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STATE REPRESENTATIVE
JOHN P. CYRIER

DISTRICT 17

The Honorable Ken Paxton
Attorney General, State of Texas
P.O. Box 12548
Austin, Texas 78711-2548

June 24, 2020

Dear Attorney General Paxton:

There is currently a public controversy regarding a statue on the campus of Texas A&M University honoring Lawrence Sullivan Ross. Some Texans argue that the statue should be removed from the A&M campus while others argue that the statue should remain.

The Lawrence Sullivan Ross statue in question was funded by the Texas Legislature through the passage of H.B. 78 relating to the appropriations to pay miscellaneous claims in the 35th session, 1st Called Session in 1917. In that bill the Legislature provided as follows:

To have erected on the campus of the A. and M. College, a life-size monument to General Lawrence Sullivan Ross, same to be under the direction of the Governor, the Superintendent of Public Buildings and Grounds and the President of the A. and M. College.... 5,000 00

Act of May 17, 1917, 35th Leg., C.S., ch. 49, § 1, p. 252

The statue was installed and dedicated in 1918. The inscription on the base/pedestal of the statue reads "Lawrence Sullivan Ross, 1838-1898, Soldier, Statesman, Knightly Gentleman: Brigadier General C.S.A., Governor of Texas, President of the A&M College." Thus, it appears that the statue was intended to honor Ross for his service as Texas Governor, President of the Agricultural and Mechanical College of Texas, and his service as a General in the Confederate Army. In addition, I note that the 1917 appropriation references Ross' statue as a general.

Tex. Gov't Code Section 2166.5011 requires legislative, Texas Historical Commission, or State Preservation Board approval to remove, relocate or alter a "monument or memorial" that is located on state property and honors a citizen of this state for military or war-related service. A "monument or memorial" is defined to include a qualifying monument, memorial, or other designation, including a statue. However, Tex. Gov't Code Section 2166.003(a)(2) states that the provisions of Chapter 2166 do not apply to "a project constructed by and for a state institution of higher education."

Recently, President Young announced that Texas A&M University will form a Commission on Historic Representation to review statues, monuments, buildings and similar representations on its campus and

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suggest appropriate courses of action with respect to each of them. His announcement indicates that this commission will review issues relating to the Lawrence Sullivan Ross statue.

Given the statutory provisions I mention above, it appears that there are questions about the authority of Texas A&M University to take certain actions relating to the Lawrence Sullivan Ross statue. More specifically:

1. Does Chapter 2166 of the Texas Government Code apply to the Lawrence Sullivan Ross statue, given the language in Section 2166.003(a)(2)? It appears that Chapter 2166 does apply, as the statue was not constructed by Texas A&M but rather by the Governor, Superintendent of Public Buildings and Grounds and the President of the A&M College, as set forth in the 1917 legislation.
2. If Chapter 2166 applies, it appears that the state approval is required before the statue may be removed or relocated from its current location. If Texas A&M University desires to remove or relocate the statue, may it obtain approval from the Historical Commission or Preservation Board, or must approval be obtained from the legislature since the statue was originally funded by the legislature?

Thank you in advance for your consideration of this request.

A handwritten signature in black ink, appearing to read "J.P. Cyrier".

John P. Cyrier

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