

July 10, 2020

Chairman Randall Reid-Smith, members of the Capitol Building Commission, and Governor Jim Justice:

It was reported this week that the members of the Capitol Building Commission met on Wednesday, July 8, but did not consider or even discuss the removal of the statue memorializing Confederate general and slaveholder Stonewall Jackson that is displayed on Capitol grounds. Although state and local governments across the country, including in our own capital city, are finally taking rightful action to remove statues and monuments that glorify some of the most shameful periods of our country's history, the Commission's reasoning for not addressing the statue's continued presence on state grounds is because they had not received any requests to do so.<sup>1</sup>

Chairman Reid-Smith and members of the Capitol Building Commission: Consider this a formal request.

Just yesterday, the Tennessee Capitol Commission voted to remove a bust of Nathan Bedford Forrest from the state's capitol building.<sup>2</sup> Like the Tennessee Capitol Commission, you have the authority to act, as the discretion to remove the statue from Capitol grounds lies squarely within the purview of the Commission. West Virginia law provides:

[T]he Capitol Building Commission has the *authority to: review and approve or reject all plans recommending substantial physical changes inside or outside the state capitol building or surrounding complex, including the public meeting rooms, hallways and grounds*, which affect the appearance thereof. The approval of the commission is mandatory before any contract may be let for work which constitutes a substantial physical change, or before changes are started if the work is not done under a contract.<sup>3</sup>

The Capitol Building Commission has the power to act to remove this symbol of hate from the grounds of a state building that belongs to *all* West Virginians. There is no reason to wait. As you know, meetings *may be called at any time* by the Chairman or two members of the

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<sup>1</sup> Phil Kabler, *Capitol Building Commission meets, no talk of status of Stonewall Jackson statue*, CHARLESTON GAZETTE-MAIL (July 8, 2020), [https://www.wvgazette.com/news/politics/capitol-building-commission-meets-no-talk-on-status-of-stonewall-jackson-statue/article\\_7cc3d904-3afa-5492-a4ab-08131a4cd7d0.html?fbclid=IwAR0xv1rvACpPN-QFDbRdmcqXivYCuVVQNYGza\\_PyptFfZ\\_OOPLWPN13xHWY](https://www.wvgazette.com/news/politics/capitol-building-commission-meets-no-talk-on-status-of-stonewall-jackson-statue/article_7cc3d904-3afa-5492-a4ab-08131a4cd7d0.html?fbclid=IwAR0xv1rvACpPN-QFDbRdmcqXivYCuVVQNYGza_PyptFfZ_OOPLWPN13xHWY).

<sup>2</sup> Natalie Allison, *Capitol Commission approves moving Nathan Bedford Forrest bust to Tennessee State Museum* (July 9, 2020) <https://www.tennessean.com/story/news/politics/2020/07/09/tennessee-capitol-commission-votes-remove-nathan-bedford-forrest-bust/5380243002/>.

<sup>3</sup> W. Va. Code § 4-8-1 et seq. (emphasis added).

Commission.<sup>4</sup> The Commission must utilize its statutorily delegated power to remove the statue now.

Finally, to Governor Justice: You have stated that you do not want any West Virginian to feel uncomfortable at the capitol.<sup>5</sup> As the person empowered to select a majority of the members of the Commission, we ask that you call for the immediate removal of the statue. Governors in other states—including Kentucky and North Carolina<sup>6</sup>—have recognized that “[m]onuments to white supremacy don’t belong in places of allegiance, and it’s past time that these painful memorials be moved in a legal, safe way.”<sup>7</sup>

It may be a small step toward achieving racial justice, but it is a necessary one, Governor Justice. Join us in our demand for the Commission to immediately call a meeting to act.

Sincerely,

*Black Lives Matter: West Virginia*  
*Call to Action for Racial Equality (CARE)*  
*Keep Us Safe WV*  
*State of WV NAACP*  
*NAACP of Charleston*  
*Morgantown/Kingwood Branch of the*  
*NAACP*  
*Our Future WV*  
*Race Matters in West Virginia*  
*Race Matters in Greenbrier Valley*  
*WVU Black Law Students Association*  
*American Civil Liberties Union of West*  
*Virginia*  
*American Civil Liberties Union at WVU*  
*Law*  
*American Friends Service Committee - WV*  
*Asian Pacific Law Student Association at*  
*WVU Law*  
*Democratic Law Caucus at WVU Law*

*Fairness WV*  
*Hispanic Law Student Association at WVU*  
*Law*  
*Mountain State Justice, Inc*  
*National Association of Social Workers,*  
*West Virginia Chapter*  
*National Organization of Women—WV*  
*Chapter*  
*OUTlaw at WVU Law*  
*The Partnership for Furthering Arts and*  
*Education*  
*Planned Parenthood South Atlantic*  
*Summers County Huddle*  
*West Virginia Center on Budget and Policy*  
*WVU Labor Law Society*  
*West Virginia Employment Lawyers -*  
*Student Chapter*  
*WV Free*  
*WV Working Families Party*

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<sup>4</sup> W. Va. Code R. § 188-1-3 (emphasis added)

<sup>5</sup> See Mistich, *supra* note 2.

<sup>6</sup> Alisha Ebrahimji, Artemis Moshtagian and Lauren M. Johnson, *Confederate Statues are coming down following George Floyd’s death. Here’s what we know*, CNN, <https://www.cnn.com/2020/06/09/us/confederate-statues-removed-george-floyd-trnd/index.html>.

<sup>7</sup> *Id.*