

2023

Van Turner's Comments - Panel 3

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Recommended Citation

Turner, Van D. Jr. (2023) "Van Turner's Comments - Panel 3," *Tennessee Law Review*: Vol. 90: Iss. 3, Article 15.

Available at: <https://ir.law.utk.edu/tennesseelawreview/vol90/iss3/15>

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Bluebook 21st ed.

Van D. Turner Jr., Van Turner's Comments, 90 TENN. L. REV. 621 (2023).

ALWD 7th ed.

Van D. Turner Jr., Van Turner's Comments, 90 Tenn. L. Rev. 621 (2023).

APA 7th ed.

Turner, Van D. Jr. (2023). Van turner's comments. Tennessee Law Review, 90(3), 621-628.

Chicago 17th ed.

Van D. Turner Jr., "Van Turner's Comments," Tennessee Law Review 90, no. 3 (Spring 2023): 621-628

McGill Guide 9th ed.

Van D. Turner Jr., "Van Turner's Comments" (2023) 90:3 Tenn L Rev 621.

AGLC 4th ed.

Van D. Turner Jr., 'Van Turner's Comments' (2023) 90(3) Tennessee Law Review 621

MLA 9th ed.

Turner, Van D. Jr. "Van Turner's Comments." Tennessee Law Review, vol. 90, no. 3, Spring 2023, pp. 621-628. HeinOnline.

OSCOLA 4th ed.

Van D. Turner Jr., 'Van Turner's Comments' (2023) 90 Tenn L Rev 621

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VAN TURNER'S COMMENTS – PANEL III

VAN D. TURNER, JR.

“This river of history would keep flowing, and the cause will keep going forward. What would be your addition to what’s going on?”

How's everyone doing? Well, it's a pleasure to be here with you all and I really could not miss this opportunity to love on Professor Fran Ansley. She definitely was a linchpin for me as I was trying to figure out what I would do after law school. She taught me that I could be an advocate and a lawyer without losing my desire to advocate for my community and stand up for working men and women. So just because you have J.D. by your name doesn't mean you forget where you come from or forget the struggles of everyone else in the community.

I was asked to talk about the role of history in my education, both formal and informal, and to look at why I have chosen to take on the fight for racial history both as a lawyer and as a political and community leader in Memphis. I think about it as if it's a flowing river, and you have to do what you can add to that journey of the river. The river of history would keep flowing and the cause will keep going forward. What would be your addition to what's going on? This river will flow down to our children, our grandchildren, and so on and so forth. When you look back, when your children and your great-grandchildren look back, what was your contribution to making a change? To chip away at injustice? To chip away those things which are holding back democracy?

I wanted to make sure that I was not only known as a graduate of the University of Tennessee College of Law, or as an Attorney at Law. I wanted to leave some form of history for my children. That's part of the reason why I've done what I've done, and why I've been involved in the things I've been involved in as a lawyer and a politician. I was elected to the County Commission in Memphis in 2014, reelected in 2018, and I'm running for another office now.

Knoxville is the exact opposite of Memphis. In Memphis, the neighborhood I grew up in was 99.9% African American. The area is called White Haven. Graceland is in White Haven. You've likely never heard of White Haven, but you've certainly heard of Graceland. I grew up off Elvis Presley Boulevard.

From White Haven, I went to Morehouse College in Atlanta. My pastor was a Morehouse man, and when I was looking at institutions for higher learning, he asked me to consider Morehouse. Once I found out it was the alma matter of Dr. King, I went. And it was the best decision I ever made. From Morehouse, I went to Japan to teach English for two years.

So I went from Memphis, to Atlanta, to Tokyo, to Knoxville. When I got here, I didn't know when to expect. Like many individuals, when I came to law school, I was trying to figure it all out. I mean, everybody told me to go to law school. I wasn't quite there in math, like my father, who was an Algebra teacher, and so being a doctor was out of the question. I didn't necessarily want to be an academic, so I went to law school. And there I was at the University of Tennessee trying to figure it out.

I can say without a doubt that between 1999 and 2002, while I was here on my journey and attempting to see how I could add to that river of struggle and progress, Professor Ansley gave me the direction that I needed. I am what I am today and do what I do as president of the Memphis branch of the NAACP, as president of Memphis Green Space, because I met Fran Ansley and she inspired me to be and do what I do.

With respect to racial history, we have to teach the truth to our young people. In teaching the truth, we make sure that the Justin Pearsons and the Justin Jones and the Gloria Johnsons of the world are still being developed in our junior high and our high schools.

There were three Confederate monuments in Memphis.

One was that of Nathan B. Forrest. He was first Grand Wizard of the Ku Klux Klan. He was a general in the Confederacy. He made his living by trading slaves right across from the Courthouse, where I go practice every day. That's where he held his slaves and where he walked them down to the auction block. There were four auction blocks at the Mississippi River, and this is where Nathan B. Forrest made his millions. He got involved in the Civil War was to protect his way of living so he could continue trading slaves.

The other two monuments are of Jefferson Davis, the head of the Confederacy, and then there's another guy, Captain J. Harvey Mathes. His statue is not as big, so I'm going to focus on the other two.

There was a huge 10,000-pound monument of Nathan B. Forrest, a prominent spot in the middle of Memphis, across from the University of Tennessee School of Medicine facing Union Avenue. So as you travel up and down Union Avenue in Memphis, Nathan B. Forrest is telling you that the South shall ride again and rise again. That's what they meant.

The park with this monument was called Forrest Park. When my father was a young man, he recounted stories of why he did not walk through Forrest Park or play in Forrest Park, because it was segregated. Black individuals could not step foot in this park unless accompanied by a white person. This monument caused painful memories for him and all of Memphis.

The monument stood there for over 100 years. In addition to being a slave trader, a confederate general, and the first grand wizard of the

Ku Klux Klan, he was a Memphis city councilman and the chief financial officer for the city of Memphis. Forrest was buried in 1877 at Elmwood Cemetery, in accordance with his last will and testament. His wife Mary Forrest was buried there after him in 1893.

The next monument is of Jefferson Davis. His monument stood in the downtown part of Memphis, across from the University of Memphis School of Law. The park was known as Confederate Park. The monument was placed in 1964 or 1965 and was erected in direct response to the passage of the 1964 Civil Rights Act.

When it is said that “This is history and not hate”, we point to what we see right in front of us. Jefferson Davis lived in Memphis from 1875 to 1878. He was the first and only President of the Confederacy, and his monument was placed in Confederate Park, which was renamed Memphis Park in 2013.

We know that when Confederate statues and monuments are erected, such as General Forrest’s in 1900, lynchings increase. There was a resurgence of the Ku Klux Klan.¹ There was a notion that African Americans had made too much progress, and Black people had to be put back in their places. So, the monument of General Forrest goes up.

There are increases in monument and statue building in the late 1950’s and 1960’s. You had *Brown v. the Board of Education*, the 1964 Civil Rights Act, and 1965 Voter Rights Act. There is this progress among African Americans, and then the monument of Jefferson Davis goes up to put us back in our places not only in Memphis but also nationally.

If we could point to any one instance or any one reason why we had to take down these monuments in Memphis, it was because of MLK50. We were commemorating the assassination and death of Dr. King 50 years later, and we had to ask the question: where do we go from here? MLK50 was to happen in 2018 and we were in the Fall of 2017 trying to figure out how to answer that question.

In response to renaming the parks (Confederate Park to Memphis Park and Forrest Park to Health Sciences Park), the state legislature enacted a law to try and preserve all the Confederate memorabilia, monuments, and statues throughout the state, because the legislature knew once you change the name you could change the game. They knew we could pull these monuments down and they were trying to stop that.

1. *Whose Heritage? Public Symbols of the Confederacy*, S. POVERTY L. CENTER (Feb. 1, 2019), <https://www.splcenter.org/20190201/whose-heritage-public-symbols-confederacy>.

Obviously, there were lawyers involved. And for all the bad lawyer jokes, we had some good lawyers involved, all of whom graduated from UT. Allen Way was the City Council Attorney, Bruce McMullen was City Attorney, and I was involved as an outside attorney.

The Tennessee Heritage Preservation Act prohibited the removal, renaming, relocation, alteration, rededication of a memorial that is, or is located on, public property.² Notably, the statute did not outlaw selling the land upon which the monument was located. The expression of one thing implies the exclusion of others. So we were able to purchase the parks by a non-profit, Memphis Green Space. The land was no longer state property, the statute did not apply, and we could do whatever we wanted. On December 20, 2017, at 9:01 PM, we took Forrest off the pedestal and changed the trajectory and the history of Memphis forever.³

Once the monument of Forrest was taken down, we turned to the monument of Davis. But the gentleman who had given us the warehouse to house the monument was scared. And two days before the statue removal, the company that was going to pull down the monument backed out, too. We had to get another crane company to come in, and they said they needed assurances. We had to sign different agreements, we had to cover their decals. They had to cover their license plate. They went masked. This was all because a company that removed Confederate monuments in New Orleans had a car firebombed.⁴ They didn't want that to occur and we respected that.

But we were in a hurry, because we knew we had to bring down the monument before the Legislature reconvened in January. We were concerned they would put "sale" in the amended statute just to stop us from removing monuments.

As predicted, the Legislature amended the statute to include a prohibition of the sales of properties with monuments on them. Then they tried to take my law license. They tried to put us in jail. They tried to make it a felony to do what we did, but all of that failed. And so they tried to sue us.

We won at Chancery Court in Davidson County, and they appealed to the Court of Appeals. The Court of Appeals sided with us.

2. T.C.A. § 4-1-412 (2016).

3. 901 is the area code of Memphis, which was the inspiration for the time.

4. Travers Mackel, *Former Confederate Monument Contractor Finds \$200K Lamborghini Burned*, WDSU (Jan. 19, 2016), <https://www.wdsu.com/article/former-confederate-monument-contractor-finds-200k-lamborghini-burned-1/3383873>.

They petitioned the Supreme Court, who declined it.⁵ So that was it, we won.

We came to a mediated settlement with the Sons and Daughters of the Confederacy and the Forrest family, and our agreement was that they could do whatever they wanted with these monuments, but they should never come back to Memphis or Shelby County ever again.

There was another component to the moving of the monument. At the turn of the century, the Daughters of the Confederacy removed the remains of General Forrest and his wife from Elmwood Cemetery and reburied them underneath the monument. Many people thought this was folklore, and we didn't know if it was true or not, but it turned out to be true. However, we didn't know exactly where the bodies were underneath the monument. They had been there for over 100 years. We were able to detect the remains, and while we weren't exactly sure that's where they were, we started digging. We eventually found the remains and were able to relocate them.

They were buried in Christian coffins. There's a whole sermon there: how can you be Christian when you want to enslave and fight and kill other individuals? Also, General Forrest was buried in a metal casket and Mary Forrest was buried in a wooden casket. The inequity back then meant the bodies were treated differently. Her remains were gathered and placed in a metal casket in order to respect them and bury them properly. It was quite a saga and one I am proud of.

There is one other saga that we at the NAACP in Memphis were recently involved in and that I would also like to mention. It is certainly rooted in the past, but it looks to the future. And it has to do with material resources and how the fruits of different kinds of development schemes will be shared – or not – in the future. It was full of symbolism, just as our fight over Nathan Bedford Forrest was, but it also moves beyond symbolism to look at the concrete economic well-being of blue-collar Black workers, families, and community leaders in our state.

This other saga has to do with the “BlueOval,” project, a brand new plant under construction in West Tennessee where Ford Motor Company will build electric vehicles and batteries.⁶ It also has to do

5. *Tennessee Supreme Court Declines to Hear Lawsuit Filed on the Removal of Confederate Monuments; City of Memphis Responds*, ACTION NEWS 5, (Oct. 16, 2019), <https://www.actionnews5.com/2019/10/16/tennessee-supreme-court-declines-hear-lawsuit-filed-removal-confederate-monuments-city-memphis-responds/>.

6. Office of the Governor, *Memphis Regional Megasite Lands \$5.6 Billion Investment from Ford Motor Company and SK Innovation* (Sept. 27, 2021),

with the state legislature and Comptroller's Office suddenly attempting to take away the city charter and self-government of Mason, a small majority-Black town near the BlueOval.

Water was involved here. In order to build this gigantic facility and keep it running, good water has to come in, and bad water has to be taken out without harming surrounding communities and the environment. That water will go right through Mason, because Mason already has a treatment plant. So in essence, the state wanted to take away the city's charter so they could be in control of how the water was to be treated, and of who would be making decisions and reaping benefits about that question.

Mason is a majority-Black town. It was run by a Black mayor at the time, with the city council also majority Black. Meanwhile, the surrounding county is run by a white Republican, and the county government wanted control of the city of Mason's water infrastructure so they would have the direct hand in negotiating local water deals with Ford and in arranging who would benefit from them.⁷

So when this whole thing unfolded and all this came to light, the NAACP got involved. We sued the Comptroller,⁸ and we won important concessions.⁹ The state's theory in its attacks on Mason was based on an old indebtedness the City owed. Through the lawsuit we got the monthly payment reduced from \$10,000 to \$5,000. We also increased the cap on monthly expenditures the City could make without getting specific permission from the state Comptroller's office. That cap went from the state's totally unrealistic initial announcement that approval be required from the state for any expenditure by the City of Mason over \$100 to a much more reasonable level of \$1,000. This oversight concluded on August 31, 2022.

<https://www.tn.gov/governor/news/2021/9/27/memphis-regional-megasite-lands--5-6-billion-investment-from-ford-motor-company-and-sk-innovation.html>.

7. Anita Wadwhani, *Tennessee Comptroller Takes Over Majority-Black Town Mason Ahead of Ford Investment*, CHATTANOOGA TIMES-FREE PRESS (Mar. 15, 2022), <https://www.timesfreepress.com/news/2022/mar/15/comptroller-mason/>.

8. Maya Brown, *NAACP Files Lawsuit Against Tennessee Comptroller, Claims Threat to Take Over Majority-Black Town is Discriminatory*, CNN (April 2, 2022), <https://www.cnn.com/2022/04/02/us/naacp-lawsuit-tennessee-majority-black-town/index.html>.

9. Jackson Brown, *Local News: Majority-Black Town of Mason Reaches Agreement with Tennessee Comptroller's Office Regarding Town's Finances*, ABC 24 (May 4, 2022), <https://www.localmemphis.com/article/news/local/mason-reaches-agreement-comptroller-finances/522-03de2f29-2fea-4755-8785-0ed72a7b19ec>.

So these two different stories – the removal of confederate monuments in Memphis and helping the small nearby town of Mason hang onto its rights of self-government -- are just two recent instances in which the NAACP in Memphis got involved, and in which I was lucky enough to play an active role. Again, you don't really go to law school with the idea of learning how to get yourself involved in these kinds of community movements, or to work the policy and the grassroots organizing, or to be able to have media savvy to get your narrative out to the media. But once you start doing the work, you learn how important all that is. And where there's a will, there's a way, when you have someone like Professor Fran Ansley serving as inspiration.

You may leave UT Law, but if you leave having met Fran Ansley, you leave knowing that you can be dedicated to the people, you can fight these righteous causes, and you can win. You can be a lawyer with integrity, working hard for the people! And I thank you again, Professor Ansley, for helping me to learn that and to act on it.

