

Recommendation for the Disposition and Preservation of the Confederate Monument

A Four-Part Plan presented by
UNC-Chapel Hill to the UNC Board of Governors

December 3, 2018



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

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I. SUMMARY

On August 28, 2018, the University of North Carolina Board of Governors (BOG) [charged](#) the Board of Trustees of the University of North Carolina at Chapel Hill (BOT or Trustees) and the Chancellor to present a lawful and lasting plan for the disposition and preservation of the Confederate Monument, commonly known as “Silent Sam.” In this Report, “Monument” refers to the statue, commemorative tablets, and base. “Artifacts” refers to the statue and commemorative tablets.

We sincerely appreciate the opportunity given to us by the BOG and are grateful for the response of people from numerous constituencies. We want to thank everyone for their time, effort and for sharing their personal feelings with us during this process.

The terms of the BOG charge to identify a plan that would be attainable within the current law (N.C. Gen. Stat. §100-2.1) guided our assessment of numerous alternatives. We also were guided by the principles set forth in [Resolution 1](#) that the BOT passed on May 28, 2015 (BOT 2015 Resolution) regarding the University’s history that is closely related to the BOG charge and critical to the success of our plan. We were further guided by the [statement](#) that the BOT issued on August 28, 2018.

BOG Aug 2018 Resolution	BOT May 2015 Resolution 1
“...provide a plan for a lawful and lasting path that protects public safety, preserves the monument and its history, and allows the University to focus on its core mission of education, research, economic stimulation, and creating the next generation of leaders.” “Present to the Board of Governors a plan for the monument’s disposition and preservation...”	Resolution 1: Curating UNC campus, teaching UNC’s history: <ol style="list-style-type: none">1. Create historical markers for McCorkle Place, Saunders Hall;2. Evaluate current information on our buildings, monuments, memorials, landscapes;3. Study feasibility of a public space to house a permanent collection of UNC’s history; and4. Explore options for creating an online orientation program or course.



We worked diligently to address a challenging and complicated issue within a compressed time frame. This Report describes our process for gathering information on alternatives; input received; factors we used to evaluate alternatives; and various sites that we examined.

Highly pertinent aspects that we thoroughly considered included: public safety; preservation of the Artifacts; cost-effectiveness; potential disruption of University functions; input from the community; legal issues; linking the solution to other key mission-specific historical initiatives already underway; and more. We also did a preliminary examination of off-campus options. However, because they are not currently allowed by law, we are not able to offer them as part of a path that is lawful and lasting.

Moving forward, we understand that our recommendation requires approval of the BOG and the North Carolina Historical Commission. We evaluated the requirements of N.C. Gen. Stat. §100-2.1, which governs the relocation of the Monument, and the University is fully prepared to move our recommendation forward if the Board of Governors provides us the authority.

We also recognize that many individuals believe that the Monument should be returned to its historic location so as not to reward unlawful behavior. We do not condone the manner in which the Monument was toppled, and fully support and will continue to support holding people accountable who engage in unlawful conduct. But the issue at hand now is to meet the charge of the Board of Governors, to ensure the safety of those on or visiting our campus, to preserve the Artifacts and their history, and to support the University's capacity to focus on its core mission of education, research, economic stimulation, and creating the next generation of citizen leaders.

Thank you for your charge to us and your consideration of our recommendation.

II. RECOMMENDATION

A. RECOMMENDATION OVERVIEW: A FOUR-PART PLAN

PART 1: Disposition and Preservation of the Artifacts

PART 2: Continuation and Expansion of the Historical Contextualization of Campus – This consists of the ongoing and closely related work of the History Task Force that was created to contextualize the history of the University and meet the charge put forward in the BOT 2015 Resolution.

PART 3: Establishment of a University History and Education Center that can be used as a place to teach and commemorate the University's full history.

PART 4: Creation of McCorkle Place Gateway to commemorate our history



and provide space for reflection on our past, present, and future in the area of McCorkle Place where the Monument stood.

On McCorkle Place at the [Unsung Founders Memorial](#), we will continue to honor those who helped build this campus, the nation's first public university.

No matter where the Artifacts are placed, the University will continue to honor its students who died in the Civil War, just as it honors students who lost their lives in other wars. The names of the University's Confederate dead are inscribed on marble tablets that flank the stage in Memorial Hall and are recorded in the bronze book of honor that is part of the [Carolina Alumni Memorial in Memory of Those Lost in Military Service](#), dedicated outside Memorial Hall in 2007. In these places, the University mourns and honors the humanity of the fallen.

B. PART 1: Preservation and Disposition of the Artifacts

Based on all we have learned from the thorough analysis of public safety and security, as well as by our analysis of feasibility and cost, our preference is to relocate the Artifacts to a secure off-campus location, such as but not limited to the North Carolina Museum of History in Raleigh. (See Executive Summary of the University of North Carolina at Chapel Hill Public Safety Panel Report, Appendix A-1 and Summary of Safety and Security Considerations, Appendix A-2). This is the safest option that both preserves the statue and allows for its contextualization and public access. (See Letter from the North Carolina Department of Natural and Cultural Resources, Appendix B). While we acknowledge that relocation to an off-campus location such as a museum does not comply with the current law, our public safety concerns make it important for us to continue discussions concerning this avenue, even while moving forward with developing and seeking approval for an on-campus plan which follows.

Create a University History and Education Center On Campus: Our recommendation for the best option consistent with the current law is to relocate the Artifacts to a new University History and Education Center that would be constructed on the main campus property known as Odum Village (See Campus Map, Appendix C). This is formerly the site of student family housing and is scheduled for demolition. According to our 20-year master plan, this will be the next area of growth for campus.

We believe that this solution would be sustainable within the current law and with vigilance, additional security, and protective measures, would meet the goals in the BOG charge for protecting public safety, preserving the Monument and its history and allowing the University to focus on its mission (See Legal Considerations, Appendix D).

N. C. Gen. Stat. §100-2.1(b) provides that an object of remembrance can be relocated to "a site of similar prominence, honor, visibility, availability and access



that are within the boundaries of the jurisdiction from which it was relocated.” The University has shown that relocation into such a building is an “appropriate measure” to preserve the Monument and provide a secure location in which the Artifacts can be preserved. The Monument will also remain within the Town of Chapel Hill, Orange County, and the State of North Carolina, so there can be no question that it remains “within the boundaries of the jurisdiction from which it was relocated.”

This plan requires the construction of a new free-standing, single-use building with appropriate buffers and state-of-the-art security measures, as well as the development of excellent exhibits and teaching materials. Of all the options we considered, this one most closely follows the guidance and judgment for maximizing safety and preservation of the Artifacts at an on-campus location given to us by a group of national security consultants, also called a “Safety Panel” in this Report.

This recommendation, while requiring additional investments in safety and security and being more expensive than an off-campus option, allows us to contextualize the Artifacts and develop a prominent on-campus educational center that would be open and accessible to the public and used to teach the history of America’s first public university. Developing such a Center has been part of our planning since the BOT 2015 Resolution.

Examples of materials that would be in the Center include accurate and reliable historical information about the University and the nation; the many contributions of the University to our nation; a place for departments and people to collaborate and develop programming around the Center, and to better steward our own story – told in physical spaces, objects, names, and activities – for the future.

The recommendation to move the Artifacts to a new University History and Education Center will require the approval of the North Carolina Historical Commission if we are authorized by the BOG to approach the Commission. We would intend to present our request for approval at the Commission’s next meeting in the spring of 2019. If approved, we anticipate it would take another 18 months to gain necessary government approvals.

Time to Completion and Cost: A likely completion date for the project would be early- to mid- 2022. The estimated capital cost associated with the proposed Center is \$5.3 million plus another \$800,000 in annual operating costs (See Requested Cost Estimates, Appendix E).

Interim Plan for the Artifacts: The Artifacts will be kept safe and secure until sites are determined and ready to be placed in a new location.



C. PART 2: Continuation and Expansion of the Historical Contextualization of Our Campus

Our plan is to expand and accelerate the work underway to curate the campus and teach our history as called for in the BOT 2015 Resolution.

Examples of work underway or being considered include: creation of entrance and historical markers for McCorkle Place; restoration of the Unsung Founders Memorial on McCorkle Place; making information about buildings, monuments, memorials and landscapes publicly available in digital form, such as the University and History Education Center; and creating an online orientation program to teach UNC's history and contributions to society. (See Work of the Chancellor's Task Force on UNC-Chapel Hill History, Appendix F.)

D. PART 3: Establishment of a University History and Education Center

Our plan to develop such a Center would meet the goals of the BOT 2015 Resolution and would most likely begin with digital materials regarding the University's history that are complete or underway.

E. PART 4: McCorkle Place Gateway Concept

This component of the Report calls for the construction of a commemorative space for reflection on our past, present, and future and will serve as the gateway to our campus. It will be located in the area currently occupied by the base of the Monument.

Our concept is that the site would include a semi-circular wall with plaques that celebrate important aspects of our history (e.g., founding principles, veterans of all wars, Civil Rights Movement, freedom of speech, state support, public service, history of the Monument, and the University charter).

While the full plans including a security assessment, feasibility, and design of the commemorative space must still be developed, the site would be made of materials that we all recognize as part of the Carolina campus, including stone walls, local brick, and North Carolina granite. The goal is to begin evaluation, design and construction of this gateway as soon as is reasonably possible.

The recommendation to move forward with the McCorkle Place Gateway will require the approval of the North Carolina Historical Commission if we are authorized to approach the Commission by the BOG. We intend to present our request for approval at the Commission's next meeting in the spring of 2019. If approved, we anticipate it would take another 18 months to design, construct, and install.



F. SUMMARY OF THE REQUEST TO THE BOG

The University requests that the Board of Governors delegate to the University the authority to petition the North Carolina Historical Commission to relocate the Artifacts into a University History Education Center at the Odum Village location as described above. We also need this authority to petition to move the base and tablets and construct the McCorkle Place Gateway as we have proposed.

For this recommendation, we also ask that the Board of Governors place in its budget request to the 2019 Session of the General Assembly the capital costs to construct the University History and Education Center and the recurring costs to operate it as stated above.

III. EVALUATIVE PROCESS

The Chancellor and senior administrators with input from the Trustees evaluated the information and feedback from the sources described above and their own scrutiny of sites to ensure a disciplined review of alternatives. In addition, senior administrators developed work streams that generated needed meaningful information on which alternative locations should be evaluated further.

A. PUBLIC SAFETY AND SECURITY

The University retained Attorney Chris Swecker to provide legal advice regarding the public safety aspect of the BOG's charge. Mr. Swecker, a former assistant director of the FBI, assembled a group of national security consultants (Safety Panel) to assist him in providing advice to meet the charge of the Board of Governors. The Safety Panel evaluated the general security climate on campus, the specific security challenges presented by the Monument and the large-scale protests involving opposing factions that it attracts, and specific alternative locations for the Monument from a public safety and security standpoint. The Safety Panel provided: a general security threat assessment; an assessment of and recommendations regarding law enforcement capabilities; cost estimates for needed security features; and recommendations for site characteristics needed to ensure public safety and preservation of the Monument. (See Appendix A-1 and Appendix A-2).

Consistent with the charge of the BOG, considerations for public safety and the preservation of the Monument played a prominent role in our evaluation. If a site could not meet the criteria of promoting public safety or preservation of the Monument, it was ruled out. Based on the Safety Panel's findings, returning the Monument to its base was ruled out based on concerns about public safety and preservation of the Monument. The Safety Panel's recommendations led us to recommend a newly constructed, single-program building that could be located and designed to achieve enhanced public safety and Monument preservation.



Key Findings of the Safety Panel: The importance of safety is highlighted by the work of our national security consultants (See Appendix A-1 and Appendix A-2).

- (1) The University faces a high risk of violence, civil disorder, and property damage if the Monument is restored to its original position.
- (2) The Security Panel determined that UNC Police is effective and efficient at discharging its day-to-day law enforcement mission on campus. However, over the last few years the nature of college campus protests have changed dramatically. This new dynamic has presented a complex public safety and security challenge for college campus police departments across the country, including UNC Police.
- (3) Returning the Monument to any open area such as McCorkle Place will draw significant local, state and national attention and significant protest actions will likely resume. The security consultants concluded, based on media posts and pattern of past events centered on the monument, “it will literally be under siege.”
- (4) They described the safest option on campus would be to place the monument in an indoor location in a single-program building on a site with characteristics such as adequate buffers, minimal foliage, separation from major streets, and clearly delineated boundaries.
- (5) It is more feasible to include design features and engineering features to improve security in a new building. Security features outside the building must also be added.
- (6) They go on to say, as in all areas of risk management, there can never be total certainty that the UNC-Chapel Hill campus will be immune from civil disorder and the attendant violence and property damage. However, it is an attainable goal to place the UNC-Chapel Hill administration and UNC Police in the best possible position to prevent serious violence and maintain order during the complex events that are sure to resume once the Artifacts are restored on campus by undertaking certain actions.
- (7) The Safety Panel recommended that additional investments in support of the UNC Police will be needed to deal effectively with large, aggressive protest actions (See Appendix A-1 and Appendix A-2).

B. SITE EVALUATION

The University evaluated 20 specific sites for safety, structural integrity, and capacity to house the Artifacts. Input from the Safety Panel was integral to our site location evaluation, as was the charge to fit within the current law.

The security and legal considerations described above led to ruling out the replacement of the Monument to the base and its relocation to Wilson Library



although both were evaluated. Based also on their recommendations to maximize safety, we separated the other options into constructing a new building versus renovating existing buildings to house the Center. We also undertook preliminary analysis of an off-campus site, e.g., the North Carolina Museum of History. For details on all options that were considered, see Site Evaluation, Appendix G-1 and Summary of Possible Sites for Disposition and Preservation of Confederate Monument, Appendix G-2.

C. COSTS

University finance personnel, assisted by an architect and other employees, analyzed and developed cost estimates associated with various options that came through the site evaluation process. An analysis of cost estimates is attached as Appendix E. The recurring costs of operating a University History and Education Center into which the Monument could be relocated were also developed.

D. CAMPUS COMMUNITY AND PUBLIC INPUT

The Trustees and Chancellor concurred that the best process for generating options on the preservation and disposition of the Monument would be an open process that solicited ideas from a variety of sources. The solicitation of options was accomplished by providing structured or unstructured means of input from faculty, staff, students, and external stakeholders. We also provided an opportunity for input that was open and fully accessible to the public by setting up an email (uncmonument@unc.edu) to receive comments. All of these responses have been reviewed, analyzed, and summarized and made available to the Trustees and senior administrators for their review. A Summary of Community and Public Input is attached as Appendix H. Most people who wrote to us said they want the Monument permanently removed or moved to a location either off campus or within a contextualized setting on campus. Few people (particularly few faculty, staff, and students) want the Monument restored to its original location.

Positive relationships with residents, government officials, businesses, and law enforcement are critically important and have been strained by the presence of the Monument on McCorkle Place. We also received a number of requests from local communities. For example, in 2017, the Town of Chapel Hill [requested](#) that the University remove the Monument from McCorkle Place, and more recently in 2018 [requested](#) that the University not return the Monument to McCorkle Place. The Town cited safety concerns, civil rights issues, and the strain placed on law enforcement resources. The Town understandably wants to avoid the dedication of considerable law enforcement resources that is needed when an on-campus protest spills over into the Town's jurisdiction. The Chapel Hill Police Department has stated that it will not expend resources to protect the Monument.

The Orange County Commissioners issued a [statement](#) on August 21, 2018, calling the removal of the Monument “long overdue” and noting its association with



racism. The Chapel Hill Chamber of Commerce issued a [statement](#) on August 28, 2017, calling for removal of the Monument to a more appropriate location due to its divisive history, its negative effect on local businesses, and its negative impact on diversity and inclusion in the community. And on August 30, 2018, the Chamber and the Chapel Hill Downtown Partnership sent a [letter](#) to the University requesting that the Monument not be returned to McCorkle Place. The letter emphasized safety concerns, negative business impacts, and erosion of the community's reputation as one of "the best small towns in the U.S." The letter noted that local businesses are estimated to lose \$200,000 for each major protest around the Monument.

E. LEGAL ANALYSIS

The Office of University Counsel (OUC) has been engaged in determining steps needed to ensure lawful execution of the University's proposal. This includes an analysis of applicable state law as well as zoning regulations. OUC examined how the application of the First Amendment affects the ability of the University to protect public safety and to preserve the Monument. OUC explored the potential liability concerns related to the Monument for the University and individuals associated with it and how those risks vary with different locations. An analysis of legal issues that affect decision-making, including why locating the Monument indoors complies with the law, is attached as Appendix D.

IV. CONCLUSION

We were charged by the Board of Governors to provide a plan for a lawful and lasting path that protects public safety, preserves the Monument and its history, and allows the University to focus on its core mission of education, research, economic stimulation, and creating the next generation of leaders. We believe this recommendation for the Monument's disposition and preservation meets all of these criteria.





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