Phillips moved to approve as written the minutes of the May 29, 2020 meeting of the NCHC, a draft of which was sent to the Commissioners in advance of the meeting. Dr. Dennard seconded the motion. Mr. Backstrom reported that Mr. Morrison had contacted him directly just prior to the meeting asking him to correct the way Mr. Morrison's name was listed in those minutes. The chair called for a roll call vote on the motion to accept the May 29, 2020, meeting minutes, pending this change. The motion was carried unanimously.

Former Commissioner Millie M. Barbee Letter

Chairman Ruffin referred the commissioners' attention to a draft letter written by Dr. Cherry, which was sent to them for review prior to this meeting. The letter, addressed to Governor Cooper, asks that emeritus status on the NCHC be given to former Commission chair and long-time commissioner Millie M. Barbee. Mr. Morrison pointed out a typo, but made a motion to approve the letter, pending this small change, and change it into resolution form for the Governor's signature. This motion was seconded by Dr. Johnson. The draft resolution will be presented for consideration at the next meeting of the Commission.

During the discussion period, Dr. Dennard asked about the granting of emeritus status on boards and commissions, which Dr. Cherry addressed. Dr. Cherry reminded the commissioners that former NCHC members, the late Drs. Jerry Cashion, H. G. Jones, and William Powell were given that status by governors past. He also pointed out that Commissioners Emeriti hold all the rights as do regular commissioners but cannot cast votes on business matters.

Chairman Ruffin called a roll call vote on the motion and second that was on the table. The motion passed unanimously.

State Textile Museum Feasibility Study

Given the floor, Dr. Cherry reminded the commissioners that prior to their May 29 meeting they were given the penultimate draft of a North Carolina General Assembly (NCGA)-requested feasibility study for a textile museum in the state. Since the NCHC's review of that penultimate draft, the study committee finalized its report, and that final report was sent to the commissioners to review prior to this meeting. Dr. Cherry described in detail the small number of changes made to the penultimate draft and the final draft, as summarized in written form by study committee member Dr. Joe Beatty, the supervisor of the OAH's Historical Research Office. So, said Dr. Cherry, the Commission's role today is two-fold: to formally accept the final draft of the feasibility study as it is, or to suggest further changes; and to authorize the creation by OAH staff, on behalf of the NCHC, of a letter of endorsement—citing suggested changes, if necessary—to transmit to the NCGA with the feasibility study.

Mr. Ruffin said he understood the charges to the Commission today, but asked whether the changes as outlined in the summary would be part of the letter of endorsement. Explained Dr. Cherry, the final version of the report, which has the changes incorporated into it, was transmitted to the NCGA ahead of the Commission seeing it. To further clarify Dr. Cherry explained that the final draft of the study report was in actuality completed immediately prior to the Commission's May 29 meeting, but inside the statutory minimum time-frame for posting for public consumption pre-meeting. Because of that technicality, the final version could not be shared with the commissioners

at the May 29 meeting. The exercise today, therefore, is a formality so that the final version of the report can be considered accepted and endorsed by the NCHC.

Mr. Morrison moved to approve the final draft of the study report as-is, and to authorize the transmittal letter of endorsement. Mr. Morrison's motion was seconded by Dr. Bryan, and the motion was passed unanimously on a roll call vote.

Accessions and Deaccessions from State History Museums and State Historic Sites

Dr. Cherry referred commissioners to the annotated list of items recommended by the OAH Accessions Committee for accessioning into and deaccessioning out of state collections. This list was sent to the commissioners prior to the meeting, and a copy was placed in the file for this meeting. He proposed presenting all accessions as a single slate for approval. After a brief recitation of select listed items by institution, and a very brief summary by Ms. Lanier of some of the more than 700 accession items that fall under the category of the 'Golden Frinks Collection,' Dr. Cherry suggested that a motion to accept as a single slate be made. Mr. Backstrom reminded the commissioners that since Ms. Snowden had expressed a wish to recuse herself from the accessioning of items into the Museum of the Albemarle, the list of accessions would have to be presented in two slates, one consisting of all non-Museum of the Albemarle items, and one consisting of only Museum of the Albemarle items. Therefore, Dr. Dennard made a motion to accept for accessioning all the items so recommended by the OAH Accessions Committee, less those items pertaining to the Museum of the Albemarle. Mr. Morrison seconded this motion, a roll call vote taken, and the motion passed unanimously. Dr. Johnson then made a motion approving accessioning of items into the Museum of the Albemarle, as presented. Dr. Johnson's motion was seconded by Ms. Phillips, and the motion was passed unanimously on a roll call vote with Ms. Snowden abstaining.

Dr. Cherry continued, explaining that deaccessions require two separate votes by the commissioners. The first gives approval or not to items listed for deaccessioning. The second vote on those same items gives approval or not on the method of disposal, described for each item in the annotated list. After Dr. Cherry briefly recited the list of items for deaccessioning from the Maritime Museum at Beaufort, the only institution with items needing deaccessioning, Dr. Bryan moved approval of the list, as presented. That motion was seconded by Mr. Dixon and was carried unanimously on a roll call vote. Mr. Morrison then made a motion approving the methods of disposal, as presented. That motion was seconded by Ms. Snowden and the motion carried on unanimous roll call vote.

North Carolina Department of Administration Petition Regarding Union Square Confederate Monuments

Mr. Ruffin began on a personal note, expressing disappointment that the recommendations from the NCHC to the NCGA on ways for the State to deal with the Confederate Monuments on Union Square—summarily, leaving them in place but adding contextualization—were not fully enacted. He noted that the Commission has now been asked to revisit the question of the ultimate disposition of the three Union Square monuments, in light of their removal in June 2020, in the case of one monument by protestors, and in the case of the remaining two by State of North Carolina personnel and subcontractors shortly thereafter.

As summarized by Mr. Ruffin, the issue before the Commission at this meeting is a request by the DOA, in the form of a Petition asking the NCHC to "Determine Appropriate Status of State-Owned [Confederate] Monuments" on Union Square. After Chairman Ruffin read verbatim the 'Requested Relief' sought by Secretary of the DOA, Machelle Sanders, he explained that DNCR

General Counsel Feagan has recused himself from the issue, and that Special Deputy Attorney General Blum will be representing the Commission in this matter. He also voiced his opinion that the issue is too involved to be dealt with satisfactorily by the Commission within the confines of this single meeting, and he opened the floor to discussion.

Commissioner Dixon made the following motion: "That the NCHC, through Mr. Ruffin as Chair, form a study group or committee from the Commission's membership, to work with appropriate staff members of the DNCR, under the leadership of Dr. Kevin Cherry, to affect a timely response to the DOA's Petition, related to the ultimate relocation of the three Union Square Confederate Monuments." Mr. Dixon's motion was seconded by Mr. Morrison.

Dr. Dennard stated that he was not opposed to the formation of such a subcommittee to once again study this issue, but he cautions against what he termed "retractive work," as it pertains to the efforts the last study committee. He believes that with all the research that has already been done, the new committee could put together something that is more concise than was the last report to the full Commission by the 2018 committee. Mr. Ruffin agreed with Dr. Dennard and stated that this should be achievable because the charges to the committee this time around would be very different than they were last time. In the first instance, the subcommittee was asked to interpret the legal aspects of G.S. § 100-2.1, governing, in part, the removal or relocation of Confederate Monuments on State property. This time the subcommittee will work with DNCR staff to determine the proper disposition of the monuments, which have already been removed and are currently in storage. The Chair then asked Mr. Dixon, Dr. Johnson, Ms. Snowden, and Dr. Waters to join him on this new committee.

Mr. Morrison noted that the Petition puts forth only two options for the Commission's consideration: to determine whether the monuments should be accessioned as artifacts by the OAH; or to determine whether each monument should be placed permanently on property belonging to the State and, if so, the specific location for the placement of each monument. Mr. Morrison suggests the subcommittee maintain an "open mind" and consider additional options, such as whether it might deem the monuments to be "works of art," and what such a determination might entail. Mr. Ruffin voiced his support of this approach, and said he considers the committee unconstrained by the binary choices set forth in the Petition.

Dr. Johnson asked whether the findings by the new committee will need to be presented to the full Commission in the form of a recommendation, and asked whether the subcommittee can issue its finding in such a way as to render the issue finalized, negating the need to revisit it again in the future. Ms. Phillips said she believes the question of finality lies with the NCGA and the power it holds over the issue. Dr. Johnson went on to say she thinks that at least part of the discussion about the disposition of the monuments should center upon whether the NCHC can close the door on its role as it pertains to the now-removed Union Square monuments by the type of recommendations it puts forth.

Mr. Morrison clarified his second of Mr. Dixon's motion, adding his understanding that the committee would make recommendations to the full Commission for its consideration and vote. Mr. Ruffin confirmed this understanding and affirmed that any findings would be issued by the entirety of the Commission.

At this point Chairman Ruffin asked Mr. Maddry to address the commissioners. Mr. Maddry related that by his interpretation of G.S. § 100-2.1, as it is currently written, the NCHC has the authority to

determine placement of Confederate Monuments on State property, or otherwise place them into a position for accession into State collections for display or study, but acknowledges that future legislation could change that. Mr. Ruffin stated his agreement with Mr. Maddry's interpretation of the statute. He also stated that he believes that a ruling by the NCHC on the Petition from the DOA would exceed being merely an opinion, but rather elevate itself to an actionable ruling on the disposition of the monuments in question. He also concurs with Dr. Johnson's desire to deal with this question with some degree of finality.

Dr. Dennard reminded the group that in 2018 the Commission had to factor into its discussions the question of whether someplace "of similar prominence" as Union Square could be found to which a monument or monuments might be relocated, a condition emphasized in G.S. § 100-2.1. He continued, saying that questions about public safety should be given serious consideration during any discussions about relocation or placement, another condition emphasized in G.S. 100-2.1. Wherever the monuments end up, he said, concerns about public safety might not only need to be given priority over the Commission's inclination to dictate disposition into a collection, for example, but may even trump the guiding principle of finding a location or locations of similar prominence to Union Square. Dr. Lowery expressed her appreciation for the careful consideration by the Commission of its ability to act within the law. She also echoed Dr. Dennard's thoughts, going on to say that recent events mandate in her mind the principle that the Commission's recommendations take municipality- or county-level concerns into account, as it defines safety and prominence. In addition to safety concerns related to the removal of a Confederate monument, as were described by Dr. Dennard in Pitt County, she cited issues pertaining to the support for or opposition to the removal of similar monuments faced by local governments in Chatham and Johnston counties, among others, dealt with over the summer without much guidance from the state. Ergo, she said, the NCHC might be able to play a very constructive and important role if the committee's work is very much "on the ground" and it keeps in mind that all definitions of safety at all types of sites are not equivalent.

With discussion concluded Chairman Ruffin reframed the motion on the table: That a study committee be formed—made up of Drs. Johnson and Waters, and Mr. Dixon, Mr. Ruffin, and Ms. Snowden—to consider the DOA's Petition and Requested Relief; and that at the conclusion of its work, the committee would make recommendations to the full Commission. The motion already having been seconded the Chair conducted a roll call vote, with each commissioner voting to approve.

Reports from Division Directors

African American Heritage Commission – Citing a written report sent to the commissioners in advance of the meeting, Ms. Thorpe touched on some of the topics cited in that report. These included: *Organizational Staff Changes*; *Commissioner Re-appointments*; *General Programmatic and Initiative-based Updates*, including the AAHC's partnership with the Smithsonian National Museum of African American History and Culture in transcribing the Freedman's Bureau records; *Grant Updates*, including funding received from the William G. Pomeroy Foundation, The North Carolina Humanities Council, the National Park Service, and the Institute of Museum & Library Services; and *Conferences and Symposia* attended and hosted, including The Society for Historical Archaeology's 2020 Conference on Historical and Underwater Archaeology in Boston, and the Association of African American Museums Virtual Conference. A copy of Ms. Thorpe's full report resides in the file containing material for this meeting.

Division of Archives and Records – Ms. Koonts walked the commissioners through a written report sent to them prior to the meeting. She summarized the activities and initiatives that have taken place within her division since the last meeting of the NCHC. These included: *Staffing News*; *Outreach Programming*, including reporting on a strong shift to online outreach through workshops, virtual meetings, and video tours; *Major Projects*, including preparation for the migration of website resources to a new platform being implemented by the state, online oral histories, continued work on private collections, and assistance with the preservation of materials contained within the cornerstone of the dismantled Confederate Monument; *Remote Projects*, several of which include data clean up in the division's new online catalog; and the implementation of the *State Archives and Equity in Archival Access and Collecting* initiative, which involves conversations of the impact of racism on the archives profession and professional practices. A copy of Ms. Koonts's full report resides in the file containing material for this meeting.

Division of State History Museums – Mr. Howard began by reporting that the state's history museums will be reopening in September. Access at the Museum of History in Raleigh will be limited in capacity and special hours established for visitors at high risk of coronavirus infection. He continued, citing his written report sent to the commissioners in advance of the meeting. Highlights included a brief discussion about operational funding losses due to the pandemic, as well as the acquisition of federal coronavirus relief funding received for the creation of online programming and access to the museum's historical content. Mr. Howard concluded by updating the commissioners on progress being made both on the MOH's expansion plans, and planning at the Civil War & Reconstruction History Center in Fayetteville. A copy of Mr. Howard's full report resides in the file containing material for this meeting.

Division of Historical Resources – Ms. Bartos summarized her written report, sent to the commissioners prior to the meeting. She offered brief summaries of activities within the offices that make up her division: the *State Historic Preservation Office*, including the Environmental Review Branch, and the Survey/National Register Branch, and she reported that constituent interest in the Historic Tax Credit Program has been keen; the *Office of State Archaeology*, including offering a brief report on the Hurricane Florence and Hurricane Michael Historic Preservation Aid Package received from the federal government; and the *Historical Research Office*. She reported that the *Western Office* of the OAH remains closed to the public but notes that staff continue to perform their work remotely. A copy of Ms. Bartos's full report resides in the file containing material for this meeting.

Division of State Historic Sites and Properties – Ms. Lanier summarized a written report prepared for the commissioners and sent to them in advance of the meeting. She touched upon *Emergency Response*, including to an arson fire at Historic Stagville State Historic Site, and issues resulting from Tropical Storm Isaias; *Initiatives and Programs*, including 'Health, Healing, and History: Learning Relevant Lessons from North Carolina's Historic Sites,' and 'Singing on the Land'; *Professional Development*; updating commissioners on the Golden Frinks Freedom House; and an overview of the aforementioned Confederate Monument cornerstone, its retrieval, opening, and contents. Ms. Lanier concluded by citing her personal, open letter, shared with commissioners prior to the meeting, which she penned in response to racial violence, systemic racism, and the killings of Breonna Taylor, George Floyd, Ahmaud Arbery, and others. Copies of Ms. Lanier's full report and letter reside in the file containing material for this meeting.

Tryon Palace – A report written by Director Bill McCrea was sent to the commissioners in advance of the meeting, a copy of which resides in the file containing material for this meeting.

Chairman Ruffin expressed his sincere appreciation for all the work that staff of the OAH have done and continue to do.

Report from the Director of the Office of Archives and History

Dr. Cherry offered a brief, general report on the OAH. He began by expressing pride in and appreciation for the work of the OAH's staff, especially during this historically challenging time.

Dr. Cherry noted a visit to the Battleship U.S.S. *North Carolina* by President Trump on September 2. He noted that the DNCR, like all state agencies, continues to operate at budget levels from last fiscal year, since a budget for this fiscal year still has not been passed by the NCGA. Since the department depends upon receipt income as well as appropriated funding to operate—as examples Tryon Palace gets 50 percent of its funding from receipts, while the North Carolina Transportation Museum (NCTM) gets 92 percent of its funding that way—the closure of institutions due to the pandemic has put a significant bite into revenue generation. The governor and legislators have agreed to redirect federal Covid-19 funding to those OAH institutions that require receipt money to remain open to help them get through this difficult period. Tryon Palace and the NCTM will receive $1 million and $1.5 million respectively. While this special funding will not cover all needs, the department is very grateful for this assistance.

The Thomas Wolfe House State Historic Site, the Museum of History, and even the Archives and History/State Library Building sustained damage during protests in June, mostly in the form of smashed glass doors and windows. It is unclear whether the fire at Historic Stagville, as reported by Ms. Lanier, was related to the protests, but it is believed that it was not.

Finally, Dr. Cherry reports that planning for the USA 250th commemoration continues.

Next Meeting of the NCHC

Mr. Ruffin noted that the NCHC is scheduled to meet again, virtually, on September 23 to deal with Hurricane Florence and Michael subgrants, administered through the Historic Preservation Office. He noted that he will be unable to attend and appointed Dr. Johnson to be the acting chair for that meeting.

Adjournment

At the Chair's invitation, Dr. Dennard moved adjournment. The motion was seconded by Mr. Morrison, and was carried unanimously by voice vote. Chairman Ruffin adjourned the meeting at 3:28 P.M.

Respectfully submitted,

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Kevin Cherry