

Advisory Commission on Portraits

Meeting Minutes
June 3, 2020
via Webex

Opening:

Co-chair Michelle Lanier called the meeting to order at approximately 1 p.m. on June 3, 2020.

Establishment of Quorum:

Commission Staff Amanda Bryan called roll. With ten members present, a quorum was established. The following members were present:

Shelley Edwards
Hon. Bob Hunter
Michelle Lanier
Danny Moody
Bree Newsome-Bass
Dr. Elliot Palmer
R.E. "Steve" Stevenson III
Dr. Darin Waters
Hon. Willis Whichard
Dr. Lyneise Williams

The following members entered the meeting after roll was called:

Catherine Bishir
Rachel Blunk

Approval of Minutes:

Dr. Waters moved to approve the minutes of the January 15, 2020 meeting. Dr. Palmer seconded the motion. The motion passed with the following votes:

Rachel Blunk	Yes
Shelley Edwards	Yes
Hon. Bob Hunter	Yes
Michelle Lanier	Yes
Danny Moody	Yes
Bree Newsome Bass	Yes
Dr. Elliot Palmer	Yes
R.E. "Steve" Stevenson III	Yes
Dr. Darin Waters	Yes
Hon. Willis Whichard	Yes

Dr. Lyneise Williams	Yes
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Staff Report:

Commission Staff Amanda Bryan reported the following:

Correspondence. Chief Justice Beasley has received three letters regarding the Commission's work since the January 15, 2020 meeting. Copies of the letters were distributed to members with the agenda packet for this meeting.

Commission Staff Amanda Bryan received an email from Chief Judge Linda McGee of the North Carolina Court of Appeals requesting that the Commission consider making recommendations regarding the statue of Thomas Ruffin located in the Court of Appeals' building. Ms. Bryan distributed the email to the Commission prior to this meeting and read the email aloud.

Legal opinion. The Office of General Counsel (OGC) at the Administrative Office of the Courts will prepare a memorandum regarding the effect of N.C.G.S. § 100-2.1 et seq. on the Commission's work. OGC expects to complete that memorandum by June 12, 2020.

Public comment. If the Commission is interested in creating an online portal for soliciting public comment, the IT department at the Administrative Office of the Courts can do so.

Discussion regarding staff report.

Judge Hunter requested that Ms. Bryan discover the status of the Thomas Ruffin portrait removed from the Orange County courthouse and report back to the Commission.

Dr. Palmer requested a copy of the email from Chief Judge McGee.

Dr. Palmer inquired about the relationship between the Memorandum of Understanding related to ownership of artwork at the Supreme Court and the authority of the North Carolina Historical Commission. Co-chair Lanier noted that the Commission must wait to receive advice from OGC on this matter.

Motion. Dr. Waters moved to request that the IT department begin setting up an online portal with the understanding that the precise content of the portal will be determined later. Commissioner Newsome Bass seconded the motion.

Judge Hunter said that there should be a public information campaign letting the public know of both their opportunity to comment and the topic to be commented on.

The motion passed with the following votes*:

Catherine Bishir	No
Rachel Blunk	Yes
Shelley Edwards	Yes
Hon. Bob Hunter	No
Michelle Lanier	Yes
Bree Newsome Bass	Yes
Dr. Elliot Palmer	Yes
R.E. "Steve" Stevenson III	Yes
Dr. Darin Waters	Yes
Hon. Willis Whichard	Yes
Dr. Lyneise Williams	Yes

Commission Staff Amanda Bryan will follow up with IT to begin creating an online portal.

New Business:

Ruffin statue. Dr. Palmer moved to postpone further discussion of the Ruffin statue at the Court of Appeals. Commissioner Stevenson seconded.

Justice Whichard spoke in favor of the motion to postpone discussion of the Ruffin statue. He noted that the email from Chief Judge McGee had been distributed to the Commission only an hour prior to the meeting and that he was concerned that the statue did not fall within the scope of the Commission's charge.

Commissioner Bishir noted that she understood the Commission's charge to include only portraiture at the Supreme Court.

Co-chair Lanier noted her concern that the Commission may be voting on something that is not within the Commission's charge. She pointed out that the order creating the Commission mentioned only portraits at the Supreme Court while the letter appointing commissioners encompassed statuary as well. Co-chair Lanier asked Commission Staff to seek clarity from Chief Justice Beasley and the Court regarding the scope of the Commission's charge.

* Co-chair Moody was unable to maintain an audio connection during the meeting. Accordingly, he was unable to vote on any matters after the first motion to approve the minutes.

Dr. Williams pointed out that a portrait is a subject, whether the medium is a painting or a statue and requested clarification of the intended scope of the Commission.

Dr. Palmer suggested that everyone review the definitions contained in N.C.G.S. §100-2.1.

Commissioner Newsome Bass expressed concern that the Commission is avoiding the discussion of white supremacy that is central to the controversy surrounding the Ruffin portrait and the impetus for the Commission's charge. The issues surrounding the Ruffin statue at the Court of Appeals are the same as the issues surrounding the Ruffin portrait at the Supreme Court.

Commissioner Newsome Bass questioned why the Supreme Court might lack the authority to remove its Ruffin portrait when other governmental entities in North Carolina have already done so.

Justice Whichard moved the question on the motion. The motion did not pass.¹ The votes were as follows:

Catherine Bishir	Yes
Rachel Blunk	Yes
Shelley Edwards	Yes
Hon. Bob Hunter	No
Michelle Lanier	Abstain
Bree Newsome Bass	Abstain
Dr. Elliot Palmer	Yes
R.E. "Steve" Stevenson III	Yes
Dr. Darin Waters	Yes
Hon. Willis Whichard	Yes
Dr. Lyneise Williams	Abstain

Commission scope. Dr. Waters moved to request clarification from Chief Justice Beasley on the scope of the Commission's work. Justice Whichard seconded. The motion passed with the following votes:

Catherine Bishir	Yes
Rachel Blunk	Yes
Shelley Edwards	Yes
Hon. Bob Hunter	Yes
Michelle Lanier	Yes

¹ According to rules adopted at the Commission's first meeting, the vote required for any action is 50% plus one of the membership of the Commission. Thus, eight votes are required for action.

Bree Newsome Bass	Yes
Dr. Elliot Palmer	Yes
R.E. "Steve" Stevenson III	Yes
Dr. Darin Waters	Yes
Hon. Willis Whichard	Yes
Dr. Lyneise Williams	Yes

Ms. Bryan will seek clarity from the Chief Justice regarding the scope of the Commission's charge.

Dr. Waters exited the meeting at 2:12 p.m.

Discussion of motion proposed by Justice Whichard. Justice Whichard prepared a proposed motion, distributed prior to the meeting, suggesting a recommendation that the Supreme Court replace the Ruffin portrait currently hanging in the courtroom with a Seal of the Court and commission a replica of an existing Ruffin portrait to display in another location in the courtroom.

Commissioner Newsome Bass agreed generally with the proposal to remove the Ruffin portrait and replace it with a more neutral item, such as the Court seal. She expressed reservations about who would pay for the commission of a smaller Ruffin portrait, and specifically that it would not be appropriate for the Court to pay to create a portrait commemorating Ruffin. She would be more in favor of displaying an existing portrait that is on loan, rather than a new portrait that would be purchased.

Dr. Palmer suggested that the proposed motion be revised to define the term "Supreme Court."

Justice Whichard clarified that he had not yet formally moved for acceptance of the proposed motion.

Justice Whichard opined that the Court would not need to pay for a replication of the Di Phi Ruffin Portrait because private organizations such as the Supreme Court Historical Society and individual donors would be willing to raise funds.

Dr. Palmer said that he agreed that, because of Ruffin's views, his image should not be displayed in the Court but that if Chief Justices are to be displayed, all should be included. He also said that the authority to remove the portrait is with the Arts Commission and that this Commission should discuss size requirements for future portraits.

Justice Whichard suggested that the role of this Commission is only to make recommendations and that the details of funding for a replica portrait and size requirements can be worked out following the Commission's recommendations.

Co-Chair Lanier responded that the Commission should specifically recommend that funding not be by the Court.

Commissioner Newsome Bass recommended that the Commission also include a statement of the reason the Ruffin portrait is problematic—it is not the size, but the subject it commemorates. She also pointed out that Orange County is ahead of the state on this issue, as it has already removed its Ruffin portrait from its courthouse and recommended the Supreme Court do the same.

Justice Whichard suggested recommending a statement condemning past racism rather than specifically addressing Ruffin because many other individuals who have portraits in the courthouse also believed in a white supremacist ideology. He suggested a blanket condemnation of all racist ideology.

Dr. Williams suggested including a recognition that the racism displayed by Ruffin was not simply a product of his time because there were many people who did not subscribe to white supremacist views even during his lifetime.

Commissioner Bishir said that the portraits are simply a record of who held the office rather than a comment on the subjects' character but that the size and position of the Ruffin portrait give it an outsized influence. She supports the content of Justice Whichard's proposal.

Commissioner Newsome Bass requested a revised version of the proposed motion prior to voting incorporating the suggestions from today's meeting.

Justice Whichard agreed that he would make the requested revisions.

Judge Hunter suggested that the Commissioners should email specific language to Justice Whichard for inclusion in his revised proposed motion and that the language of the proposed motion should be provided to the public when soliciting public comment. He also noted that the issue of the Ruffin statue at the Court of Appeals is very important to Chief Judge McGee and others.

Commissioner Newsome Bass noted that the lack of connection between Ruffin and the Court of Appeals exemplifies that the purpose of the statue's placement in that building is to further white supremacist ideologies.

Commissioner Bishir asked for further information on the Ruffin statue.

Commissioner Bishir exited the meeting at 2:59 p.m.

Justice Whichard moved to adopt the proposed motion with the understanding that revisions would be made to include language addressing the funding of the replica portrait and a blanket condemnation of racism in the Court's past. Dr. Palmer seconded.

The motion passed with the following votes:

Rachel Blunk	Yes
Shelley Edwards	Yes
Hon. Bob Hunter	Yes
Michelle Lanier	Yes
Bree Newsome Bass	Yes
Dr. Elliot Palmer	Yes
Hon. Willis Whichard	Yes
Dr. Lyneise Williams	Yes

Adjournment:

Dr. Palmer moved to adjourn the meeting at 3:04 pm. Judge Hunter seconded. The motion passed with the following votes:

Rachel Blunk	Yes
Shelley Edwards	Yes
Hon. Bob Hunter	Yes
Michelle Lanier	Yes
Bree Newsome Bass	Yes
Dr. Elliot Palmer	Yes
Hon. Willis Whichard	Yes
Dr. Lyneise Williams	Yes

Co-chair Lanier adjourned the meeting at approximately 3:05 pm.