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The Legal, Ethical, and Practical Dimensions of Removing Confederate Monuments

October 28, 2023



(Image Credit: The Confederate Memorial Carving, Stone Mountain, Georgia © VOA News)

By Stephanie Nicole Argueta

Introduction

Since the protests surrounding the death of George Floyd and Briana Taylor, many people within our nation have chosen to look inward to evaluate the historical mistreatment of people of color in this country. One such aspect of our country that many have chosen to reevaluate is the display of many Confederate statues across the country. Since 2020, the removal of Confederate monuments from public and private land has become a contentious and highly debated issue in the United States. These monuments, which commemorate figures from the Confederacy, have sparked a nationwide conversation about their historical significance, the discourse surrounding their removal, and the various solutions that can be pursued to address their historically oppressive past. But what does it truly take to remove one of these monuments? Can public backlash be enough to have these monuments removed or must something else be done? Do we lose anything from removing these monuments?

Legality of Removing Confederate Monuments

When looking at the legality surrounding the removal of Confederate monuments, it is a complex issue that is a case by case situation. When evaluating the possibilities one may have for requesting the removal of a Confederate monument, the issues relating to property law, first amendment law, and general personal protections come into play. This is due to the fact that many monuments are built on privately owned land or publicly owned land. This distinction is important to note because of the applicable laws that are relevant to the owner of the land in which the monument is located. This is then further complicated by the fact that some monuments were built not by public funding but rather private investors. This, coupled with each citizen's first amendment right to free speech, creates the complicated nature of the removal of confederate monuments.

Monuments that are on publicly owned land and are publicly funded fall under the jurisdiction of local and state governments and are also governed by state property and cultural preservation laws.^[1] In recent years, several states have enacted laws protecting Confederate monuments, making their removal more challenging. For example, in North Carolina, a 2015 law prohibits the removal or relocation of monuments on public property without the approval of the North Carolina Historical Commission.^[2] Such laws have triggered legal battles over the authority of local governments to decide the fate of these monuments. One such legal battle was seen in the state of North Carolina, in *Soc'y for the Hist. Pres. of the Twentysixth N.C. Troops, Inc. v. City of Asheville*, the city government ordered the removal of the Zebulon Baird Vance Monument but was met by intense opposition by the plaintiff who filed a breach of contract claim, sought out a temporary restraining order, preliminary and permanent injunction, and declaratory judgment.^[3] The plaintiffs attempted to use the North Carolina Historical Commission as a form of relief for their case, however the Court of Appeals in North Carolina went in favor of the city because the plaintiff failed to show that they actually suffered some kind of injury since it was unknown who actually owned the monument.^[4] As of right now, the plaintiffs have appealed to the North Carolina Supreme Court, and they are waiting to begin oral arguments.^[5]

On private property, the legality of removal is generally less clear-cut because of the complexities that arise when discussing the transfer of ownership. Property owners have the right to decide what is displayed on their land, but they may face backlash from the community or preservationists. One such example of a complex relationship of private land and monuments was a sculpture built in Stone Mountain, Georgia on land owned by the United Daughters of the Confederacy.^[6] The mountain on which the monument was carved into was owned by segregationist Marvin Griffin and depicted three confederate leaders, including Robert E. Lee.^[7] However, after years of backlash, the state purchased the mountain.^[8] However, since this purchase, the monument still remains due to the fact that in Georgia there have been various cultural preservation laws that have passed which allows monuments such as this one to remain intact.^[9]

Another such example of the complexities surrounding ownership of land with regards to Confederate monuments is the one outside of Nashville, Tennessee that honors Nathan Bedford Forrest, a confederate soldier and the first Grand Wizard of the Ku Klux Klan.^[10] It was a 25-foot statue with Confederate flags around it that was installed in the 1990s by an individual on their property and which could be easily seen from the local highway.^[11] Around the 2010s, many politicians and citizens voiced their frustrations with the statue being so visible and thus resulted in a petition to the Department of Transportation to plant foliage to block the statue.^[12] The petition was then denied, and not long after, many people took matters into their own hands and began to vandalize the statue.^[13] The owner of the statue eventually passed away in 2020, and in 2021, the executor of the estate chose to remove the statue, giving a list of reasons for its removal, including that the statue itself was "ugly".^[14] One major reason as to why the monument had stayed for so long is because the statue is protected under the Visual Artist Rights Act (VARA). VARA, which was enacted in the 90s, protects the moral rights of visual artists by protecting the works of art of these artists from getting destroyed by different entities.^[15] The use of VARA makes the situation here in Tennessee different than in Georgia, because VARA is only applicable for works made after 1991.^[16] Since the carving in Georgia was finished in the 1970s it is less likely to apply. However, this statue was erected in the 1990s after the implementation of VARA and the original artist had more protections over his work being damaged than others would. It is essential to navigate the delicate balance between property rights and the broader societal impact of maintaining Confederate monuments, especially when they promote values associated with slavery, racism, and oppression.

The Discourse Surrounding Monument Removal

The discourse surrounding the removal of Confederate monuments is multifaceted, reflecting a wide range of perspectives. Proponents of removal argue that these monuments symbolize a dark period in American history and glorify individuals who fought to preserve slavery and white supremacy. They contend that these monuments serve as painful reminders of oppression for African Americans and other marginalized communities. After 2020, the Black Lives Matter movement and heightened awareness of systemic racism have amplified these voices and led to renewed calls for removal. Conversely, opponents of removal often argue that these monuments represent an important part of American history and should be preserved for educational purposes. They contend that removing these monuments erases history and amounts to "canceling culture." Some argue that it is better to contextualize the monuments with plaques or educational programs to provide a more comprehensive understanding of the Civil War and its implications. Additionally, the discourse includes discussions about the role of symbolism in society. Some argue that symbols like Confederate monuments can perpetuate racist attitudes and behaviors, while others maintain that they are harmless relics of a bygone era. The debate over the interpretation of these symbols further complicates the discourse.

Solutions Surrounding Confederate Monuments

To address the historically oppressive past associated with Confederate monuments, several solutions can be considered:

****Removal and Relocation****

In cases where it is legally possible, the removal and relocation of Confederate monuments to museums, cemeteries, or other appropriate settings can be an effective solution. This approach preserves historical artifacts while removing them from public spaces that may perpetuate hurtful ideologies. One ongoing example of confederate monument removal and relocation is going on in Arlington, Virginia. In this situation the Arlington National Cemetery has a large confederate statue that Congress has required to be removed and relocated to another space that the public has been asked to vote on. ^[17]



Image Credit: The Confederate Memorial, Arlington, Virginia © Arlington National Cemetery

****Contextualization****

For monuments that remain in place, contextualization is crucial. This involves adding plaques or educational materials that provide a balanced historical perspective, acknowledging the monument's origins and the context in which it was erected. This is particularly relevant for monuments located in states that have prohibited their removal. Once such state in which this occurred was in Georgia. In 2019, an Atlanta committee began the process of putting up placards on many confederate monuments across the city to contend with the "Lost Cause" narrative that has been prevalent in the south for years with regards to the Civil War. ^[18]

****Community Dialogue and Education****

Engaging in open and inclusive community dialogues about Confederate monuments can help build consensus on their fate. Educating the public about the historical context of these monuments and their impact on marginalized communities can lead to informed decision-making. The residents of Fairfax, Virginia engaged in this complex conversation during the pandemic in which the City Counsel led a conversation about the issues surrounding the confederacy's long and hurtful relationship to the Black community. ^[19] Further the City Counsel has created a virtual space in which residents can engage more with the deeper questions of inequality and racism so that they can understand the reasons why the confederate south was so bad. ^[20]

****Legal Reform****

Advocates for removal can work to repeal or amend laws that protect Confederate monuments and vice versa. This approach requires political mobilization and legal efforts to change the legal landscape. This has taken on many forms but the most successful example of legal reform took place during the pandemic. In July of 2020, the House of Representatives were presented with the possibility of removing a bust of Chief Justice Roger B. Taney from the Old Supreme Court Chamber in the Capitol Building. ^[21] The original proposal was to replace not only the bust the bust with one of Justice Thurgood Marshal, but as well any statues or busts of figures who supported the confederacy. ^[22] It

passed in the House and was pending in the Senate for a little bit, but in 2022, President Biden signed the bill to remove the bust.^[23] However, through all this, there was still much opposition towards the removal with a total of 113 Republicans voting Nay to the removal of the bust.^[24] One member of congress who has voiced his disagreement with the bill was Rep. David McKinley, who took issue with the fact that confederate statues and busts that were sent from individual states, including West Virginia, would be removed.^[25] In his eyes this bill was infringing on states rights and thus influenced him to vote against the bill.^[26]

Conclusion

The removal of Confederate monuments from both public and private land presents complex legal, ethical, and practical challenges. The discourse surrounding these monuments is emblematic of larger conversations about history, symbolism, and racial injustice in the United States. While there is no one-size-fits-all solution, it is crucial to address the historically oppressive past associated with these monuments in a way that respects the rights and sensitivities of all citizens. Whether through removal, contextualization, public art, community dialogue, or legal reform, the ultimate goal should be to promote a more inclusive and just society.

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About the Author:

Stephanie Nicole Argueta is a second year law student at Brooklyn Law School. She received her B.A. in Political Science from CUNY Brooklyn Law School. Growing up as a first generation Latina in New York City she grew a deep passion for issues like cultural preservation in immigrant communities and artistic expression for many minority communities, thus influencing her decision to attend law school.

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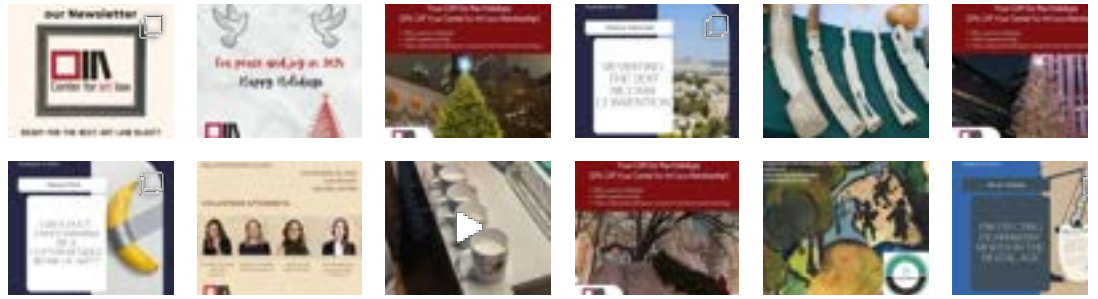
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Statue of John Lewis Replaces a Confederate Memorial in Georgia

The 12-foot-tall bronze statue of the civil rights leader was commissioned after Mr. Lewis died in 2020. It stands where a Confederate memorial was erected in 1908.

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By Amanda Holpuch

Aug. 18, 2024

A statue of John Lewis, the civil rights leader and congressman, was installed on Friday in front of a Georgia county courthouse in a space occupied for more than 100 years by a Confederate memorial.

The 12-foot-tall bronze statue was placed in front of the DeKalb County Courthouse in Decatur, Ga., which was part of the congressional district that Mr. Lewis represented for 17 consecutive terms.

For years, activists pushed for the Confederate memorial, a 30-foot stone obelisk that had stood in the same spot as the new statue, to be removed. In 2019, a plaque was installed that said the memorial promoted white supremacy and the obelisk was removed in 2020.

Before Mr. Lewis, a Democrat, was elected to Congress, he had risked his life for the civil rights movement. He was one of the original 13 Freedom Riders who rode buses across the South in 1961 to protest segregation on public transportation and was a founder of the Student Nonviolent Coordinating Committee, which coordinated sit-ins.

He helped organize the March on Washington and helped lead hundreds of demonstrators across the Edmund Pettus Bridge in Selma, Ala., in 1965 to demand voting rights. At the march in Selma, a trooper fractured Mr. Lewis's skull with a club after troopers attacked the nonviolent demonstrators.



Mr. Lewis was a Civil Rights giant who represented Georgia in Congress for 17 consecutive terms. Mark Makela for The New York Times

The statue of Mr. Lewis, sculpted by the artist Basil Barrington Watson, who was born in Kingston, Jamaica, and moved to Georgia in 2002, will officially be unveiled on Aug. 24.

The sculpture stands where a Confederate monument was placed in 1908 by the United Daughters of the Confederacy. The organization was behind the creation of Confederate memorials and monuments and played a key role in promoting the Lost Cause narrative of the Civil War, which downplays or ignores the role of slavery as the war's cause.

The obelisk was one of at least 230 Confederate symbols to be removed, relocated or renamed after George Floyd, a Black man, was killed by a white police officer in Minneapolis in 2020.

Amid calls to take down the obelisk in Decatur, a DeKalb County judge said in June 2020 that it was a public nuisance and should be removed and put in storage.

Local groups had previously urged for the memorial to be removed, including in 2017 after a woman was killed protesting a white nationalist rally in Charlottesville, Va., but officials said that state law blocked them from taking it down.

In 2019, the DeKalb County Board of Commissioners installed a plaque near the monument that provided context for the memorial and said it had “bolstered white supremacy and faulty history.”

“This monument and similar ones also were created to intimidate African-Americans and limit their full participation in the social and political life of their communities,” the plaque read in part.



Mr. Lewis, right, with Dr. Martin Luther King Jr., third from right, on a march to the courthouse in Montgomery, Ala., in 1965. Associated Press

After Mr. Lewis died of pancreatic cancer in July 2020, a task force convened in Georgia to determine how to honor him, The Atlanta Journal-Constitution reported.

Several groups suggested that a statue of Mr. Lewis be erected where the Confederate obelisk had stood and the task force agreed. The county commissioners unanimously approved the plan in January 2021 and the search began for an artist.

Tributes to Mr. Lewis were made across the country after he died, including at a Virginia high school, which had been named after the Confederate general, Robert E. Lee, and is now named the John R. Lewis High School.

Amanda Holpuch covers breaking news and other topics. More about Amanda Holpuch

A version of this article appears in print on , Section A, Page 16 of the New York edition with the headline: In the New South, John Lewis Gets a Statue

ON THE SCENE ATLANTA



In a steady rain Monday, workers temporarily install the statue of Chief Tomochichi of the Yamacraw at the Millennium Gate Museum on 17th Street. PHOTOS BY STEVE SCHAEFER FOR THE ATLANTA JOURNAL-CONSTITUTION

Chief Tomochichi statue arrives at temporary home

Tribute to Native American 'co-founder of Georgia' will soon stand in new park.

By Ernie Suggs

ernie.suggs@ajc.com

Matt Thomas looks like he was chiseled in bronze.

That is why it was a no-brainer for Rodney Cook Jr. to commission renowned sculptor Stan Mullins to render the 31-year-old sometimes model and corporate wellness adviser to be the face and body of Atlanta's latest statue: Chief Tomochichi.

Standing 20 feet tall, the statue was unveiled Monday and installed at the Millennium Gate Museum near Atlantic Station, its temporary home.

By at least 2022, Cook hopes to move it to Rodney Cook Sr. Park in Vine City, where it will rest atop a 15-story peace column that will anchor the recently opened park. In

Tomochichi continued on **B7**



Matt Thomas, who modeled for the Chief Tomochichi statue because of his resemblance to a descendant and after a DNA test confirmed his Native American heritage, attended Monday's temporary installation.

Tomochichi

continued from B1

July, the first statue, of Congressman John Lewis, was unveiled at the new park.

Cook plans to ring the Vine City park with 18 bronze statues, plaques and monuments dedicated to peacemakers with ties to Georgia, including Andrew Young, C.T. Vivian, Julian Bond and Martin Luther King Jr.

Tomochichi, a Native American born close to 400 years ago, seems like an outlier, but Cook said he is the perfect foundation for the park.

According to the Georgia Encyclopedia, in 1733, when General James Oglethorpe settled in Georgia, Tomochichi, the chief of the Yamacraw Indians, received him and granted permission to establish Savannah to take advantage of trading and diplomatic connections. In 1736, Tomochichi and England's Oglethorpe participated in an expedition to determine the southern boundaries of Georgia and helped mediate interactions with the Spanish.

"We got a very beautiful, monumental statue of the co-founder of Georgia," Cook said of the chief, who lived from roughly 1644 to 1739. "He was one of the first peacekeepers in Georgia, and we are proud to tell his story."

Most Native Americans eventually were pushed off



The Chief Tomochichi monument will eventually be moved to its permanent home, among the peacemakers rising up from peace columns at Rodney Cook Sr. Park in Vine City. STEVE SCHAEFER FOR THE ATLANTA JOURNAL-CONSTITUTION

their lands by European settlers, including in the 19th century, when thousands of Cherokee Indians in Georgia and neighboring states were forced to resettle in Oklahoma, in what is known as the Trail of Tears.

Monday morning, while Cook and his guests watched from the top of the Millennium Gate, Mullins directed his team in erecting the statue. Against torrential rain, a crane carefully hoisted the statue as workers carefully guided it to the pedestal.

"Point him right at me," Mullins barked, standing about 20 feet away on a median to make sure the statue faced the city.

Atlanta City Councilman Michael Julian Bond stood in the rain all morning, waiting

for the statue to be placed. With his suit soaked, he narrated the process on Facebook Live.

"It is beautiful," Bond said. "People are taking down Confederate statues, as they should. This is a statue we should be uplifting. We have been wise enough to want to make it right."

Cook and Mullins were looking for a likeness of Tomochichi and stumbled upon Thomas, whom they both knew. Going through old paintings of Tomochichi, Cook noted that Thomas bore a resemblance to one of the chief's heirs, Toonahowie, "and he looked like the great chief probably would have looked in his prime."

Thomas, who grew up in Cobb County, took a DNA

test to determine whether he had Native American blood, and passed.

"Then it progressed to me modeling in a loincloth," Thomas said. "Seeing the statue now is surreal. I still haven't wrapped my head around it. I can't wait to show my grandkids one day."

Dressed in shorts and a T-shirt, Thomas, with his girlfriend Cassie Cope, walked over to the statue as the workers screwed it to the pedestal. He folded his arms and posed for pictures in front of his likeness.

"It is pretty cool to see a giant, 20-foot statue of my boyfriend out here," Cope said. "I can brag to my friends about it. But I told him if we ever broke up, I would never drive by here again."

INSIGHTS

The Atlanta Journal-Constitution

"Ask yourself one question. 'Is it right?' Then do what you believe is best for your town, your state and your country." — James M. Cox, founder, Cox Enterprises

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Tomochichi's full history is worth knowing

How we honor an unheard history is as important as who we honor.

By Malinda Maynor Lowery and Beth Michel

Recently, Atlantans have made the city's historical landscape more inclusive by temporarily installing a statue of Tomochichi at Atlantic Station. Standard histories of Georgia place Tomochichi at the founding of the colony, alongside James Oglethorpe. The statue gestures with an open hand to the Millennium Park gates, as if to welcome newcomers to his home.



Malinda Maynor Lowery

As Native people who live in Atlanta but whose tribal homelands are elsewhere, Tomochichi's welcome has a special meaning to us. We want to make sure our neighbors have the right context. Georgia's history is becoming our history too.



Beth Michel

This statue brings a welcomed opportunity to offer more nuance to the story people know, to educate the public about the past. Georgia schoolchildren only learn a few sentences about Tomochichi in their classes. Tomochichi is remembered as leading a village of Yamacraw Indians, promoting friendly relations with the English, and allowing Georgia founder James Oglethorpe to establish the city of Savannah.

Told this way, Tomochichi's story sounds like the Southern version of the first Thanksgiving — an overly romanticized tale of the Yamacraw chief as Squanto to the Pilgrims. Today's Tomochichi statue contains remarkable echoes of earlier sculptures of Massasoit now in Massachusetts, Utah, and elsewhere, the Pokanoket chief who, legend has it, sat down with those Englishmen for that first Thanksgiving.

We know that not all is as it seems with Thanksgiving, and Tomochichi's history with James Oglethorpe is no different. Tomochichi was, in fact, an outcast from his home town, the Muscogee (Creek) village of Apalachicola. He established the village of Yamacraw



Workers prepare to install a statue of Tomochichi, chief of the Yamacraw, at the Millennium Gate Museum on 17th Street on Sept. 20. The statue brings an opportunity to offer more nuance to the story of Native people in Georgia. STEVE SCHAEFFER FOR THE AJC

with mostly Creek family members.

At the time of Tomochichi's leadership, the Creek were recovering from a costly war with South Carolina fought over Carolina settlers' perpetual kidnapping and enslavement of Native people. The English were in seemingly endless conflict with the Spanish, who still occupied Florida. Oglethorpe banned enslavement of Africans because he did not want to import them only to have them run to Florida and the Spanish, who promised to free anyone who would help them defeat the English. Oglethorpe, like his Carolina cousins, did not object to enslaving Native people. The Creeks and their allies had waged war on Carolina to stop this practice.

Tomochichi's role in these conflicts isn't clear, but Oglethorpe entered a war zone, not a wilderness. His reputation was already tainted by his English brethren. He did not have the upper hand and did not want his efforts to go the way of South Carolina's, nor did he want to inadvertently help the Spanish.

Tomochichi, too, was probably a poor negotiator — at first, he threatened Oglethorpe and his men with violence. For their safety, both men needed the

protection of a Creek woman, Mary Musgrove, who was the niece of a key Creek leader. In fact, Mary Musgrove negotiated that first treaty between Tomochichi and Oglethorpe from her home on Yamacraw Bluff. A skilled translator and trader, she put both men in their places, and is personally responsible for many of the harmonious relationships that the early settlers managed. In Creek society, women held a great deal of influence over politics. But we don't have a statue of Mary Musgrove, we have one of Tomochichi.

In light of the facts, we can appreciate how the standard version of Tomochichi and James Oglethorpe might obscure rather than reveal. After all, as one of my students pointed out, despite Oglethorpe's dependence on the Yamacraw chief's generosity, "there's no university in Georgia named after Tomochichi." Historically, Georgia's subsequent settlers have not been anxious to return his kindness.

To be sure, the installation of Tomochichi in Atlanta this week begins to right that wrong, it is a sign of a new era. We can educate the public about the past without exploiting their history or elevating avowed racists. Monuments

such as these can offer visitors and residents the chance to reflect on what the past means to us, to understand that we are part of a bigger picture and to see evidence that our actions have consequences far into the future.

But given the widespread dispossession of Native people that brought Georgia — and the city of Atlanta — about, we propose that how we honor an unheard history is as important as who we honor. Commemorative efforts should also meaningfully reflect the communities they are intended to honor.

Indigenous nations in the United States face two related obstacles that converge in this moment of the unveiling of the statue of Tomochichi. First is a widespread belief that we are no longer here, that we died out long ago, or that we have been replaced. The standard narrative of Tomochichi's gift to James Oglethorpe reinforces this erroneous belief. It paves over the longer, more difficult and tragic events that unfolded later, and erases the crucial, complex role of a Native woman.

But even those events didn't lead to our disappearance from this land. These events did, however, make possible a related belief: that Native people have lost everything, even the power or authority to decide who among us is Native, who belongs to our communities. A DNA test that demonstrates Native ancestry does not make someone a member of a tribe who can stand in for this history. As with the controversy over U.S. Sen. Elizabeth Warren's Native ancestry, DNA does not equate to belonging. And because of the tragedies our nations have endured, we must continually assert our own definitions of who should speak for us.

Muscogee (Creek) people have continued to call Georgia home despite these tragedies. In 2014, at the 200th anniversary of the Battle of Horseshoe Bend, one of the events that launched the final period of Muscogee dispossession in Georgia, Muscogee Nation Principal Chief George Tiger spoke eloquently of this longer history. He said, "through adversity, we gain strength." That is the message we hope visitors gain from Tomochichi in Atlanta.

Malinda Maynor Lowery is a citizen of the Lumbee Nation and Cahoon Family Professor of American History at Emory University. Beth Michel is a citizen of the Tohono O'odham Nation and associate dean of admissions at Emory University.

'Nekkid' chief latest of Peace Park's problems:

OPINION

Torpy, Bill

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FULL TEXT

One of the first things you notice about the 20-foot-tall bronze statue of Chief Tomochichi standing along 17th Street is that he's ripped like Michelangelo's David, but is sturdier, like he could break a linebacker's tackle.

And he's not wearing much.

The latter is a point mentioned by several Muscogee scholars who recently criticized the statue in a widely read story from the Associated Press. The plan is to one day erect the statue upon a 115-foot tall pedestal to be the signature piece at Rodney Cook Sr. Park, a now-popular destination just west of downtown.

It is part of the ambitious plan of the late Cook's son, Rodney Jr., who dreams in Greco-Roman grandeur and envisions a "Peace Park" dedicated to civil rights heroes.

Tomochichi was the creator of a small tribe called the Yamacraw. He greeted James Oglethorpe and 114 British colonists when they landed in 1733 in what is now Savannah.

He is cordially known in Georgia History as sort of the Friendly Indian who did not massacre the newcomers and instead befriended them. Sort of a Pocahontas, but with muscles.

Tomochichi cut political and business deals with the colonists, owning a skill set that would now land him in the Georgia Legislature or on the Chamber of Commerce.

The statue of him was finished last year and placed near Cook's Millennial Gate in Atlantic Station in an effort to get Atlantans to warm up to the big guy.

However, some Native Americans are turning a cold shoulder to the idea. First, they say, Tomochichi is not the right guy to memorialize. Nor is this the proper portrayal.

"Why is he nekkid?" asked Turner Hunt, the acting tribal preservation officer of the Muscogee (Creek) Nation. "Why is his butt cheek hanging out?"

Hunt and others say the clothing choice, just a fur pelt (partially) wrapped around him, is not what would be his normal dress, leather pants and a cloth shirt. But their problem goes deeper than how he is clad, or unclad. It's about who he was.

"If given the choice, Tomochichi is not someone we'd have up on a pedestal," said Hunt. Tomochichi had been ostracized by other chiefs, so he formed his own band of about 200 members. Hunt said it was "very likely" he took part in enslaving those from other tribes in exchange of goods from the Europeans.

That would, critics say, make it odd for him to be featured in a park along with statues of Martin Luther King Jr., Andy Young and John Lewis, among others.

Steven Peach, a history professor at Tarleton State University in Texas, has studied Tomochichi and says he "embodies many complications and paradoxes."

"He was kind of a local leader who was marginalized and looking to get back into the big time," Peach said.

"Oglethorpe shows up and he sees an opening, an opportunity.

If he can hitch his wagon to Oglethorpe, he can be seen as a legitimate leader."

Next thing you know, Tomochichi is sailing to England with his new buddy and being trotted out in front of royalty.

Cook, a fellow who doesn't dream small, seems to be gobsmacked by the turn of events.

He has worked with the city for more than a decade as Atlanta created the park while undergoing a massive

reengineering of the land to prevent chronic flooding in the area.

In 2016, I met with Cook when there was pushback at naming the site Mims Park, after a long-ago relative, Mayor Livingston Mims. It would have been the second Mims Park, the first coming in the early 1900s. Andy Young went to bat for Cook —he still does —and the plan continued. A statue of Young is planned to be unveiled next month at the park.

Last year, I walked the mostly completed park with Cook. At the time, City Hall was dragging its feet on setting up a leasing deal for Cook to plop those monuments on city land. City Councilman Michael Bond is trying to work that one out. There are also plans for Bond's late father, Julian, to get a statue.

The latest snafu is “disappointing and is counter-productive of what we’re trying to accomplish,” Cook said.

“We’re pulling this nation apart. We’re trying to find common aspects that bring us together.”

“This made us seem like stupid white men not knowing what we’re doing,” said Cook, who assures me he knows what he is doing. Cook said he has researched the matter and says the statue is modeled after a painting where Tomochichi was in London, meeting with a pack of English bigwigs in powdered wigs and wearing a fur pelt.

Tomochichi was in his 80s when he knew Oglethorpe, “but we chose to portray him in his prime,” Cook said, adding he repeatedly tried to contact the Poarch Creeks, a tribe in Alabama, with no success.

Told that, Norma Marshall, a professor of Native American Studies at the College of the Muscogee Nation, chuckled and said, “They’re not us.”

The Muscogees I spoke with see this as an opportunity for education. Cook said he has called them to seek some “consultation and collaboration” going forward.

“I think he had good intentions,” said Marshall. “We have to sit down with logic and reason and come to some level of respect.”

Now, if Tomochichi could come back, maybe he could pound out a deal.

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An Atlanta Statue of a Muskogee Chief, Modeled After a Reality TV Star, Is Under Fire From Native American Critics

[a news.artnet.com/art-world/muscogee-atlanta-statue-native-american-chief-2071367](https://news.artnet.com/art-world/muscogee-atlanta-statue-native-american-chief-2071367)

February 10, 2022

Art World

The 'Love Is Blind' star chosen to represent the chief was approved after a DNA test.

Artnet News, February 10, 2022



Tomochichi of the Creek Yamacraws with his son Tooanahowie, from a painting by William Verelst. Photo by MPI/Getty Images.

Last fall, the Atlanta-based National Monuments Foundation unveiled a new, 20-foot-tall bronze statue of a Native American chief who allowed the British to colonize his tribe's land in the 18th century, forming the basis of what is now the state of Georgia. However, the commissioner of the statue failed to consult with the chief's ancestors, and now tribal leaders and historians say the bronze monument grossly misrepresents its subject.

Tomochichi, a member of the Muskogee who, after being banished by his people, formed his own small tribe called the Yamacraws, is the figure memorialized by the monument, designed by sculptor Stan Mullins. He's depicted largely in the nude, a slight bear pelt covering his crotch, and is shown gesturing with a gentle, inviting arm.

Critics are calling the statue a primitive, unrealistic representation of the chief, who more likely would have worn a shirt, deerskin leggings, and a ceremonial belt. But, according to a report in the Associated Press. They also take issue with the selection of Tomochichi as the subject, saying that it's wrong to glorify a person whose actions indirectly led to the ethnic cleansing of his own people.

View this post on Instagram

A post shared by Matt Thomas ? (@movingwithmatt)

The developer who created the National Monuments Foundation and commissioned the \$300,000 monument, Rodney Mims Cook, Jr., hired a local model and reality TV star, Matt Thomas, to pose as Tomochichi, but only after a DNA test.

“One night, over drinks and cigars with Rodney and [sculptor Stan Mullins], they noticed I had similar facial features and body type to Tomochichi,” [Thomas recalled in an Instagram post](#). “They compared old paintings of the two with me, then ordered a genetics test to see if I had any native blood. When the test came back saying I was ~7 generations removed from a Native American ancestor, Rodney introduced me to one of the descendants of Pocahontas for her approval to stand as model for the chief.” (They did.)

The National Monuments Foundation did not immediately respond to a request for comment.



William Verelst's 1734 painting of Tomochichi meeting King George II in London. Courtesy of Wikimedia Commons.

The Tomochichi statue was revealed in front of Atlanta's Millenium Gate Museum last September, but that's just its temporary home. Cook, Jr. envisions it being installed for good atop a 115-foot tall column in the recently-opened Rodney Cook, Sr. Peace Park, where it would overlook smaller monuments to figures such as Congressman John Lewis and Martin Luther King, Jr.

Planned for inside the column is a museum dedicated to peace leaders from Georgia, according to the National Monuments Foundation website.

British general James Oglethorpe arrived in North America in 1733, hoping to establish the Colony of Georgia. Rather than invite immediate violence against his people, Tomochichi struck a [treaty](#) with Oglethorpe, allowing the general to build the city of Savannah on Yamacraw land. As part of the agreement, Tomochichi supplied colonizers with Native American slaves.

Cook told the AP that the statue was based on a 1734 painting by William Verelst which illustrated Oglethorpe presenting and Tomochichi Yamacraw peoples to King George II in London, a real-life event that took place one year after the British's colonization efforts.

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So, how did I become a ~20 foot bronze statue at the @millenniumgate in @atlanticstation? Here's the story. 🍻🍻🍻
Rodney Cook is a good friend, board member of @brawlforaclause, and president of the National Monuments Foundation. He teamed up with @stan_mullins, a world-renowned artist / sculptor to design, fund, and build the central figure in Atlanta's new Peace Park. Chief Tomochichi was head of the Yamacraw tribe when settlers landed in Georgia. He started our state's tradition of peace by welcoming colonists and engaging in peaceful diplomacy with England. 🍻🍻🍻
One night, over drinks and cigars with Rodney and Stan, we conceptualized this.

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September 21, 2021

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Please bring in an article about history that is local to you and told in multiple ways. Be prepared to discuss how these perspectives differ and the potential reasoning behind these differences.

If you have you any questions, please email Eli (earnold@oglethorpe.edu).