

# The Mississippi Legislature Changes the State Flag

by Jere Nash

For 126 years, Mississippi flew a state flag with a replica of the Confederate battle flag as its most prominent feature. As the 2020 Memorial Day weekend began, no one in Mississippi would have believed that thirty days later the Legislature would retire that flag—first adopted in 1894—and set in motion a process to approve a new banner.<sup>1</sup> And no one in Mississippi would have imagined that a majority of Republicans in both houses of the Legislature would join with the unanimous support of their Democratic colleagues to enact this change. That it all occurred in less than three weeks, in the middle of a pandemic, made the historic legislation all the more improbable.

In June 2020, legislative rules required an extraordinary vote of two-thirds of the members in each chamber to consider a bill to change the state flag. What follows is an account of the three-week lobbying campaign inside the state capitol to achieve that vote.<sup>2</sup> It came to an end on Saturday, June 27, when the legislature approved a resolution to suspend its rules to allow for the introduction of a bill to repeal the 1894 state flag. Four days later, the 1894 flag, together with its Confederate symbolism, was lowered for the last time on the grounds of the state capitol and delivered to the Museum of Mississippi History.

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<sup>1</sup> In August 2000, David Sansing wrote a lengthy article for the online site *Mississippi History Now*, <https://www.mshistorynow.mdah.ms.gov/issue/flags-over-mississippi>, that provided a wealth of information and background on all of Mississippi's state flags, including the one adopted by the legislature in 1894.

<sup>2</sup> A number of other topics associated with this historic legislative vote are ripe for investigation by other writers, including the ways in which public and private attitudes about the Confederate flag evolved over the spring and summer of 2020, the development of Black Lives Matter and similar organizations in the state, and broader moves to address other Confederate symbols and related racial justice issues.

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*1894 flag being retired at the state capitol on July 1, 2020. Photo courtesy of the Mississippi Department of Archives and History.*

## The Prologue

The journey to replace the state flag began also on a Saturday, thirty-eight years earlier. On September 4, 1982, the University of Mississippi opened its football season, and for the first time in the school's history, an African American cheerleader took the field with the team. The tradition at the time called for the male cheerleaders to carry large Confederate battle flags, the university's unofficial symbol, onto the field, ahead of the players. John Hawkins, a twenty-year-old junior from Water Valley, broke that tradition. As he told the *New York Times* earlier in the week, "It has not been written anywhere that an Ole Miss cheerleader has to wave a flag. While I'm an Ole Miss cheerleader, I'm still a black man. In my household, I wasn't told to hate the flag, but I did have history classes and know what my ancestors went through and what the Rebel flag represents. It is my choice that I prefer not to wave one."<sup>3</sup>

A few years later, Representative Aaron Henry introduced the first bill in the legislature to remove the Confederate emblem from the state

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<sup>3</sup> Wendell Rawls Jr., "Black Cheerleader Balks at Waving the 'Rebel' Flag," *New York Times*, September 4, 1982; Associated Press, "Cheerleader Wants Mascot on Flag," *Jackson Clarion-Ledger*, September 3, 1982.

flag.<sup>4</sup> Henry, a pharmacist from Clarksdale, was state president of the NAACP in Mississippi. For the next twelve years, Henry, or another member of the Legislative Black Caucus, filed similar bills, and each year they died quietly in committee.

Then, in 1993, Jackson attorney Shane Langston teamed up with the state NAACP, its Jackson chapter, and eighty-one individual plaintiffs to file a lawsuit in state court seeking an injunction “against any future purchases, displays, or expenditures of public funds on the state flag.” Among the individual plaintiffs were Aaron Henry, Rollins Branch, Hollis Watkins, Derrick Johnson, Ed Blackmon, and Bennie Thompson. The Mississippi Division of the United Sons of Confederate Veterans quickly intervened as a defendant. Seven years after the trial court dismissed the NAACP’s lawsuit, the state Supreme Court issued a decision on the appeal of the lower court’s ruling that set the parameters of the flag debate in Mississippi for the next twenty years.<sup>5</sup>

Buried deep in Langston’s original pleading and again in his appeal brief was the claim that the flag in use was not the official state flag due to a mistake made by the 1906 Legislature when it codified all of the then-existing Mississippi laws. Because the lawmakers failed to include the 1894 law designating the state flag in the 1906 codification, Langston argued, the state was left with no official flag. On May 4, 2000, the Mississippi Supreme Court agreed, and to the astonishment of virtually everyone, the justices held, “The State of Mississippi has no existing law establishing or promulgating a flag for the State. The current flag is Mississippi’s flag by custom and usage only.”<sup>6</sup>

According to Oliver Diaz, a member of the court at the time, the justices wanted to give the legislature an opportunity to change the flag. They assumed legislators would either adopt the 1894 flag or, hopefully, enact a new design. It never occurred to them the legislature, controlled by Democrats, would punt the decision to the voters via a statewide public referendum.<sup>7</sup>

But, that is what happened.

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<sup>4</sup> House Bill 208, *House Journal*, 1988 Regular Session, 76.

<sup>5</sup> Interviews with Bea Branch, Rollins Branch, and Shane Langston; *Mississippi Division of the United Sons of Confederate Veterans v. Mississippi State Conference of NAACP Branches, et al.*, 774 So. 2d 388 (Miss. 2000); Jimmie Gates, “Lawsuit Targets Confederate Emblem,” *Jackson Clarion-Ledger*, April 20, 1993.

<sup>6</sup> Interview with Shane Langston, who also provided copies of his original lawsuit and briefs.

<sup>7</sup> Interview with Oliver Diaz.

Soon after the Supreme Court ruling, Governor Ronnie Musgrove created an advisory commission to design a new flag, with former Governor William Winter as its chairman. That fall the panel embarked on a series of hearings around the state to gather citizen comments. At their first meeting in Meridian, the commissioners got a taste of public sentiment when the proponents of a new flag were referred to as “those scalawags who want to spit on the graves of my ancestors.” A few weeks later at another forum, Winter recognized someone in the audience who said he had a suggestion for a new flag. When Winter asked him to describe it, he obliged: “It would be a yellow flag with your picture right in the middle of it.”<sup>8</sup>

Throughout the hearings, the testimony, especially by the supporters of the 1894 flag, was so vitriolic, acerbic, and unyielding that the commission ultimately recommended a public vote on whether to retain the 1894 flag or to adopt the new design agreed to by the commission members. Governor Musgrove, Lieutenant Governor Amy Tuck, and Speaker of the House Tim Ford, all Democrats, readily agreed and, within the first eight days of the 2001 Regular Session, the legislature passed a measure calling for a statewide referendum on April 17. Voters would choose between the 1894 flag and a design that replaced the Confederate battle emblem with a circle of twenty stars to signify Mississippi’s admission as the twentieth state.<sup>9</sup>

When he was first elected to the House of Representatives in 1979, Ed Blackmon became only the sixth African American to serve in the Mississippi Legislature since the Reconstruction era. A member of the Winter Commission and a co-author of the legislation creating the

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<sup>8</sup> David Firestone, “Mississippi Forms Commission to Design a New State Flag,” *New York Times*, May 6, 2000; Emily Wagster, “Battle Lines Clear at Hearing on Flag,” *Jackson Clarion-Ledger*, October 27, 2000; Bill Minor, “Changing State Flag Has Contentious History in Mississippi,” *Jackson Clarion-Ledger*, August 27, 2010.

<sup>9</sup> Interviews with Ed Blackmon and Mike Chaney; Mike Chaney provided all of his files from his time on the commission; House Bill 524, *Laws of 2001*, Chapter 301; the bill passed the House by a vote of 120-1, *House Journal*, 2001 Regular Session, 60; the bill passed the Senate by a vote of 42-10, *Senate Journal*, 2001 Regular Session, 107; Associated Press, “Musgrove, Others Support New Flag,” *McComb Enterprise-Journal*, January 14, 2001; Emily Wagster, Associated Press, “Senate Approves Flag Election Bill,” *Biloxi Sun-Herald*, January 12, 2001. There is an upside to the defeat of the new flag in 2001. Buried deep in House Bill 524 were two provisions that would have haunted Mississippi had they become law. According to the legislation, if the voters had adopted the new flag, (1) the 1894 flag would have been automatically designated as the official historical flag of the state and (2) any and all Confederate monuments, statues, and memorials would have been automatically protected from being “relocated, removed, disturbed, altered, renamed or rededicated.”

public referendum, he remembered those times:

We all concluded a vote was the only way out. No white legislator wanted to put himself through what William Winter had endured. No one wanted to be ostracized within their own community. It was that serious. If you were a white politician, and you wanted to make a stand for a new flag, you had to make certain decisions about your lifestyle thereafter. I recognized that.<sup>10</sup>

Three months later, more people voted in that referendum than had voted in the 1999 general election for governor. The 1894 flag received 494,323 votes or 64.4 percent. Of the fifty-seven majority-White counties, only two endorsed the new flag.<sup>11</sup> Of the 1,360 precincts with a majority White population, all but forty-nine supported the old flag. Of the fifty-four precincts with no Black population, according to the 2000 Census, the 1894 flag got 96.2 percent of the vote. The next day, a reporter with the *Los Angeles Times* caught up with Betty Sue Hoyle in Indianola, who confessed to the reporter, “We’re sick of giving in. This flag never hurt anyone. And no matter what we do, black people will still be mad at us.”<sup>12</sup>

Four months later, the NCAA adopted a policy prohibiting a member institution located in a state displaying the Confederate battle emblem from hosting bowl games and football or basketball post-season tournaments.<sup>13</sup>

And there the matter rested, with few White politicians in the state wanting to confront the stark divide exposed by the 2001 election. For the remainder of the decade, and into the next, the issue was largely ignored.

It was only in 2014 that the state flag resurfaced as a significant issue. Laurin Stennis, granddaughter of former U. S. Senator John C. Stennis, had returned to her home state, and as she told the *Clarion-Ledger*, “I wanted to hang a state flag in my place, and I simply couldn’t, and wouldn’t.” Stennis set about designing her own flag and began

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<sup>10</sup> Interview with Ed Blackmon.

<sup>11</sup> Those two were Madison and Oktibbeha.

<sup>12</sup> As cited in Jere Nash and Andy Taggart, *Mississippi Politics: The Struggle for Power* (Jackson: University Press of Mississippi, 2008), 280-284; Jeffrey Gettleman, “Mississippi Votes to Keep Confederate Battle Cross on State Flag,” *Los Angeles Times*, April 18, 2001; Paul Duggan, “Mississippi Keeps its State Flag,” *Washington Post*, April 18, 2001.

<sup>13</sup> Interview with John Lassiter; Sekou Smith, “Flag Ruling Pleases Mississippians,” *Jackson Clarion-Ledger*, April 28, 2001.

circulating a flag containing nineteen blue stars in a circle against a white background with a much larger star in the middle, which represented Mississippi as the twentieth state. Over time, the “Stennis Flag,” as it became known, served as a rallying symbol for those who wanted a state flag without the Confederate symbolism.<sup>14</sup>

Then the Charleston, South Carolina, church massacre rocked the nation. On the evening of June 17, 2015, Dylann Roof, a twenty-one-year-old White supremacist, walked into the Emanuel AME Church, a predominantly Black congregation in Charleston. Roof joined a Bible study for a few minutes and then started shooting. When he was done, nine people lay dead in the sanctuary. Following his arrest, law enforcement authorities found a website created by Roof, full of photographs of him posing with a handgun and Confederate flags. A social media post showed Roof sitting on his car with a Confederate license plate.<sup>15</sup>

For more than fifty years, South Carolina had flown the Confederate battle flag on the grounds of its State House. Five days after the church shooting, on June 22, South Carolina Governor Nikki Haley held a press conference and urged the legislature to remove the Confederate flag. Later that same day, Representative Philip Gunn, Mississippi’s first Republican Speaker of the House since Reconstruction, was in the north Mississippi town of Ackerman to attend an afternoon fundraiser for Representative Joey Hood, one of his Republican House members.<sup>16</sup>

About fifty miles to the east, Joey Barnes, a reporter for WCBI-TV, the local CBS affiliate in Columbus, was following the developments in South Carolina and knew about Gunn’s appearance in Ackerman. An easy forty-five-minute ride from Columbus, this would be an opportune time to get one of the state’s Republican leaders on the record about the state flag. Barnes found Gunn at a local restaurant with about thirty of Hood’s supporters, and after Gunn’s speech, he asked about Governor Haley’s statement and what he thought of the Confederate symbol being part of Mississippi’s state flag. Unprepared for the question but not hesitant with his reply, Gunn told the reporter he believed it was

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<sup>14</sup> Billy Watkins, “Stennis Granddaughter Offers New Flag Option,” *Jackson Clarion-Ledger*, February 20, 2016.

<sup>15</sup> Frances Robles, “Dylann Roof Photos and a Manifesto Are Posted on Website,” *New York Times*, June 20, 2015.

<sup>16</sup> Interview with Philip Gunn; Harriet McLeod, Luciana Lopez, and Alana Wise, “South Carolina Governor Calls for Confederate Flag Removal,” *Reuters*, June 22, 2015.



time for Mississippians to begin having those discussions and that he supported changing the flag. Barnes was the first reporter to get the Speaker on the record supporting a new flag.<sup>17</sup>

Gunn knew his political life had changed when, in the car on the way home to Clinton, his wife called with one question: “What have you done?” She went on to say that requests for interviews were pouring in from CNN, FOX News, Rachel Maddow, CBS, and other national media. They wanted to know more about this Mississippi Republican leader, in a deep red state, who had suddenly called for changing his state’s flag. The phone calls, emails, and social media posts followed by the hundreds, many offering compliments and congratulations, but many others full of anger, charges of betrayal, and some threats. That night, Gunn did something he had never done before; he contacted the local police department and asked if they “would just keep an eye on my house tonight.”<sup>18</sup>

A few minutes later, Gunn called his chief of staff, Nathan Wells, who was in New York City. To this day, Wells remembers where he was when his phone rang and he heard Gunn say, “Nathan, I think we may need to issue a statement.” Bracing himself—rarely in the business of politics is “I think we may need to issue a statement” followed by good news—Wells was instead surprised and enthusiastically in agreement that it was the right position to take. Gunn then called Meg Annison, his communications director, and the three of them hurriedly crafted and released the following statement from the Speaker that evening:

We must always remember our past, but that does not mean we must let it define us. As a Christian, I believe our state’s flag has become a point of offense that needs to be removed. We need to begin having conversations about changing Mississippi’s flag.

Gunn’s Facebook post alone generated more than forty-four hundred comments.<sup>19</sup> As Gunn once told a reporter, “I’m certainly not insensitive to the history and heritage of our state. I have to believe my

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<sup>17</sup> Interviews with Philip Gunn and Joey Barnes. To this day there is a video on YouTube of the June 22, 2015, interview Barnes had with Gunn in Ackerman and that was featured on the WCBI-TV newscast later that day. Barnes provided me with a transcript of the news story that he located in the WCBI-TV archives.

<sup>18</sup> Interviews with Philip Gunn and Nathan Wells.

<sup>19</sup> Interviews with Meg Annison, Philip Gunn, TJ Taylor, and Nathan Wells; Emily Wagster Pettus and Claire Galofaro, Associated Press, “Philip Gunn: Remove Confederate Sign from Mississippi Flag,” *Greenville Delta Democrat-Times*, June 23, 2015; Clay Chandler, “Time to Change Flag?” *Jackson Clarion-Ledger*, June 23, 2015.

great-great-grandfather was actively involved in the effort to secede, that he supported that decision and fought hard for it. My history is just as strong as anyone's, but at some point, we have to do what's best for all of us, not what's best for the individual." Gunn's great-great-grandfather on his mother's side was Joseph Bell, Mississippi's Secretary of State from 1850 to 1852, and was, according to Gunn, a close friend of Jefferson Davis.<sup>20</sup>

While Annison spent the next day closeted in her office fielding one phone call after another from reporters, Gunn had to turn his attention to the members of his Republican caucus. This was an election year in Mississippi and in less than two months, Republican and Democratic primaries would be held. Many of Gunn's GOP representatives had primary opponents, and they could not believe what had happened. Their own Speaker had handed opponents a significant attack issue. Signs began to pop up in key House districts and at political fairs: "Keep the flag, change the Speaker!" Members campaigning door-to-door were asked over and over, "Are you voting for that sorry Philip Gunn for Speaker?"<sup>21</sup>



*Keep the Flag Change the Speaker yard sign. Photo courtesy of the Keep the Flag Use Your Vote Facebook page posted on August 20, 2015.*

Roger Wicker was in his second term as Mississippi's junior United States Senator when he read Gunn's statement and called to offer support. He knew Gunn's response to the TV reporter was as heartfelt as it was unrehearsed when he asked, "So, what's the plan?" Gunn replied, "I don't have a plan."

<sup>20</sup> Interview with Philip Gunn; Slim Smith, "Mississippi House Speaker Gunn Doubles Down on Call to Change State Flag," *Columbus Dispatch*, August 29, 2019; Dunbar Rowland, *History of Mississippi: The Heart of the South* (Chicago: S.J. Clarke Publishing Company, 1925), 734-737; Joseph Bell named his son, who would become Gunn's great grandfather, Jefferson Davis Bell.

<sup>21</sup> Interviews with Meg Annison, Philip Gunn, TJ Taylor, Nathan Wells, and Clarke Wise.



Wicker took office, as a freshman state legislator, the same year Aaron Henry filed his first bill to remove the Confederate symbolism from the state flag. Wicker never forgot listening to Henry at a press conference describe the humiliation he felt looking at the flag. The day after his conversation with Gunn, Wicker announced his support for change by declaring the “state flag should be put in a museum and replaced by one that is more unifying to all Mississippians.” After running into Wicker on the way to a meeting, and hearing about his press release, Thad Cochran, Mississippi’s senior U. S. Senator, returned to his office and wrote his own statement urging the legislature to adopt a new flag.<sup>22</sup>

In the days following Gunn’s surprise announcement, reporters across the state canvassed Republican legislators to identify those who might join with the Speaker. Among the very few they found were Representative Scott DeLano and Senator Brice Wiggins, both from the Gulf Coast. DeLano in particular told the Jackson *Clarion-Ledger* “he proudly supports Gunn’s statement and looks forward to making this vote.” In an unusual move, David Parker, a White Republican senator from DeSoto County, teamed up with Derrick Simmons, a Black Democratic senator from Washington County, to issue a press release calling for a new flag. While there were a few others who joined the call for change, they were vastly outnumbered by those who preferred the 1894 flag or argued for a vote of the people.<sup>23</sup>

In the end, none of the incumbents lost because of his or her association with the Speaker. In fact, Republicans increased their majority in the House following the November general election, and Gunn was re-elected Speaker in January with no opposition. While several bills were filed in the 2016 session to change the flag, they all died in committee because most of the GOP members could find little sentiment among their constituents for a new flag. Memories of the April 2001 referendum had yet to fade.<sup>24</sup>

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<sup>22</sup> Interviews with Philip Gunn and Roger Wicker; Emily Wagster Pettus, Associated Press, “Cochran, Wicker: Drop Confederate Sign from Flag,” Jackson *Clarion-Ledger*, June 25, 2015.

<sup>23</sup> Interview with Derrick Simmons; Royce Swayze and Geoff Pender, “Lawmakers Pontificate, Prevaricate in Flag Poll,” Jackson *Clarion-Ledger*, June 26, 2015; Ron Maxey, “Mississippi Officials Join Debate over Confederate Symbols,” Memphis *Commercial Appeal*, June 23, 2015; Robert Lee Long, “Parker Calls for Change in State Flag,” *DeSoto Times-Tribune*, June 23, 2015.

<sup>24</sup> Interviews with Philip Gunn, Robert Johnson, and Nathan Wells.

For public opinion to shift, Gunn and his allies had to wait. The question was whether the shift would occur slowly, with the passage of time, or, as many in the state feared, as the result of a tragic event similar to the Emanuel AME Church murders.

### **The Breaking Point**

There was not one tragic event, but a series of them. The events are remembered by the names of the victims (all African American) and where they lived: Trayvon Martin in Sanford, Florida; Eric Garner in New York City; Michael Brown in Ferguson, Missouri; Ahmaud Arbery in Glynn County, Georgia; and Breonna Taylor in Louisville, Kentucky. Garner, Brown, and Taylor were killed by White police officers while Martin and Arbery were killed by White shooters claiming to be community watchmen. The Black Lives Matter movement was the response to those deaths.

By the spring of 2020, police brutality in the African American community had become a public policy issue confronting the entire nation. Connected to that movement was the growing recognition that Confederate symbolism, in the form of the battle flag and monuments, had become a rallying cry for White supremacists throughout the country.

Those two issues became inseparable in the days following the death of George Floyd on Memorial Day 2020 (Monday, May 25). Floyd was a forty-six-year-old African American man killed in Minneapolis by a White police officer. In an attempt to restrain Floyd during an arrest, the officer knelt on his neck for more than nine minutes. Even though Floyd was losing his ability to breathe and was calling for help, other officers did nothing and prevented people who passed by from intervening. Floyd died on the spot, with the officer's knee still on his neck. A graphic video captured it all and was broadcast all over the world. A breaking point had occurred. The response was instantaneous.

Protests and marches that began in Minneapolis the next day spread to more than twenty-five hundred cities and towns across the country in the following weeks. Research by the *New York Times* calculated that fifteen to twenty-six million people participated in one or more of the forty-seven hundred demonstrations that occurred in the weeks following Floyd's death. According to *Forbes*, Instagram posts tagged to the Black Lives Matter movement during this time

surpassed twenty-four million.<sup>25</sup>

Back in Mississippi, the legislature was returning to the state capitol to conduct its regular session business the day after Floyd's murder. In any ordinary time, the legislature would have completed its work a month earlier and adjourned for the year. But, on March 18, legislators suspended their session in response to statewide quarantine mandates arising out of the COVID-19 pandemic. After a few days of work earlier in the month, the legislative leadership set May 26 as the date they would return, the day after Memorial Day, unaware of what would happen in Minneapolis.<sup>26</sup>

In response to a question about why many social movements fail before one finally succeeds, University of Southern Mississippi historian Neil McMillen once observed, "I've come to the conclusion in studying history that human agency, what we do as human beings, has to move with the grain of time, with the grain of history. This moving against the grain of history, these social movements [can't sustain themselves]. We don't hear about them. The movements that succeed are the movements where human agents are working with a changing, evolving, relatively welcoming historical structure."<sup>27</sup>

In June of 2020, the proponents of ridding Mississippi's flag of its Confederate symbolism finally had their "welcoming historical structure."

As Mississippi legislators returned to Jackson, small but growing protests were taking place and more were planned in the Mississippi communities of Oxford, Meridian, Biloxi, and Hattiesburg. Larger demonstrations around the country were dominating the nation's news coverage. On Thursday, newly elected attorney general Lynn Fitch created a small uproar when she announced her office was dropping criminal charges against a White police officer, who had killed a Black

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<sup>25</sup> Larry Buchanan, Quoctrung Bui, and Jugal K. Patel, "Black Lives Matter May Be the Largest Movement in U.S. History," *New York Times*, July 3, 2020; Alexandra Sternlicht, "Over 4,400 Arrests, 62,000 National Guard Troops Deployed," *Forbes*, June 2, 2020.

<sup>26</sup> Luke Ramseth and Giacomo Bologna, "Miss. Legislature Suspends Session," *Jackson Clarion-Ledger*, March 18, 2020.

<sup>27</sup> As cited in Jere Nash and Andy Taggart, *Mississippi Politics: The Struggle for Power* (Jackson: University Press of Mississippi, 2008), 10.

man in Columbus nearly five years earlier.<sup>28</sup>

By the weekend, marches and protests were gaining energy and attention throughout the country. While the unrest was ignited by police killings in the African American community, White supremacy and racial justice quickly became broader themes that informed the media coverage and the keynote speeches at the marches. Anything containing Confederate imagery and symbolism became a focus of attention, with Mississippi's state flag a prominent target. Saturday, June 6, emerged as the single most important day for people all over the country to participate in peaceful marches.



*Black Lives Matter protest in Jackson on June 6, 2020. Photo courtesy of Tate Nations.*

## June 2020

By the time legislators returned to work on Monday, June 1, they had a state budget to approve, emergency pandemic grants from the federal government to allocate, capital projects to fund, and a stack of other issues to consider that had been left over from the spring. Not only were lawmakers under pressure to meet a July 1 deadline to enact

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<sup>28</sup> Desiree Stennett, Micaela A. Watts, and Laura Testino, "Memphis Protesters Take to Downtown Streets for Third Night of Demonstrations," *Memphis Commercial Appeal*, May 29, 2020; Associated Press, "Mississippi to Drop Ex-cop's Charge," *Jackson Clarion-Ledger*, May 30, 2020.

all of the appropriations and budget bills, but the status of the state flag had become part of the national conversation. While no one inside the capitol had started to lobby for a new banner, legislators knew that, the longer the demonstrations persisted, the more the pressure to consider a change in the flag would grow. But even they were not prepared for what would happen that coming Saturday.

One of the few Republican House members who had publicly mentioned the need for a new flag in her campaign speeches was Missy McGee, a former teacher who represents a small, compact district in Hattiesburg that includes the University of Southern Mississippi. Since George Floyd's death, McGee had been waiting for someone to announce a move to change the flag. Eight days into the session, nothing had materialized. Then, on Thursday afternoon, as the week was winding down and members were getting ready to return home, she saw Representative Chris Bell from Jackson walking across the House chamber, headed for the coffee pot. She met him there and told him, "Hey, if you guys want to do anything on the flag, I want to help." Bell, an African American member in his fifth year, returned to his seat with not only a cup of coffee, but also an unexpected offer. Not wanting to let that offer go to waste, he mentioned it to fellow Democrats from Jackson, Representative Jarvis Dortch and his desk mate Representative Shanda Yates. Dortch called McGee the next day: "Chris and I are getting a few people together on Monday afternoon to talk about the flag. We would like for you to come and bring anyone else who might want to join us." She readily agreed.<sup>29</sup>

Across the street from the capitol on Friday morning, protestors were converging on the office of Attorney General Lynn Fitch to deliver a formal complaint about her decision to exonerate the White police officer in Columbus who had shot and killed Ricky Ball. Even though a local grand jury had indicted the officer, the attorney general announced the evidence was insufficient to take the case to trial. For the media and the demonstrators, the case was another chapter in the list of tragic confrontations between White police and Black victims.<sup>30</sup>

That afternoon Henry Barbour was in his office, a few blocks south

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<sup>29</sup> Interviews with Chris Bell, Jarvis Dortch, Robert Johnson, Missy McGee, and Shanda Yates.

<sup>30</sup> Luke Ramseth, "Manslaughter Charge Dropped Against Ex-cop in Black Man's Death," Jackson *Clarion-Ledger*, June 6, 2020; Leah Willingham, "Demonstrators Surround Capitol, Submit Letter," Greenwood *Commonwealth*, June 6, 2020.

of the capitol, and, like Missy McGee, was beginning to sense that Mississippi had been given a special opportunity, and that political forces might be coming together at a unique time to enable a legislative change to the flag. An activist in Republican Party politics, Barbour had managed his friend Chip Pickering's campaign for Congress in 2002 and then his uncle Haley Barbour's campaign for governor in 2003. A long-time proponent of retiring the state flag, in 2020 he was serving on the Republican National Committee from Mississippi. He sent a memo to several Republican friends and officials with the title, "If not now, when?"<sup>31</sup>

The week had passed and Greg Sankey was surprised no one had asked him about the flag. Commissioner of the powerhouse Southeastern Conference (SEC), Sankey had been on the job just two weeks in 2015 when Dylann Roof massacred nine of the worshippers at the church in Charleston. The day after Governor Nikki Haley's press conference and Speaker Gunn's statement, Sankey had publicly urged the removal of "prominent displays of the Confederate battle flag." Five years later, the week after Memorial Day was also the week his member institutions were relaxing COVID-19 restrictions and beginning organized practice sessions for their football teams. Sankey had been on the phone with several reporters to discuss the implications of the pandemic and fall football seasons, all the while assuming he would be asked about the Mississippi flag. Even though he and his staff had prepared a statement about the Confederate symbolism embedded in the Mississippi flag, they never had to use it. Sankey had a Zoom meeting with all fourteen of his member university presidents scheduled for Thursday, June 18. If no opportunity had occurred to give the statement, Sankey told himself he would put it on the agenda for the June 18 meeting.<sup>32</sup>

The next day, close to nine thousand Mississippians participated in marches all over the state. Organizers of the Jackson rally were hoping for five hundred; more than three thousand showed up. Two thousand marched in Starkville. Among the demands of the organizers was a new flag. Adam Ganucheau, the new editor-in-chief of the online newspaper *Mississippi Today*, covered the demonstration in downtown Jackson. By chance, he ran into Representative Chris Bell, who

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<sup>31</sup> Interview with Henry Barbour.

<sup>32</sup> Interview with Greg Sankey; Michael Bonner, "SEC's Sankey: Remove the Confederate Flag," Jackson *Clarion-Ledger*, June 30, 2015.



mentioned the upcoming Monday meeting. Not thinking much about it, Ganuchau asked Bell to call and give him a report. By the end of the day, more than half a million people across the country had turned out in nearly five hundred and fifty cities and towns. There were no signs the demonstrations, and their public policy consequences, would abate anytime soon.<sup>33</sup>



*Senator Brice Wiggins*

Meanwhile, at his home in Pascagoula, Brice Wiggins, a forty-nine-year-old attorney and three-term Republican state senator, was having a hard time squaring the comments supporting the old flag that he was reading on social media with the private conversations he was having with countless friends and constituents. More and more people were telling him privately that it was time for a new flag. So, on Saturday afternoon, he decided to take a temperature reading by creating a survey on his Facebook page with the following question: “Mississippi is known as the Hospitality State. Recent

events have once again led to the state flag being discussed. Do you support the Stennis Flag as the flag to represent all of Mississippi?”<sup>34</sup>

Soon after his post, Wiggins called Andy Taggart and declared, “I’m optimistic, Andy, about this poll because of what I learned in your campaign. People in Mississippi want a change. They just are not vocal about it.” The campaign he was referring to was Taggart’s run the previous year for attorney general in the Republican primary election. Wiggins served as his campaign chairman. To everyone’s astonishment, Taggart made changing the flag a major part of his message:

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<sup>33</sup> Interviews with Chris Bell, Adam Ganuchau, and Mark Keenum; Alissa Zhu and Justin Vicory, “Protestors in Mississippi Rally Against Police Brutality,” *Jackson Clarion-Ledger*, June 7, 2020; Larry Buchanan, Quoctrung Bui and Jugal K. Patel, “Black Lives Matter May Be the Largest Movement in U.S. History,” *New York Times*, July 3, 2020.

<sup>34</sup> Interview with Brice Wiggins.

I really think we need an attorney general who is as passionate about Mississippi's future as an awful lot of people are about our past. And one component of that which I think would help us in retaining young people in our state and recruiting their peers to come across state lines and stay here is to give our current state flag a dignified retirement.<sup>35</sup>

A supporter of the new flag during the 2001 referendum, Taggart had worked behind the scenes in the ensuing years to promote change. Following the 2017 riot in Charlottesville, Virginia, when Confederate flag-carrying White nationalists engaged in violent protests over the removal of Confederate monuments, Taggart went public with a long memo urging Mississippi Republican officials to "lead the charge to drop the Confederate battle flag from our state flag." He ended the plea with this prescient observation: "Over time the flag is going to be changed. The question is: What side of history are Mississippi Republicans going to be on?"<sup>36</sup>

Two years later, Taggart placed second in the primary and came within sixty-seven hundred votes in the statewide runoff election of becoming Mississippi's Attorney General. Just as telling, the winner—Lynn Fitch—refused to make the flag an issue in the campaign. Wiggins wanted to find out from his poll if those extraordinary results still held.

### June 8–June 14

A typical workweek for the Mississippi House of Representatives begins on Mondays at four o'clock when the Speaker convenes the chamber to order. This late afternoon start gives members time to conduct personal business back home before traveling to Jackson. Monday afternoons also serve as free time for committees to meet to get an early start on business. So, it made sense for Chris Bell and Jarvis Dortch to schedule their informal meeting at three o'clock on Monday. After a few texts over the weekend to fellow members from Bell, Dortch, Yates, and McGee, six representatives assembled in Room 114 of the capitol, with a seventh on the phone: Democrats Chris Bell and Shanda Yates from Jackson and Robert Johnson from Natchez, and

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<sup>35</sup> Interviews with Brice Wiggins and Andy Taggart; Giacomo Bologna, "AG Candidate Wants to Change State Flag," *Jackson Clarion-Ledger*, April 10, 2019; Bobby Harrison, *Mississippi Today*, "Campaign Could Test Republicans on Last State Flag with Confederate Logo," *Biloxi Sun-Herald*, May 20, 2019.

<sup>36</sup> Interview with Andy Taggart; Charlie Dunagin, "Another Strike Against the Flag," *Columbia Columbian-Progress*, September 9, 2017.

Republicans Missy McGee and Kent McCarty from the Hattiesburg area and Sam Creekmore from New Albany. Jansen Owen, an attorney and freshman representative from Poplarville in Pearl River County, called in from his car. Dortch would have been there but for a last-minute personal conflict. The discussion covered all the ground that confronted anyone wanting to change the flag at that particular time in the legislative session:

- While a bill to repeal the law prescribing the state flag would require only a majority of each house, there was no bill pending to do that. To get a bill before both houses at that late date in the session would require passage of a resolution to suspend the rules governing the introduction of bills. The resolution would require a two-thirds vote in each chamber—for those in the room, a seemingly insurmountable hurdle.
- The political challenge confronting supporters of a new flag was the 2001 vote. By 2020, the clarion cry from those who wanted to keep the old flag had nothing to do with the merits of the old flag or with “honoring the heritage and history” represented by the 1894 flag, but had everything to do with protecting the “right to vote.” By permitting a popular vote on the question of the state flag, legislators in 2001 had tied the hands of future legislators, because a great many Mississippians believed that if there was to be a change, another statewide referendum should be held. On the campaign trail only months before, many incumbent Republican representatives had campaigned on a promise: their constituents would get a vote on any future flag decision. Could they argue that times had changed? If all they could get through the legislature was the scheduling of another popular referendum, was that a risk worth taking?
- While they knew the Speaker’s position on the flag, they also knew the lieutenant governor had long supported the public’s right to vote on any flag decision. For the legislature to muster the votes to change the 1894 flag, Lieutenant Governor Delbert Hosemann would have to change his mind.
- Even if it was possible to get a two-thirds vote to repeal the 1894 flag, what would a new flag look like? Would the legislature design it, another state agency, a citizen commission? Would that new flag be put to a popular vote?
- Finally, even if the legislature could somehow muster the votes

to approve legislation to change the flag, would Governor Tate Reeves sign it?

Though they all agreed the current flag needed to go, the group of seven concluded they needed more time to evaluate the options and talk with more of their colleagues. Johnson said he would visit with the Speaker to let him know about the meeting and take his pulse on whether there was any appetite for introducing a suspension resolution. At the time, Johnson was chair of the House Democratic Caucus, and it would be his group of forty-four representatives who would form the core of any floor vote.

What the representatives knew when the meeting adjourned was they had forty-four Democratic votes and two Independent votes, plus the four Republicans in the meeting plus Gunn. That came to fifty-one. They needed eighty-one to reach a two-thirds vote of the 122-member House. That meant thirty more Republican votes, and while they thought another five to seven might be with them, they were clearly a long way from thirty.

With that in mind, Johnson, Bell, and Yates found Gunn following the afternoon session and asked for a short meeting. As they all walked into his office off the House floor, Gunn asked, "What's on your mind?" He had no idea they were there to talk about the flag. After hearing their report of the meeting, he asked the only question that mattered, "How many votes do you have?" While Johnson mentioned the four Republicans in the meeting plus the names of half a dozen more, Gunn responded, "I know how they feel, but will they vote that way on the floor?" They all acknowledged no one knew.

They also recognized any legislative effort to change the flag had to be led by Republican members inside the state capitol. With that in mind, they agreed to keep their discussions confidential. Gunn urged the Democrats to keep talking while he promised to "ask around and gauge the temperature" of his caucus. He also needed time to make progress on the other issues facing the legislature, including the budget and spending bills. The meeting was notable for one other reason—the Democrats learned that Philip Gunn had no interest in holding another public referendum on the 1894 flag.

Soon after leaving the meeting, Yates ran into a freshman Republican, whom she also knew outside of the legislature. She asked the flag question and to her surprise, her colleague did not dismiss it out of hand. He promised to let her know the next morning.

Meanwhile, the legislators heard the Speaker—go get some votes. So, the conversations began.

Later that afternoon, in a meeting with two of his floor leaders, Gunn dropped the bomb: “Let me run something by you.” Jason White, Speaker Pro-Tempore, in his third term from Holmes County, and Trey Lamar, Ways & Means Committee chairman, in his third term from Tate County, both attorneys, listened to Gunn’s description of his visit with their Democratic colleagues. They knew where their friend was on the issue, and they told him they would be with him if he decided to move. He did not ask them to do anything but listen to their colleagues, and he assured them the meeting and talks were confidential.

Ever since Gunn’s June 2015 call to Nathan Wells in New York City, the two friends had talked often about when the time would be right to push for a new flag and what a legislative process might look like to arrive at a change. They had even sketched out the provisions of a bill to retire the 1894 flag. And one of those provisions, unknown to virtually anyone else at the capitol, would be a key to its passage. On his way home that evening, Gunn wondered if now really was the time.

In the meantime, unknown to those involved, Bell called the *Mississippi Today* editor that evening to report on the meetings. While they both agreed to keep the information confidential, Ganuchau knew he was on to something.

The next morning Yates had a surprise visit from her Republican colleague: “You know that question you asked me yesterday? The answer is ‘yes.’” She hugged her friend and thought there might be hope. A few hours later, though, the world inside the House took a turn for the worse.

Two hundred miles away from where Yates was feeling hopeful, former Democratic state representative David Baria was at his Gulf Coast office in Bay St. Louis getting word Democrats and Republicans had met with Gunn and that movement in the legislature was taking place. Excited about the prospects and unaware of the confidential nature of the meeting, he tweeted:

The #MSLEG may consider a suspension resolution to #takeitdown our state flag and #putitup the Stennis flag. The Speaker needs enough R votes before he takes the risk. You can help! Click the link and “take action” by contacting members of the legislature.

Adam Ganucheau saw the tweet and immediately called Bell with the news and a question: since the word is out, could he print what he knows. Bell's response was, "I really wish you wouldn't do it, but if you have to, go ahead."

At 12:17 p.m., the online news outlet *Mississippi Today* posted the article on its Facebook page and its website, which opened with:

A bipartisan group of Mississippi lawmakers, with the blessing of Speaker of the House Philip Gunn, began whipping votes and drafting a resolution on Monday to change the state flag, which was adopted in 1894 and is the last in the nation containing the Confederate battle emblem. The conversation behind closed doors this week marks one of the first earnest legislative discussions about changing the state flag since the 2001 referendum in which Mississippians voted nearly 2-to-1 to keep the current flag. It also comes as tens of thousands of black Mississippians and their multi-racial allies march the streets to protest racial inequalities in government.

Every Tuesday at noon, the House Republican Caucus gathers in Room 113 in the state capitol for lunch and a discussion of issues that are likely to come up that week on the floor. The meeting that week was no different. As it was breaking up, though, Jansen Owen happened to be standing next to Jason White and checking the newsfeed on his phone. And there was the *Mississippi Today* article. He leaned over and showed it to Jason and asked, "Did you know about this?" White was speechless. He then showed it to Gunn, who, obviously disappointed, said, "This is not helpful."

The uproar among Gunn's members was nearly instantaneous. Had he gone behind their back and conspired with Democrats to push a vote on the flag? Why had he talked with Democrats before his own Republican members? Did he not know how dangerous this was? Did he not care?

For the rest of the week, Gunn and his team played defense, working to explain to members nothing would happen without their input, that Gunn had not initiated the meeting and had made no commitments. For the other meeting participants, whatever slight momentum had been building to consider a new flag came to a halt. The feeling of dejection was palpable.

Later in the week, Johnson asked McGee about her conversations, and she admitted that, while a number might support a new public referendum, few if any were converts to Gunn's position. Gunn learned



the same news from McCarty. Nevertheless, as the House was winding down business at the end of the week, Gunn called a committee chairman who he knew was well liked by members and who enjoyed their respect, and posed the question: “Is there any appetite for a vote on a new flag?” The member promised Gunn an answer on Monday.<sup>37</sup>

While the *Mississippi Today* article threw cold water on efforts inside the House of Representatives to change the flag, three people outside the capitol read the piece as a sign of hope: Scott Waller, John Lassiter, and Kelly Wright.

For two decades, the Mississippi Economic Council (MEC) had been advocating for a new flag. The state chamber of commerce was the leading backer of a new flag during the 2001 referendum campaign, and as part of the state’s bicentennial celebration in 2017, the MEC, as the organization is known, had promoted a newly designed banner that its member businesses and firms could fly instead of the flag. As an MEC spokesperson said at the time, “You’ve got a brand that disenfranchises 37 percent of your population, so why would you use that brand?”<sup>38</sup>

By the end of the bicentennial year in Mississippi, both the Stennis flag and the MEC banner had ensured the flag debate would remain on simmer until Neil McMillen’s “welcoming historical structure” embraced the state legislature. Knowing it would happen at some point in the future and hoping it would take place sooner rather than later, MEC officials wanted to be prepared. As one consultant told the MEC leaders, “Something is going to happen. You don’t know what it will be or how it’s going to affect this issue, but you have to be ready.” So, they created a separate organization, dubbed the “Alliance for Mississippi’s Future,” headed by Entergy CEO Haley Fisackerly, to build the political infrastructure necessary to win a flag debate at the legislature and

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<sup>37</sup> The paragraphs in this section describing activities in the House, including the release of the *Mississippi Today* article, are based on interviews with Nick Bain, David Baria, Chris Bell, Sam Creekmore, Trey Dellinger, Jarvis Dortch, Adam Ganuchau, Philip Gunn, Robert Johnson, Trey Lamar, Kent McCarty, Missy McGee, Jansen Owen, Nathan Wells, Jason White, and Shanda Yates. David Baria sent me a copy of his tweet. According to the *Mississippi Today* website, the June 9 article “broke readership records on our site, and it launched a barrage of calls and emails to lawmakers from passionate supporters and opponents of changing the flag.”

<sup>38</sup> Emily Wagster Pettus, Associated Press, “State Bicentennial Banner Unveiled,” *Greenwood Commonwealth*, October 27, 2016; the Blake Wilson quote was in an article about the Mississippi Economic Council meeting that was posted on the *Mississippi Today* website on October 26, 2016.

the ballot box. Later that year, the Alliance commissioned the Godwin Group, a local advertising firm, to conduct a comprehensive poll to determine if support for the new flag had improved since the 2001 vote and what messages might resonate with voters to enhance the prospects for a change. Godwin found that backing for a new flag had increased to 46 percent from the 2001 referendum margin of 36 percent, and of all the options and arguments they presented in the survey, only one moved a significant percentage of the respondents. Four years earlier, Mississippi had adopted a new state seal with an eagle in its center, the words “The Great Seal of the State of Mississippi” over the eagle, and, underneath the words, “In God We Trust.” When presented with that motto as an option for a new flag, support increased to 61 percent. Follow-up polling by the Tarrance Group, a major national Republican survey firm, confirmed “In God We Trust” was the phrase voters were drawn to. Thanks to conversations with Alliance leaders, Gunn knew about the impact of “In God We Trust.” As he and Wells had thought about what a new flag might look like, Gunn knew it had to contain those four words. It could unite Black and White voters and was a common theme shared by virtually all Mississippians.

When Scott Waller read the *Mississippi Today* article, he immediately called Gunn’s office and arranged to see him the next day. As CEO of the Mississippi Economic Council and a member of the Alliance, Waller knew what Gunn knew. Was now the time to move?<sup>39</sup>

The only two people at the capitol who had any idea what John Lassiter had been up to for the previous five months were his law school classmates Trey Lamar and Shanda Yates. A forty-year-old lawyer with Burr & Forman in Jackson, Lassiter came to the flag issue through the prism of sports. An avid follower of college baseball, he knew about the 2001 NCAA policy but also knew it contained a loophole. The prohibition for post-season NCAA play in states that flew a Confederate symbol applied only to bowl games and championship tournaments for which the locations were “pre-determined” ahead of a season. The policy was silent for regional playoffs that were “earned” by teams with winning seasons in a particular year.

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<sup>39</sup> The paragraphs describing the work of the Mississippi Economic Council are based on interviews with John Arledge, Haley Fisackerly, Philip Gunn, Kirk Sims, and Scott Waller. The legislation enacting the language for the Great Seal of the State of Mississippi is contained in Section 2 of Senate Bill 2681, 2014 Regular Legislative Session, signed into law by Governor Bryant on April 3, 2014; *Laws of 2014*, Chapter 474.

Over the years as college sports grew in popularity and variety, the NCAA created a series of regional and super-regional tournaments that fed winning teams from the various regional brackets to a national championship tournament. While the location of the national tournament was “pre-determined” the regional events were not. Those regional playoffs were awarded to teams winning during the season; hence they were exempt from the 2001 policy. This became increasingly important to Mississippi because Mississippi State University, the University of Mississippi, and the University of Southern Mississippi had developed powerhouse baseball programs, as had Delta State University. These schools had routinely been awarded the privilege of “hosting” regional playoff baseball tournaments, and those regional events had grown into major sporting events, generating a significant economic impact for the state each year.

On his own, Lassiter had spent the previous five months urging contacts he had made at the NCAA to close the loophole, believing that such a step might provide an incentive for legislators to change the flag. Moreover, Lassiter had pointed out a glaring consequence of the 2001 policy. While almost certainly not intentional, its discriminatory impact twenty years later was not something he thought the NCAA would want to acknowledge during a national upheaval over White supremacy symbolism.

In short, the “pre-determined” championship prohibitions applied to football and basketball, where there were no regional “earned” events and whose team rosters are filled primarily with Black student-athletes. Other collegiate sports, such as baseball, volleyball, soccer, softball, and tennis are overwhelmingly White. And they were effectively exempt from the policy. As Lassiter once wrote:

As currently enacted, the policy forbids the top playoff and postseason events in football and men’s basketball from being played in Mississippi. So, consider that in terms of equality and inclusion, the Policy forbids black athletes who play majority-black participation sports from playing playoff games at home. However, the same NCAA policy allows Mississippi to continue to host non-predetermined events that are the staple of NCAA championship sports popular in Mississippi with overwhelming majority-white participation. Regardless of your intent, it affords white student-athletes who participate in white-majority sports to play in front of family within an affordable distance at home while not creating the same environment for black student-athletes participating in black-majority sports and their families.

Nevertheless, Lassiter's efforts had stalled over the spring as the NCAA had shut down its offices in response to the pandemic, making it more difficult to engage the staff. The death of George Floyd and subsequent demonstrations caught the attention of the NCAA as it had everyone else in the nation. Lassiter saw the *Mississippi Today* article and forwarded it to his friend at the NCAA with a note, "We may have an opening."<sup>40</sup>

By the summer of 2020, Kelly Wright had been a lobbyist with the Mississippi Manufacturers Association for nine years and like many at the capitol was beginning to sense an opportunity to change the flag. Members were talking about the issue, protests were continuing around the country, and, according to her read of *Mississippi Today*, the Speaker had engaged. As her friend and fellow lobbyist Camp Murphy remembered, "That Wednesday afternoon, she wouldn't let up. She just knew there were enough votes to change the flag." Wright was urging her fellow lobbyists to consider working behind the scenes to do just that. The group that afternoon included Murphy, Clarke Wise, lobbyist for the Mississippi Association of Realtors, Russell Bennett, Entergy Mississippi's lobbyist, and independent lobbyists Lindsey and Steve Simmons.

To convince Wright her optimism exceeded the vote count, her friends pulled out a list of House members and went member by member, labeling each one a YES or NO or MAYBE. When the exercise was completed, not only had they failed to get to a two-thirds vote, they had failed to find even a majority willing to vote for a change. Nevertheless, a bond had formed with this small group that would grow larger in the coming days and would soon consume their time and energy on behalf of a new flag.<sup>41</sup>

About the time Wright's group was tabulating their vote, Waller was meeting with Gunn. He learned about the Monday meetings and was encouraged by the Speaker to reach out to his members and generate support for a new flag. The next day while headed to the Mississippi Delta for a series of meetings with area business leaders, Waller spoke with Representative Chris Bell and came away from the conversation

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<sup>40</sup> The paragraphs describing the work with the NCAA are based on interviews with John Lassiter, Trey Lamar, and Shanda Yates, and a confidential interview; Lassiter provided me with copies of his research, submissions to the NCAA, and emails.

<sup>41</sup> Interviews with Trey Lamar, Camp Murphy, Lindsey Simmons, Steve Simmons, Clarke Wise, and Kelly Wright.

thinking, “The time is either now or never.” Finding strong support for Gunn’s move among his meeting participants, Waller called his board chairman that evening, Mississippi Power Company CEO Anthony Wilson, and got the go-ahead to issue a statement the next day.<sup>42</sup>

Two days after Brice Wiggins had posted his question on Facebook, he closed the survey and tallied the results; close to sixty-seven hundred people had voted. When he screened for Mississippi participants, he found that of the 4,267 Facebook voters from Mississippi, 75.7 percent wanted a new flag. By then the Wiggins poll had captured the media’s attention, and as he told one reporter:

One of the things that this poll has kind of crystallized for me is that this new generation, the millennial generation, has not had that chance [to vote on the flag]. And I don’t know that that’s right. Yes, you can vote every four years for your representatives and your elected officials but if we maintain that they had this vote back in 2001, then they’ve been shut out of that. That’s why you have a legislature because you have generations coming in and the legislature ultimately reflects the will of the people.<sup>43</sup>

Tuesday afternoon, Wiggins announced the Facebook survey results and, more consequently, publicly indicated he would vote to change the flag. The next morning at the capitol, he paid a visit to Leah Rupp Smith. He sat down across from her desk, pulled out a Senate vote sheet, and told her, “We can do this.” Smith was not only the communications director for Delbert Hosemann, Mississippi’s newly elected lieutenant governor, but one of three staffers he trusted to count votes on the Senate floor. Wiggins knew something else—she had long supported a new flag. At that time, Wiggins and Smith identified twenty-three votes to retire the Confederate emblem from the state flag: all sixteen Democratic senators and seven of the thirty-six GOP members. They needed twelve more Republican votes to get them to the magic number of thirty-five, the two-thirds of the Senate necessary to suspend the rules. They decided to get with Nathan Upchurch, Hosemann’s chief of staff, another ally on the flag, and schedule a meeting with the lieutenant governor.<sup>44</sup>

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<sup>42</sup> Interview with Scott Waller.

<sup>43</sup> Interview with Brice Wiggins; Alison Spann, “Republican Senator Calls for Vote on State Flag,” WLOX-TV news story, June 9, 2020; Wiggins provided me with copies of his Facebook posts.

<sup>44</sup> Interviews with Leah Rupp Smith and Brice Wiggins.

Meanwhile, Derrick Simmons and David Blount were in the middle of their own quiet campaign, canvassing their Senate colleagues on behalf of a new flag. As chair of the Democratic Caucus in the Senate, Simmons, a three-term senator from Greenville, was Robert Johnson's counterpart in the upper chamber. Blount was in his fourth term from the Jackson area. Earlier in the week, Simmons, who is Black, and Blount, who is White, had joined together to solicit Republican senators to cosponsor a bipartisan resolution to suspend the rules.<sup>45</sup>



*Senators David Parker, Chad McMahan, Derrick Simmons, and David Blount on June 28, 2020. Photo courtesy of Rogelio V. Solis.*

In Oxford, MoMo Sanogo and Ryder Anderson could likewise sense an opportunity. They were both from Texas and had become star players on the University of Mississippi football team. Like many others in the state, they had participated in the June 6 marches but wanted to do more. After talking with Athletic Director Keith Carter, they met with Chancellor Glenn Boyce on Tuesday. "What could they do," they asked, "to change the state flag and remove the Confederate monuments on the campus and at the county courthouse?" Sanogo and Anderson knew firsthand what was at stake with the continued use of Confederate symbolism. A year later, Sanogo described his motivation:

Whenever we have official visits from student-athletes the university is recruiting, I'm usually on the panel of players who meet with the parents of these prospects. There are no coaches present. It is just a

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<sup>45</sup> Interviews with David Blount and Derrick Simmons.



few of us players and the parents. I've been on at least twenty panels, and every single time, at least one parent will ask is this a safe environment for my son to come to. They will mention the flag and the statues and want to know is he going to be okay when he comes here. Parents are genuinely worried about their child's safety when they see that flag and those monuments. It just makes your heart drop.

Toward the end of their conversation, Boyce said to Sanogo and Anderson, "I know someone you need to talk with if you want to change things. Philip Gunn will be on campus this coming Monday. I'll see if he has time to get together with us."<sup>46</sup>

On Thursday, CNN reported that Mississippi "lawmakers on both sides of the aisle are in the process of wrangling votes for a resolution to allow changes to be made to the flag." The CNN broadcast made clear the national implications when it reported in the same story that NASCAR had declared a ban of the Confederate flag at its races while the U. S. Navy and Marine Corps had also prohibited the public display of the Confederate battle flag. Back in Mississippi, only a few blocks from the capitol, the Cathedral of St. Peter the Apostle served as a backdrop for Episcopal, Church of Christ, Jewish, Catholic, and other religious leaders to hold a press conference urging the legislature to change the flag.<sup>47</sup>

The MEC statement was released Friday morning:

The Mississippi Economic Council has a longstanding position that the state flag should be changed. The presence of the Confederate Battle Flag as a component of the 1894 flag is offensive to many, not representative of all Mississippians, and perpetuates negative stereotypes of our state. Regardless of its origins, and despite some opinions that the emblem honors history and heritage, the reality is the battle flag has become a global symbol of prejudice and hatred . . . MEC encourages state leaders to take action to change the flag.<sup>48</sup>

Later that morning Shawn Parker received a call from Ken Hester with a question, "What do you think about all of this discussion about the state flag?" The flag was already on Parker's mind because Kenneth Digby had come by his office the day before with the same question.

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<sup>46</sup> Interviews with Glenn Boyce, Keith Carter, and MoMo Sanogo.

<sup>47</sup> Giacomo Bologna, "Time for a New Flag," *Jackson Clarion-Ledger*, June 12, 2020; Steve Almasy, "NASCAR Bans Confederate Flags at all Races, Events," *CNN* news story posted on June 10, 2020; Shawna Mizelle, "Mississippi Lawmakers Pushing to Remove Confederate Emblem from State Flag," *CNN* news story posted on June 11, 2020.

<sup>48</sup> Scott Waller provided me with a copy of the statement, which was posted on the MEC's website.

Parker's office is on the second floor of a modest four-story building across the street from the state capitol, and it was there that the two men had explored the issue, the consequences of getting involved, and what their involvement might look like. The consequences were enormous because Parker was executive director of the Mississippi Baptist Convention, and Digby was director of the Convention's Christian Action Commission. Hester was not only pastor of the First Baptist Church in Pontotoc, Mississippi, but he also served as president of the Convention. With twenty-one hundred cooperating churches and six hundred thousand Baptists under its organizational umbrella, the Mississippi Baptist Convention is by far the largest and most influential religious denomination in the state. Parker and Hester ended their phone call by committing to each other they would spend the weekend in prayer and reflection and then resume their conversation on Monday morning.<sup>49</sup>

As Friday was coming to a close, Senator Briggs Hopson's desk in his capitol office was covered with budget documents and financial reports. Chairman of the Senate Appropriations Committee, Hopson was responsible for working with his counterpart in the House to deliver a balanced budget to the legislature by June 30. This year was particularly vexing because of unknown amounts in COVID-19 money from the federal government and unknown amounts of tax receipts in the state because of the shutdown.

Hopson was one of a handful of Republican senators who were already on record in support of a new flag. He had voted for the change back in 2001, as he once said, "because if we have this flag it will continue to be used as a weapon against Mississippi." Years later, an experience affected him more personally:

When I was in the Senate, I had a group of high school students I was recognizing for an accomplishment and we went out to the balcony to take a picture. We were standing between the American Flag and the Mississippi Flag. They asked if they could move over a little bit and that stuck with me. It was an African American group of students, and they asked if they could just move over. They didn't make a big deal out of it. They didn't say why, but it didn't take me long to figure out the reason they wanted to move over and get to a different place was that they didn't want to stand by the state flag and have it appear in the photo.

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<sup>49</sup> Interview with Shawn Parker.

Hopson knew about the Wiggins poll and had talked with a few of his close friends in the Senate. As he was getting ready to leave the capitol and drive the forty-five-minute trip to his home in Vicksburg, he knew how tough it would be to get a two-thirds vote on the floor of the Senate, but also that, “Man, this is a tough hill to climb, but there is some momentum developing, not much, but something is happening.”<sup>50</sup>

Over the weekend, the marches and demonstrations continued around the country, with more than fifteen thousand showing up for a protest in Brooklyn. Sunday was Flag Day, and the Chamber of Commerce for Jackson County, Mississippi’s Gulf Coast home to some of the largest manufacturing industries in the state, including Ingalls Shipyards and Chevron Pascagoula Refinery, used the occasion to become one of the first local business groups to issue a statement in favor of changing the state flag. Two weeks later, when the vote was taken to suspend the rules, seven of the nine members of the Jackson County legislative delegation voted “yes.”<sup>51</sup>

### June 15–June 21

Returning to his office Monday morning, Gunn conferred with members of his leadership team, and, after hearing mostly opposition to adding flag legislation to their agenda, he told his chief of staff Trey Dellinger, “I don’t see a path here.” Over in the Senate, Simmons and Blount could find little interest for their bipartisan approach so they and nine other Democrats filed a separate resolution to suspend the rules to allow for the introduction of a bill to change the design of the flag.<sup>52</sup> Hosemann referred it to the Constitution Committee, where everyone assumed that it would never see the light of day. Like Gunn, Hosemann had concluded legislative support for a new flag had yet to materialize. Nonetheless, conversations were taking place beyond the capitol that would, by Sunday evening, completely alter the legislative playing field.<sup>53</sup>

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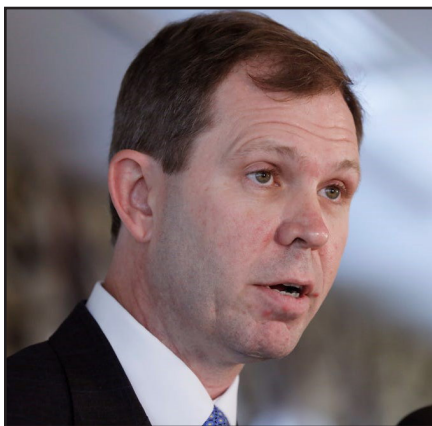
<sup>50</sup> Interview with Briggs Hopson.

<sup>51</sup> Brandy McGill, “Chamber of Commerce Pushes to Change State Flag,” *WLOX-TV* news story, posted on June 15, 2020; Anushka Patil, “How a March for Black Trans Lives Became a Huge Event,” *New York Times*, June 15, 2020.

<sup>52</sup> Senate Concurrent Resolution 575, *Senate Journal*, 2020 Regular Session, 1239; interviews with David Blount, John Horhn, and Derrick Simmons.

<sup>53</sup> Interviews with Trey Dellinger, Philip Gunn, Delbert Hosemann, Leah Rupp Smith, and Nathan Upchurch.

Over the weekend, Shawn Parker had been moved to draft a statement describing why Mississippi Baptists should support a change to the state's flag. While it was part exercise—hoping that putting words to paper would help clarify his thinking—it was also part inspiration. By Sunday night, he was prepared for the call. Monday afternoon Parker and Ken Hester caught up with one another. Neither had to convince the other; they both agreed that Mississippi Baptists needed to engage. But what would that look like, and how would they marshal the Convention's constituency?



*Shawn Parker, Executive Director-Treasurer of the Mississippi Baptist Convention Board, announcing the board's support for a new state flag. Photo courtesy of Rogelio V. Solis.*

Before bringing the matter to the executive committee, they decided to host a Zoom meeting with all of the former presidents of the convention. In June of 2020, there were fifteen of them. These men were not only pastors of local congregations but understood instinctively the inside politics of the larger Mississippi Baptist organization. If these leaders balked, Parker and Hester knew that getting a statement approved would be very difficult. The call was scheduled for Thursday morning.<sup>54</sup>

On Tuesday morning, John Lassiter heard from his contact at the NCAA. There was movement. The repercussions from the George Floyd protests and the national conversations about symbols of White supremacy were motivating NCAA officials to consider taking some action regarding the Mississippi flag. A meeting of the NCAA Board of Governors was set for Friday, a date that happened to coincide with the recognition of Juneteenth. Also known as Freedom Day, it was in Texas on June 19, 1865, when the last of the slaves in the United States were emancipated. Lassiter and his friend hurriedly developed a plan—get as many current and former Mississippi athletes together to sign a statement to the NCAA requesting a policy change. And do it

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<sup>54</sup> Interview with Shawn Parker.

quickly.<sup>55</sup>

A few blocks from the capitol, the Mississippi Economic Council convened its Alliance team and began to put together a plan of action. They had their own news. A member of the team, Kirk Sims, corporate affairs director for Yates Construction, and a former chief of staff to Governor Phil Bryant, had received a call a few days earlier from his friend Ed Goeas, partner with the Tarrance Group and the Alliance's pollster from 2019. Goeas had just completed a statewide Mississippi poll for another client, and while he would not reveal the client, he told Sims, "You are not going to believe this. We are no longer underwater. The movement for a new flag is significant." Given that, among the first items of business for the Alliance was to commission Goeas to conduct a new poll of voter attitudes about the flag because of all that had taken place since Memorial Day.<sup>56</sup>

Back in Oxford, MoMo Sanogo and Ryder Anderson were well into the planning of their rally and march. They were calling it LOUnited, with a goal of encouraging Lafayette County, Oxford, and the University of Mississippi to work together to make the area "inclusive and welcoming for all people." As Sanogo once told a reporter, "The [Confederate] statues are very divisive in nature. The flag is very divisive in nature. We just want to create a place that we can all bring our kids back to and be proud and not have to explain why that statue is there. We want to be proud of every aspect of the community." They had spent two hours with Gunn on Monday, heard about the challenges facing the legislature, and offered to organize student-athletes to contact legislators. By the end of the week, they had set the date for their march—Saturday, June 27.<sup>57</sup>

In the meantime, Wright's group of lobbyists had picked up on something inside the capitol. Experienced lobbyists can sense subtle shifts in thinking among legislators, and they all knew that to achieve a two-thirds vote on any controversial measure at the Mississippi Legislature, certainly one like the flag, would require all the forces working for passage to come together at just the right time during

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<sup>55</sup> Interview with John Lassiter; confidential interview.

<sup>56</sup> Interviews with John Arledge, Henry Barbour, Haley Fisackerly, Kirk Sims, and Scott Waller.

<sup>57</sup> Interviews with Keith Carter, Philip Gunn, and MoMo Sanogo; Nick Suss, "Ole Miss Athlete Explains Why He Planned Another Unity Rally," *Jackson Clarion-Ledger*, June 27, 2020.

the legislative process. They were all seasoned enough in legislative politics to know the value of momentum, and as they began to sense that momentum was beginning to emerge, they found it was aided and abetted by unexpected circumstances.<sup>58</sup>

First was the role of the governor. The day after Philip Gunn issued his statement in 2015 in support of a new flag, then Lieutenant Governor Tate Reeves had released his position:

If the citizens of our state want to revisit that decision, and I am sure at some point we may, it will best be decided by the people of Mississippi, not by outsiders or media elites or politicians in a back room.<sup>59</sup>

Throughout his successful 2019 campaign for governor, Reeves's answer to any question about the flag remained the same. In the weeks leading up to the crucial legislative vote, through press conferences and public statements, Reeves continued to portray any attempt by the legislature to change the flag as the work of "politicians doing a backroom deal in Jackson." Rather than intimidating legislators, his statements became a motivating factor for some to consider a change. Partly this attitude stemmed from the usual independence legislators in Mississippi feel from the governor's office—"no governor is going to tell me what to do"—in addition to which, by June, the normal tension between the two branches had been exacerbated by a dispute over who would control the first wave of pandemic relief funds coming from the federal government to help offset the economic downturn.<sup>60</sup>

By late April 2020, the federal government had deposited \$1.25 billion into the state treasury, and Reeves was making plans to spend it through the governor's office. Legislators hastily re-convened on May 1 and quickly approved a measure to give themselves control of the money. As two reporters wrote, the "legislative leadership worked to take matters into their own hands," ignoring claims by Reeves that lawmakers "were trying to steal" the funds. Nevertheless, over

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<sup>58</sup> Interviews with Manning McPhillips, Camp Murphy, Lindsey Simmons, Steve Simmons, Lee Weiskopf, Clarke Wise, Kelly Wright, and Bryce Yelverton.

<sup>59</sup> Clay Chandler, "Divided They Stand," *Jackson Clarion-Ledger*, June 24, 2015.

<sup>60</sup> Desare Frazier, "Reeves and Hood Vie for Governor in First Debate," posted on *MPB News* on October 11, 2019; Bobby Harrison, *Mississippi Today*, "If They Make it to November," *Greenwood Commonwealth*, March 7, 2019; Emily Wagster Pettus, Associated Press, "Mississippi Faces Reckoning on Confederate Emblem in Flag," *Hattiesburg American*, June 14, 2020; Patrick Magee, "Reeves Opposes 'Separate But Equal' Flag Option," *Biloxi Sun-Herald*, June 23, 2020.



the ensuing two weeks, legislators and the governor reached a truce, though the lawmakers retained control over appropriating most of the money. After enacting the compromise into law on May 14, legislators left the capitol, agreeing to return the day after Memorial Day.<sup>61</sup>

The uproar over spending federal pandemic funds was consequential for the flag debate in two ways. The successful assertion by the legislature to control the money had emboldened many representatives and senators. The more the governor accused them of being “backroom politicians,” the more independent and determined those “politicians” became. In addition, Republicans had worked closely with Democrats, especially in the House, to create a solid front in negotiations with the governor. As a result, when Gunn sat down with Robert Johnson, Chris Bell, and Shanda Yates on the afternoon of June 8, he was looking across his desk at allies, not partisan adversaries.<sup>62</sup>

Then there was the influence of news programs, websites, and social media platforms that were giving broad coverage to the demonstrations and protests around the country. And much of the coverage focused on riots and property damage. By the middle of June, according to the *Washington Post*, more than fourteen thousand people had been arrested in forty-nine cities. In response to the protests, at least sixty-two thousand National Guard soldiers had been deployed across twenty-four states. *Forbes* reported that at least forty cities—including Minneapolis, New York, Louisville, Philadelphia, Chicago, and San Francisco—had instituted curfews. It was not hard for some in the legislature to imagine similar scenes being broadcast from Mississippi surrounding any new public referendum on the 1894 flag. Given what was happening around the country during the weeks and months following the death of George Floyd, was it worth the risk for the state to sponsor a statewide vote on Confederate symbolism? Slowly, a move by the legislature to retire the 1894 flag came to be seen

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<sup>61</sup> Emily Wagster Pettus, Associated Press, “Legislators Prepare to Fight Reeves Over Virus Relief Spending,” *Biloxi Sun-Herald*, May 2, 2020; Luke Ramseth, “Republican Fight Continues Over Coronavirus Money,” *Jackson Clarion-Ledger*, May 5, 2020; Kayleigh Skinner and Bobby Harrison, *Mississippi Today*, “Legislators Return to Discuss Issue,” *Greenwood Commonwealth*, May 1, 2020; Bill Crawford, “GOP Leaders Make Up,” *Greenwood Commonwealth*, May 15, 2020.

<sup>62</sup> The paragraphs describing the legislative response to actions by the governor was based on interviews with Nick Bain, Chris Bell, Philip Gunn, Robert Johnson, Trey Lamar, and Jason White.

as the better of two very difficult paths.<sup>63</sup>

The cumulative impact of the protests, the relentless news coverage of the flag, and the tenuous relationship with the governor's office all began to influence the conversations Wright and her expanding group of lobbyists were having with members. They agreed to redouble their efforts, to have more substantive conversations, and to update their count.

By the middle of the week, Senator Brice Wiggins, Leah Rupp Smith, and Nathan Upchurch had had their meeting with Lieutenant Governor Hosemann and were operating under discreet instructions from the lieutenant governor—talk with senators, raise the possibility of a legislative change to the flag, test the waters, and start keeping a count. At the same time reporters and editors were noting that, when Hosemann had killed the Democrats' rules suspension resolution, he had quietly authorized his staff to see how close they could get to thirty-five votes.<sup>64</sup>

Thursday morning, thirteen of the fifteen former Mississippi Baptist Convention presidents joined the Zoom meeting with Shawn Parker. He described the conversations with Digby and Hester, read his draft statement, and opened the floor for discussion. When it had concluded, the vote was unanimous; they were solidly behind Parker releasing a statement calling for a new state flag. Parker's and Hester's next move was to call a meeting of the Convention's executive committee. That Zoom meeting was set for Monday morning.<sup>65</sup>

Charles Pickering, who was a former convention president, a former Republican state senator, and a federal judge, was also on the call. His son Chip Pickering, who had served as a Republican member of Congress from Mississippi's third district from 1996 to 2008, was now head of a Washington, DC-based trade association and had a long-standing interest in changing the flag. Two of the younger Pickering's best friends were Henry Barbour, who by this time had been retained by

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<sup>63</sup> Interviews with Robert Johnson, Trey Lamar, and Jason White; Meg Kelly and Elyse Samuels, "Who Caused the Violence at Protests," *Washington Post*, June 22, 2020; Alexandra Sternlicht, "Over 4,400 Arrests; 62,000 National Guard Deployed," *Forbes*, June 2, 2020; Jimmie E. Gates, "Miss. National Guard Troops Deployed to Washington," *Jackson Clarion-Ledger*, June 5, 2020; Associated Press, "Trump: Call National Guard," *Greenwood Commonwealth*, June 3, 2020.

<sup>64</sup> Interviews with Briggs Hopson, Delbert Hosemann, Leah Rupp Smith, Brice Wiggins, and Nathan Upchurch.

<sup>65</sup> Interview with Shawn Parker.

the MEC Alliance initiative to help organize a grassroots constituency to lobby for a new flag, and Dr. Ligon Duncan, president of Reformed Theological Seminary in Jackson and a key leader among Mississippi Presbyterians. Chip Pickering called them both.<sup>66</sup>

Late Thursday afternoon, Lassiter, who had given up sleep and client work for the previous forty-eight hours to develop a position paper and contact hundreds of athletes, finally sent his email. It was addressed to nine NCAA officials, including Mark Emmert, NCAA president, and Michael Drake, president of the Ohio State University as well as president of the NCAA Board of Governors, and contained a memorandum signed by thirty-two former and current Mississippi student-athletes formally requesting an expansion of the NCAA's 2001 policy to include all post-season championships. For many of the current student-athletes, it meant they were asking the NCAA to ban tournaments in the very sports in which they were participants.<sup>67</sup>

Unknown to Lassiter, Emmert had called Greg Sankey earlier that day to let him know about the agenda item the NCAA Board of Governors would consider on Friday. During that conversation Sankey, in turn, told Emmert about the SEC meeting later that day and his intention to release a statement about the Mississippi state flag. Two hours after Lassiter's email to the NCAA, Sankey released the following statement:<sup>68</sup>

It is past time for change to be made to the flag of the State of Mississippi. Our students deserve an opportunity to learn and compete in environments that are inclusive and welcoming to all. In the event there is no change, there will be consideration of precluding Southeastern Conference championship events from being conducted in the State of Mississippi until the flag is changed.

The presidents of the two SEC member universities in the state—Mississippi State University and the University of Mississippi—issued their statements later that night supporting Sankey's decision. The commissioner's tweet ultimately received twelve thousand "likes" and

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<sup>66</sup> Interviews with Henry Barbour, Ligon Duncan, and Chip Pickering.

<sup>67</sup> Interview with John Lassiter; confidential interview.

<sup>68</sup> Interviews with Mark Keenum, John Lassiter, and Greg Sankey.



*Representative Trey Lamar*

nearly six thousand “retweets.”<sup>69</sup>

By the time Representative Trey Lamar and his House colleagues Nick Bain and Jody Steverson were in the car Thursday night headed to an event at Providence Hill Farms outside of Jackson, Sankey had released his statement. And Lamar knew an NCAA decision was imminent because he knew about his friend Lassiter’s recruitment of athletes and his subsequent email to Emmert. Bain and Steverson suspected their colleague was up to something because he kept asking their advice on a statement he was drafting. As soon as they arrived at

the farm, Lamar went off by himself and issued the following tweet, which posted at 7:17 pm:

A flag’s sole purpose is to unite a people around a common cause. Reality has proven clear that the Mississippi flag no longer unites, but divides us unnecessarily. I will not sit by idly while our college athletes lose their hard-earned right to compete in post-season play. It is time to change the flag. It is the right thing to do.

Bain read what his friend had posted and thought to himself, “Well, here we go.” Within minutes of Lamar’s tweet, Jason White’s phone “blew up” with texts and emails from their House colleagues. A member of the Speaker’s leadership team had gone public: “Is he sending a signal? Is a vote on a new flag coming? What in the world is happening?” On the ride back to their apartment that night, Steverson and Bain agreed that “now just might be the time” to change the flag. They were onboard.<sup>70</sup>

<sup>69</sup> Interviews with Glenn Boyce, Keith Carter, Mark Keenum and Greg Sankey; Sankey’s statement and responses from Mississippi State University and the University of Mississippi were covered, for example in: “SEC Commissioner Greg Sankey calls for Mississippi to change state flag,” *WTOK-TV* news story posted on June 18, 2020.

<sup>70</sup> These paragraphs related to Trey Lamar’s tweet are based on interviews with Nick Bain, Philip Gunn, Trey Lamar, Jody Steverson, and Jason White; Lamar’s tweet is reproduced, for example, in Alan Blinder, “NCAA Pressures Mississippi on Confederate Emblem on State Flag,” *New York Times*, May 19, 2020.

In a late-night article describing the SEC's move, the *New York Times* included this observation from former Mississippi state representative Greg Snowden: "A more powerful move, Snowden said, might be if the NCAA threatened to ban Mississippi from holding regional baseball tournaments."<sup>71</sup>

The next morning, the NCAA did just that. Drake, chairman of the NCAA's Board of Governors issued the following statement:

There is no place in college athletics or the world for symbols or acts of discrimination and oppression. We must continually evaluate ways to protect and enhance the championship experience for college athletes. Expanding the Confederate flag policy to all championships is an important step by the NCAA to further provide a quality experience for all participants and fans.<sup>72</sup>

While any action by the SEC would affect only Mississippi State and the University of Mississippi, the NCAA touched all eight public universities and the three largest private colleges in the state. Their net was wider and their policy change had the potential to disrupt many lucrative and very popular programs. Nevertheless, the presidents of Mississippi's eight public universities issued a statement later in the day, essentially condoning the proposed sanctions:

Several years ago, our universities recognized that the Mississippi state flag in its current form is divisive and chose to lower the flag on our campuses. Today, we are committed to continuing to do our part to ensure Mississippi is united in its pursuit of a future that is free of racism and discrimination. Such a future must include a new state flag. We are looking forward to a time when our state flag represents the full and rich diversity of Mississippi, a diversity that is reflected in our student-athletes, our student bodies, and the friends and fans of our athletics teams. We look forward to a time when Mississippi's state flag unites Mississippians, rather than divides us.<sup>73</sup>

By noon on Friday, the public statements from the SEC and NCAA, along with Lamar's tweet, had raised the level of discussion inside the capitol dramatically. As one legislator described the feeling, "The

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<sup>71</sup> Alan Blinder, "SEC Warns Mississippi Over Confederate Emblem on State Flag," *New York Times*, June 18, 2020.

<sup>72</sup> Tyler Horka, "NCAA Stands Against Miss. Flag," *Jackson Clarion-Ledger*, June 20, 2020; Alan Blinder, "NCAA Pressures Mississippi on Confederate Emblem on State Flag," *New York Times*, June 19, 2020.

<sup>73</sup> Tyler Horka, "NCAA Stands Against Miss. Flag," *Jackson Clarion-Ledger*, June 20, 2020.

movement was beginning to grow some legs.”<sup>74</sup> At a House GOP caucus meeting that day, a number of members asked questions about the flag and the Speaker’s intentions going forward. Gunn assured them he had no current plan to move legislation on the flag, but then he said:

We are not going to vote on the flag unless we have the votes to do so. But if we get the votes we will vote on it. Let me say this, though. Each of you needs to embrace the reality that this flag is going to change. The momentum is too great. The train has already left the station. And it is not going to reverse course. The Marine Corps has ordered its discontinued use. NASCAR has ordered its discontinued use. The NCAA and the SEC have ordered its discontinued use. The Southern Baptist Convention has voted to discourage its continued use. These groups are not going to reverse course. So, one day this flag is going to change; it could change today or a year from now or twenty years from now, but it is going to change. And one day your children and grandchildren are going to look back to this day and ask what did you do about the flag when you had a chance to. I don’t want my children or grandchildren to be embarrassed about what I did. I don’t want to have to explain why I voted no. Each one of you needs to think about that and the legacy you are going to leave for your children and grandchildren and whether they are going to be proud of what you do on this issue. For me, I want them to be proud of me and if it costs me an election then it costs me an election, but making my children proud is more important to me than winning an election. Each of you needs to go home and think about that over the weekend.<sup>75</sup>

An hour or so later, Emmert emailed Lassiter a note of appreciation: “The NCAA Board of Governors met today and expanded the Association’s policy to prevent any NCAA championship events from being played in states where the Confederate flag has a prominent presence. Thank you again for your advocacy and for reaching out.”<sup>76</sup>

Toward the end of the afternoon, Briggs Hopson and Josh Harkins, Senate Finance Committee chairman, were finishing up a long meeting with Gunn and Jason White. With less than two weeks before the start of a new fiscal year for state government, these legislators were working through decisions about funding levels for state agencies in the middle of a pandemic and at a time when no one could predict tax

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<sup>74</sup> Virtually every legislator, staff member, and lobbyist I interviewed indicated the combination of the statements from the SEC and NCAA, and Lamar’s tweet, had created the beginning of momentum, on that Friday, for the legislature to consider a change to the flag.

<sup>75</sup> Interviews with Nick Bain, Philip Gunn, and Trey Lamar. Gunn credited Nathan Wells with urging him to remind the members that a vote on the flag would turn out to be the kind of legacy vote that would go down in the history books.

<sup>76</sup> Interview with John Lassiter.



revenues for the next twelve months, or when students would return to schools, or when the demands on the health care system would create a crisis, or where a myriad of other complications that the virus had injected into the budget process might lead.

As the meeting was coming to a close, Hopson asked Gunn if the House would be pushing legislation on the flag. Gunn admitted he had talked with a few members and was “testing the waters.” While he was privately beginning to formulate a plan, Gunn was certain about one thing: he would never ask his members to vote on legislation to change the flag unless he could commit to them the Senate would approve the same bill. That he did not reveal, but he did ask Hopson if he thought the Senate had the votes. Hopson and Harkins looked at each other. They knew the answer, but Hopson replied, “I’ll check and let you know.” Walking back to his office, Josh Harkins couldn’t believe what he was hearing. In less than two weeks, the legislature had to consider and pass more than 150 bills to appropriate billions of dollars to fund state government, allocate federal pandemic funds, and authorize hundreds of capital projects. Harkins knew the closing days of a legislative session were hectic, full of controversial votes at both ends of the capitol, and stressful due to the political pressure imposed on 174 legislators, who had to make thousands of decisions under very tight deadlines. To drop the hugely divisive flag issue into that mix had the potential to upend everything.<sup>77</sup>

On the other hand, that evening, as Hopson was driving home, he couldn’t shake the feeling that there may just be a “perfect storm of events” about to overtake them. The next day, though, his own life was interrupted when his father, the widely respected Dr. William Briggs Hopson, Jr., died.<sup>78</sup>

Saturday morning Philip Gunn left Clinton for a family trip to Louisiana to watch his son participate in a baseball tournament. While in the stands, his phone rang and Jason White said, “You are not going to believe who just called me.”<sup>79</sup>

For the seventy-three members of Gunn’s Republican caucus, who would be voting on any flag legislation, the primary election every four years is what they care most about. While the number of voters who

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<sup>77</sup> Interviews with Philip Gunn, Josh Harkins, Briggs Hopson, and Jason White.

<sup>78</sup> Interview with Briggs Hopson.

<sup>79</sup> Interviews with Philip Gunn, Trey Lamar, Karl Oliver, Nathan Wells, and Jason White.

choose to participate in Republican party primary elections varies widely from district to district, the primary electorate is generally characterized by either rural White voters or urban/suburban White voters. More than half of Gunn's caucus represents rural White voters, and it was those voters who, back in 2001, gave the 1894 flag its highest margins. Nevertheless, the Speaker knew he had to have the votes of a significant number of Republicans from rural districts to get to the magic number of eighty-one votes on the House floor. Consequently, when he heard White describe his conversation with Representative Karl Oliver, he appreciated the magnitude of the call.

Mississippi House District 46 is spread out over five counties on the eastern edge of the state's Delta region, but it is dominated by rural White voters in Carroll and Montgomery Counties. Since 2016, Oliver had represented that district where his family had owned a funeral home in Winona for three generations. Gunn realized immediately that District 46 was the quintessential rural district that he had to have, but it was a slice of personal history that he had with Oliver, which made White's call special.

Three years earlier, in the wake of the mayor of New Orleans having gained nationwide attention for removing several Confederate monuments, Oliver posted on Facebook, "The destruction of these monuments, erected in the loving memory of our family and fellow Southern Americans, is both heinous and horrific. If the leadership of Louisiana wishes to destroy historical monuments of OUR HISTORY, they should be LYNCHED!" The post rocketed Oliver's name to news desks across the country and drew a strongly worded rebuke from Gunn, who wrote the "comments do not reflect the views of the Republican Party, the leadership of the House of Representatives or the House as a whole. Using the word 'lynched' is inappropriate and offensive." The Speaker urged Oliver to apologize, which he did both publicly and privately.<sup>80</sup>

When Oliver called Jason White about the flag, he was not only calling the Speaker Pro Tempore of the House, but he was also calling his neighbor to the south. White's district abuts the southern border of Oliver's district and includes rural White voters in parts of Holmes, Attala, and Leake Counties. The two were friends and represented

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<sup>80</sup> Interviews with Philip Gunn, Karl Oliver, and Nathan Wells; Emily Wagster Pettus, Associated Press, "Lawmaker Apologizes for Calling for Lynching," *Biloxi Sun-Herald*, May 23, 2017.

Mississippians with similar views. For two weeks Oliver had a feeling the flag would come up, he knew he would have to take a stand, he knew the smart move politically, but he could not shake the feeling that the smart move was not the right move. He had read Lamar's tweet and had discussed everything with his wife and two daughters on Friday and Saturday. While he told White he would speak directly with Gunn about his vote on any new flag, he wanted to know from his friend and neighbor if the Speaker and his leadership team were planning a legislative push to change the flag.<sup>81</sup>

In less than forty-eight hours, Gunn had secured support from Lamar, Steverson, Bain, and quite possibly Oliver. He knew White would be with him. If this was going to happen, Gunn realized he would need some help from outside the capitol. In rapid succession, he called Shawn Parker, Ligon Duncan, and a friend in a leadership position with Mississippi Pentecostals. They all answered their phones that Saturday afternoon and heard the Speaker of the House ask them if they would consider issuing statements in support of a new flag. The Speaker had no idea Parker and the Baptist convention were "on their way" nor that Duncan had already heard from Pickering and was ready and eager to help. Later that day, Nick Bain, a representative from Alcorn County, called to say he was releasing a statement in support of a new flag on Monday. Having watched what had happened to his own Facebook page back in 2015, Gunn gave Bain a warning, "Hold on. It will be rough for a few days."<sup>82</sup>

Sunday was Father's Day, and Gunn picked up another vote when GOP Representative Clay Deweese from Oxford posted on his Facebook page, "I want all of our children to be proud to call MS home; and I don't want our state flag to serve as anything but a symbol of unity and pride. To ensure that, I believe it is time to retire our current state flag." Two hours later, the Republican senator from Oxford, Nicole Boyd, made her own social media post: "Mississippi needs a symbol that represents all Mississippians and is consistent with the values of most Mississippians. With over 75% of Mississippians identifying themselves as religious, one has to ask the question if keeping the present flag is consistent with those values." Momentum for change had emerged.

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<sup>81</sup> Interviews with Karl Oliver and Jason White.

<sup>82</sup> Interviews with Nick Bain, Ligon Duncan, Philip Gunn, Shawn Parker, and Jason White.

### Monday, June 22

While the phenomenon is rare at the Mississippi State Capitol, there is no mistaking the rise of momentum—an intangible but palpable emotion that attaches itself to a political cause. In the days leading up to the vote on Saturday afternoon, a cascading series of events, endorsements, social media posts, and press conferences would engender a sense of momentum felt by almost anyone inside the capitol building. It was once described by a lobbyist as a “wave that kept getting bigger and bigger.”<sup>83</sup>

Monday morning Gunn called Dr. Blake Thompson, president of Mississippi College in Gunn’s hometown of Clinton. The Speaker asked if could he use one of the large rooms at the college’s School of Law, a few blocks from the capitol in downtown Jackson, for a meeting of religious leaders. Mississippi College is a private university supported by the Mississippi Baptist Convention, and from a conversation with Shawn Parker a few days earlier, Thompson knew about the move on the flag. He assured the Speaker he would do anything he could to help.<sup>84</sup>

Gunn’s next phone calls were to Trey Lamar and Jason White: “As soon as you can make it to the capitol, let’s talk; there is movement, and we need to see if we can take advantage of it.”<sup>85</sup>

About the same time, Shawn Parker had convened the executive committee of the Mississippi Baptist Commission. Virtually all of the committee members were pastors of local Baptist congregations from communities all over the state. The question before the group: would they support Parker issuing his statement in support of changing the flag? After several hours of discussion, the vote was unanimous to back their executive director. By this time, the meeting on Tuesday with the Speaker had been set for ten o’clock and invitations were being issued. Parker and his communications team scheduled a press conference for eleven o’clock to announce their support for a new flag.<sup>86</sup>

Ligon Duncan got Gunn’s invitation to the Tuesday meeting and by then had cleared with his seminary board chairman the release of

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<sup>83</sup> Interview with Lindsey Simmons.

<sup>84</sup> Interviews with Philip Gunn and Blake Thompson.

<sup>85</sup> Interviews with Philip Gunn, Trey Lamar, and Jason White.

<sup>86</sup> Interview with Shawn Parker.

his statement.<sup>87</sup>

Mississippi and its flag were now a national news item. Gunn took a call from *Sports Illustrated* reporter Ross Dellenger, wanting to follow up on the SEC and NCAA statements. Dellenger's article detailing the fight to change the flag was posted on the magazine's website Wednesday morning, with Gunn's quote: "The NCAA's announcement made this a higher priority. People are waking up and realizing that there are real consequences here. Many people don't care what the NCAA thinks, but it's not just about sports. It's about business. It's not just about playing a game—it's about economics and image."<sup>88</sup>

Athletics continued to dominate the Monday morning news cycle. A well-known running back for the Mississippi State University football team, Kylin Hill, tweeted, "Either change the flag or I won't be representing this State anymore. I'm tired." As Hill's post was hitting the Twitter universe, Conference USA, the University of Southern Mississippi's home conference, issued its statement: "The C-USA's



*Former Mississippi State University running back Kylin Hill being honored by the Hinds County Board of Supervisors on April 21, 2021, for his stance on the the 1894 state flag. Photo courtesy of the Mississippi Department of Archives and History.*

board of directors approved the prohibition of all-conference championships in the state of Mississippi until the confederate emblem is removed from the state flag." The media noted that the Conference USA baseball tournament had been played in Mississippi every year between 2014 and 2019. Senator Brice Wiggins knew the NCAA move was important when, over the weekend, he received a call from one of his constituents who also happened to be a former president of the University of Mississippi Alumni Association: "Brice, this is serious. If something isn't done about the flag, it would be bad. There is a lot to what the NCAA

<sup>87</sup> Interview with Ligon Duncan.

<sup>88</sup> Interview with Philip Gunn; Ross Dellenger, "Mississippi's Flag, the NCAA and the Battle for Change in Jackson," *Sports Illustrated*, June 24, 2020.

is doing.”<sup>89</sup>

Meanwhile, the MEC and its Alliance team had received the latest Tarrance Group poll. And the findings were stunning. A new flag now had the backing of 55 percent of all voters, an eleven-point increase in less than eighteen months. The national conversation about race and symbolism had clearly reached deep into Mississippi. Even more significant, if respondents knew that “In God We Trust” would be added to the flag, the support grew to 72 percent.<sup>90</sup> For the rest of the week, the Alliance team, consisting of Mississippi Economic Council CEO Scott Waller, Entergy Mississippi CEO Haley Fisackerly and his governmental affairs vice president John Arledge, Yates Construction Company CEO William Yates III, and his corporate affairs director Kirk Sims, Mississippi Power Company CEO Anthony Wilson, Bancorpsouth CEO Dan Rollins, Trustmark National Bank CEO Jerry Host, and Henry Barbour, would work toward a weekend vote they never thought possible two weeks earlier.<sup>91</sup>

Later that afternoon, Fisackerly received a call from Gunn: “Can you get a group of business leaders together and meet me for supper to talk about the flag?” This time the MEC was ready. Fisackerly had the poll and several new initiatives to discuss with the Speaker. Before he hung up, he was making the list of leaders to invite. Fisackerly and Waller decided now was the time for conference calls with the MEC Executive Committee and Alliance Board of Directors. They needed the authorization to get going.<sup>92</sup>

For the first eight years Philip Gunn served as Speaker of the House, Nathan Wells was his chief of staff. When Wells left at the end of the 2019 session, he left knowing an opportunity to change the flag had eluded him. Gunn knew it was a lingering disappointment with his friend, so one of his first calls on Monday morning was to Wells, “I’m going to visit with the lieutenant governor at two o’clock. I want you to come with me.” For the next six days, Wells promised himself, he would be all in. Gunn knew one other thing; no one could count

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<sup>89</sup> Interview with Brice Wiggins; Nick Suss, “Conference USA is Taking Cue from the NCAA and SEC,” Jackson *Clarion-Ledger*, June 23, 2020; Tyler Horka, “MSU RB Fights for Change,” Jackson *Clarion-Ledger*, June 23, 2020.

<sup>90</sup> Five months later, in the November general election, the new state flag was approved by 71.3 percent of the voters.

<sup>91</sup> Interviews with John Arledge, Henry Barbour, Haley Fisackerly, Kirk Sims, and Scott Waller.

<sup>92</sup> Interviews with Haley Fisackerly and Philip Gunn.



votes on the floor of the House better than Nathan Wells.<sup>93</sup>

In Mississippi legislative politics, the rule of thumb is that proponents of a measure never rely on public debate to get it approved. Votes of members are counted before any committee meeting or floor action. Rarely does a resolution or bill see the light of day unless its backers have secured the votes necessary for passage in advance. This practice of “counting votes” consists of private discussions with members on the floor, in offices and hallways, and over meals and drinks. The discussions require answering questions, providing information, and exploring political ramifications. Ultimately, the goal is for a member to commit a “yes” or “no.” The results of these conversations are constantly reported and updated to the keeper of “the list”—one sheet of paper with the names of the representatives or the senators, along with spaces to indicate “Yes,” “No,” or “Undecided.” For the flag issue, the keeper of the list in the House was Philip Gunn; for the Senate, it was Nathan Upchurch. It would take all week to get eighty-one “yes” votes on the list Gunn held in his pocket and thirty-five “yes” votes on the list Upchurch kept on his desk.<sup>94</sup>

On his drive down to the capitol early Monday afternoon, Nick Bain helped to kindle the momentum growing in the House with his Facebook post:

Our state is at a point in its history that there is no choice but to retire its current state flag. The impending economic, social, and cultural pressures are going to create a storm that this state cannot weather. Therefore, it is imperative that our legislature begin to consider options on how we replace the flag. This is an emotional issue and the politically easy vote for me is to keep the flag. However, there comes a time when every generation must make a change for the better. It is now time, and I am convinced that changing the flag makes Alcorn County and Mississippi better. Whenever my time in public service is complete, I want my children to look back and be proud of what I've done. A vote to keep the flag does not accomplish this goal.<sup>95</sup>

The meeting between Gunn and Hosemann that afternoon covered a lot of ground and established the trajectory that would ensure the adoption of a new flag six days later. While Hosemann had yet to come around to support the position of the legislature “retiring” the 1894 flag,

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<sup>93</sup> Interviews with Philip Gunn and Nathan Wells.

<sup>94</sup> Interviews with Philip Gunn, Delbert Hosemann, Trey Lamar, Leah Rupp Smith, Nathan Upchurch, and Nathan Wells.

<sup>95</sup> Interview with Nick Bain.

his conversation with Gunn set in motion a series of events that would inexorably lead to Hosemann's public statement forty-eight hours later. They settled on the Tuesday meeting with religious leaders. Gunn mentioned the ones he had invited; Hosemann said he would invite the Catholic bishop. By then, both men had heard from Mississippi State University President Mark Keenum that the NCAA's policy change would not accommodate any of the ideas being proposed to avoid an outright elimination of the 1894 flag, including one proposal that the state adopt a new flag that would co-exist with the 1894 flag (known as the "two-flag" approach). While they readily agreed an independent commission should design a new flag—no one in the legislature wanted that responsibility—and that "In God We Trust" would be required for any new flag proposal, Gunn wanted the commission to submit its draft to the legislature for approval, while Hosemann wanted any new proposal from the commission to be decided in a public referendum. On this point, they agreed to talk further.<sup>96</sup>

By this time, White and Lamar had made it to the Speaker's office. Five years earlier, at the end of his call with Gunn, Lamar had said, "Philip, now's not the time but there is going to be a day when this will all surface." The three men decided the day had arrived. They each took a group of House members to begin the counting.<sup>97</sup>

While White and Lamar were huddling with Gunn, the group of private lobbyists was assembling in the capitol. They also had concluded this was their week. Client meetings were canceled. Conference calls were moved. Families were told there would be late-night dinners with legislators. They pulled out their lists, made assignments, and went to work. The group by now had grown to include Kelly Wright and John McKay, with the Mississippi Manufacturers Association; Lee Weiskopf with Mississippi State University; Clarke Wise, Mississippi Association of Realtors lobbyist; J.R. Robinson, lobbyist for Mississippi Power Company; Russell Bennett, a lobbyist for Entergy; and Camp Murphy, Manning McPhillips, Steve Simmons, Lindsey Simmons, and Bryce Yelverton, independent lobbyists who represent a variety of individual clients. Wright and Lindsey Simmons would be keeping the vote lists

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<sup>96</sup> Interviews with Trey Dellinger, Philip Gunn, Delbert Hosemann, Mark Keenum, Leah Rupp Smith, Nathan Upchurch, Nathan Wells, and Jason White.

<sup>97</sup> Interviews with Philip Gunn, Trey Lamar, and Jason White.

for the group as the week progressed.<sup>98</sup>



*From left to right: J.R. Robinson, Kelly Wright, Manning McPhillips, Camp Murphy, John McKay, Lee Weiskopf, Clarke Wise, Will Crump, Russell Bennett, Derek Easley, Steve Simmons, Lindsey Simmons. Not pictured: Bryce Yelverton.*

Two weeks had passed since Robert Johnson had left the Speaker's office with little hope for any movement. The conversation with Gunn this Monday was noticeably different. "We are going to make a serious push, and I need you to confirm that your forty-four Democratic votes will be good," Gunn told Johnson. Later that afternoon, Chris Bell saw Nick Bain on the floor and thanked him for his Facebook post. After Bain told him, "I may lose my seat over this, but I'm going to be with you," Bell thought to himself, "This might actually happen."<sup>99</sup>

Of the many calls Hosemann received that day, one was from Ligon Duncan, his neighbor one house over in Jackson. Duncan wanted his friend to know he would be issuing a statement after the meeting scheduled for the next day. Entergy CEO Haley Fisackerly also called with a report of the meeting with Gunn and the latest MEC poll. Later that afternoon Hosemann convened a meeting of Senate Republicans at the party's headquarters a few blocks from the capitol for his members to engage in frank discussions about the flag. Sally Doty, a three-term senator from Brookhaven, remembered listening to her colleagues,

<sup>98</sup> Interviews with Manning McPhillips, Camp Murphy, Lindsey Simmons, Steve Simmons, Lee Weiskopf, Clarke Wise, Kelly Wright, and Bryce Yelverton.

<sup>99</sup> Interviews with Nick Bain, Chris Bell, and Robert Johnson.

surprised by the growing support for change. A year later, she still had a vivid memory of a comment by Senator Charles Younger, a colleague from Columbus who represented one of Mississippi's four military bases: "Y'all know I love that flag. It represents our history. But I have to tell you, we have all these soldiers at the base in my district. And many of them are African American. I think about all they are giving for our country, and I know when they see our flag it is hurtful to them. That's why I'm gonna vote for change." Doty left the meeting, thinking to herself, "It's coming. Get ready."<sup>100</sup>

The last conversation Hopson had on Monday before leaving the capitol was with his friend and colleague Josh Harkins. Harkins once recalled what Hopson asked him, "Let's seriously talk about this; let's seriously make an effort; will you think about it overnight and let me know your thoughts tomorrow?" On his way home, Hopson thought, "You've got to know when to strike in this business." Now was the time, he had decided.<sup>101</sup>

That night, Josh Harkins, a three-term state senator from conservative stronghold Rankin County, owner of a local construction and real estate development company, and chairman of the Senate Finance Committee, thought about Hopson's question as he sat across the dinner table from his twelve-year-old and fourteen-year-old daughters. Nearly a year later, Harkins remembered the experience like it was yesterday:

Here are my two young girls. My job as a father is to teach them how to treat other people, to accept personal responsibility, to know right from wrong. I can't go up there and vote for something I know pokes a finger in the eye of my African American friends. And, one day, my daughters will be grown and have minds of their own and what do I want them to remember about their dad and this week. My answer for Briggs became crystal clear, and I never looked back.

Harkins also knew that his decision was easier than the one some of his colleagues were confronting because the status of the flag had never arisen in any of his election campaigns. Consequently, he had never promised a popular vote on the old flag; although, he also knew that seventy-five percent of the voters in his county had supported the

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<sup>100</sup> Interviews with Sally Doty, Ligon Duncan, Jeremy England, Haley Fisackerly, Delbert Hosemann, Leah Rupp Smith, Nathan Upchurch, and Charles Younger.

<sup>101</sup> Interviews with Josh Harkins and Briggs Hopson.

1894 flag in the 2001 referendum.<sup>102</sup>

### **Tuesday, June 23**

Opened in 1903, the state capitol at the time housed most state government offices, including the Supreme Court. Even though the court had long since left the capitol for larger office space, the old courtroom, located directly underneath the Senate chamber on the second floor, had been renovated and was used for meetings of legislative committees. On either side of the courtroom were the offices of the chairman of the Senate Appropriations Committee, Briggs Hopson, and the chairman of the Senate Finance Committee, Josh Harkins. Their suite of offices served as the budget and financial nerve center of the Senate, and for five days prior to the flag vote, they were also the home to many conversations about the flag.

Tuesday morning, Harkins found Hopson next door:

HARKINS: About your question last night, I want you to know I'm in.

HOPSON: Really?

HARKINS: I had a moment last night. I know some people will be mad. But, for me, it is clear. I'm with you and want to change the flag.

HOPSON: Let's go see the lieutenant governor.<sup>103</sup>

Walking into the capitol on the other side of the building Tuesday morning, TJ Taylor could feel the movement. And he knew something was up the minute he walked into the Speaker's suite on the third floor. Gunn asked him to come into his office and then closed the door.

While Taylor had served on Gunn's staff for the last four years, first as legal counsel and then as policy director, he and Gunn had their own unique connection with the flag. In the spring of 2015, Taylor had joined a special campaign operation, headed by Nathan Wells, to work with Republican candidates for House elections. It was early evening on June 22, 2015, when Taylor got the text from Wells, "Have

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<sup>102</sup> Interview with Josh Harkins.

<sup>103</sup> Interviews with Josh Harkins and Briggs Hopson.

you seen this?" Of course, "this" was a wire service story describing Gunn's comments about the flag. Taylor still has on his cell phone the second text from Wells: "This is who we work for." And then his phone lit up with worried calls from his candidates. By then Clarke Wise had joined their campaign team and for the remainder of the 2015 election cycle, Wells, Taylor, and Wise worked overtime to manage the fallout and convince their candidates they would survive the Speaker's new disclosure.

After he shut the door to his office five years later, Gunn looked at Taylor and said, "You don't have to do this if you don't want to, but I need your help. We are going to move on the flag. This is a different issue, and if you don't want to, but you could be very helpful. You have relationships with members from the campaign days." Taylor remembered his exact response: "Are you kidding! This is the day we've been waiting for. Of course, I'll help." Gunn showed him the list, "This is where I am. These are the undecided ones." They agreed Taylor would talk with nine on the list. For the next forty-eight hours, Taylor engaged the members with one-on-one conversations, though he did not need to push. They were friends. He knew them all, their families, their backgrounds, and, most importantly, their districts. He had worked in their campaigns. He raised the issue and listened. More often than not, the members agreed to think about it and resume the conversations later that day or the next day. The poignancy of Taylor working on this issue was not lost on any representative, for Taylor was the lone African American member of Gunn's staff.<sup>104</sup>

In the meantime, Gunn and Hosemann had left for the ten o'clock meeting a couple of blocks away at the Mississippi College School of Law. Waiting for them when they arrived were about two dozen leaders of Baptist, Presbyterian, United Methodist, Pentecostal, and Catholic faiths. Shawn Parker and Ligon Duncan were there, as was Blake Thompson. Among the statewide elected officials in attendance were Attorney General Lynn Fitch and Insurance Commissioner Mike Chaney.

Gunn opened the meeting with an acknowledgment that he was going to make a push for a new flag and an observation that legislators would welcome "guidance and support" from the state's Christian leaders as they "wrestled with what to do about the flag." Hosemann

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<sup>104</sup> Interviews with Philip Gunn, TJ Taylor, Nathan Wells, and Clarke Wise.



joined Gunn in stressing the importance of the people in the room, “speaking up in your official capacity.” Both Gunn and Hosemann mentioned that “In God We Trust” would be included in any legislation for a new flag. Questions and answers were followed by statements from those in attendance. Other than the representative for the Pentecostals, who was silent throughout, the leaders let it be known they would back a new flag. As the gathering was breaking up, Duncan told Hosemann he would be issuing a statement that afternoon and left the meeting impressed with what Shawn Parker had to say. “His resolve and his moral clarity set the standard for the people in that room,” Duncan recalled several months later. While Ligon Duncan was headed back to his office, Parker walked the few blocks back to the Baptist building to convene his eleven o’clock press conference.<sup>105</sup>



*Speaker of the House Philip Gunn, center, and Lieutenant Governor Delbert Hosemann, right, and other legislators after attending the meeting with religious leaders on June 23, 2020. Photo courtesy of Eric J. Shelton, MississippiToday.org.*

By Tuesday morning, the MEC/Alliance operation was in full swing. Anticipating the dinner that night with Gunn, Fisackerly and his group had prepared a full-page ad to run in every newspaper in the state, signed by business owners and CEOs, urging the adoption of a new flag. The demand from business leaders to join the ad campaign was so strong—the advertisement had room for only one hundred

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<sup>105</sup> Interviews with Mike Chaney, Ligon Duncan, Philip Gunn, Delbert Hosemann, Shawn Parker, and Jason White.

signatures—that the MEC had to create a website with a separate page for online signatures attached to the ad. By the end of the week, more than five hundred had signed. Waller was preparing a news release containing the polling information and asked Henry Barbour to get ready with his initiative for reaching out to voters with digital ads, phone calls, and text messages in a coordinated effort urging those voters to contact legislators. Since pandemic restrictions were still in place in June, there was no office, no “war room” where everyone could gather to trade information and plan the next steps. For the next five days, the war room consisted of hundreds of phone conversations, texts, emails, and conference calls between the members of the Alliance and MEC officials, lobbyists at the capitol, and their team of consultants. The MEC/Alliance members were the conduits for information to MEC businesses and professionals throughout the state, sharing information about legislators, which they gathered from lobbyists and others working at the capitol. By this time, thanks to extensive media coverage of the issue, legislators were receiving calls and texts in Jackson, at their homes and to their offices back in their districts. They were getting calls, and their social media platforms were filling up with comments. People opposed to any change were vying with people wanting a change. This would be one of the few votes in a legislator’s career that would be remembered.<sup>106</sup>

At an eleven o’clock press conference in the Mississippi Baptist Convention building, Shawn Parker stood before the reporters and cameras and read his statement, which said, in part:

It has become apparent that the discussion about changing the state flag is not merely a political issue. While some may see the current flag as a celebration of heritage, a significant portion of our state sees it as a relic of racism and a symbol of hatred. The racial overtones of the flag’s appearance make this discussion a moral issue. Since the principal teachings of Scripture are opposed to racism, a stand against such is a matter of biblical morality. Given the moral and spiritual nature of this issue, Mississippi Baptist leaders offer prayers for our state officials to have wisdom, courage, and compassion to move forward. We encourage our governor and state legislature to take the necessary steps to adopt a new flag for the state of Mississippi that represents the dignity of every Mississippian.

The statement was signed by Parker, Ken Hester, Jim Futral,

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<sup>106</sup> Interviews with John Arledge, Henry Barbour, Haley Fisackerly, Kirk Sims, and Scott Waller.

executive director-treasurer emeritus, Kenny Digby, the thirteen living former presidents of the convention, and the fifteen members of the Executive Committee. Hester, Futral, and Digby all spoke at the press conference. The signed statement was sent to all members of the legislature and posted on all of the denomination's social media platforms, including *The Baptist Record*, the newspaper that reaches hundreds of thousands of Mississippi Baptists.<sup>107</sup>

Reflecting on that moment six months later, Parker said, "Pastors are called to love people, and some people were angry with what we did. But pastors are also called to be prophets, and we intended the statement to be prophetic and Christlike."<sup>108</sup>

Back in his office thinking of other allies who he could assemble to help, Gunn called Mark Keenum, Mississippi State University president and dean of the heads of Mississippi's eight public universities. The universities, with their multi-million-dollar athletic programs, diverse student bodies, and tens of thousands of alumni had defied state tradition for years by refusing to fly the state flag. Their reach was considerable. Moreover, they had endorsed the NCAA announcement. After hearing the Speaker of the House ask if he could have all of the presidents in his office tomorrow morning, Keenum asked, "What time?"<sup>109</sup>

Throughout the day, whenever he had a minute, Gunn would compare notes with White, Lamar, Taylor, and Wells, update his list, and engage in one-on-one meetings with individual members to hear them out about the flag. One who came to see him on Tuesday afternoon was Karl Oliver.

Oliver walked into Gunn's office and asked the Speaker, "What about the flag? What are we going to do?" Without hesitating, Gunn replied, "Karl, that depends on where you are." Oliver reached across the desk and handed him a handwritten statement. Gunn took a minute to read it, looked up with a smile, and said, "I'm very, very glad that is your decision." Oliver told Gunn he could get it typed up and release it the next day after he had "made some calls." Philip Gunn knew instantly the magnitude of what Oliver had handed him. To this day, in front of the Carroll County courthouse in Carrollton,

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<sup>107</sup> Interview with Shawn Parker; Justin Vicory, "Mississippi Baptist Convention: Flag Must Go," Jackson *Clarion-Ledger*, June 24, 2020.

<sup>108</sup> Interview with Shawn Parker.

<sup>109</sup> Interviews with Philip Gunn and Mark Keenum.

Mississippi, in the heart of Oliver's district, the Confederate battle flag is still proudly flown. On a less prominent pole, to the back and right of the Confederate flag, hang the United States flag and the new state of Mississippi flag.<sup>110</sup>

In crafting his statement, Ligon Duncan wanted to make the case that one could acknowledge and respect one's family and southern heritage while, at the same time, also recognizing the need to change the state flag. What he ultimately wrote and released later that afternoon follows:

I do not despise my ancestors. But I do love my neighbors. All of them. I fully understand and appreciate that many good people of this great State view the Confederate Flag merely as a symbol of heritage. For many, it represents a reverence for ancestors, respect for the past, and other perfectly understandable and laudable things. However, as a historian, I have to say that the symbols of the Confederacy, represent not simply "the preservation of a way of life" but these symbols have been persistently and widely used to send a message of oppression, terror, inferiority and exclusion to the Black people of the South in general, and our State in particular. This is sadly true of our current State Flag, the so-called "1894 Flag" which incorporates the Confederate Battle flag. So, here is the situation. The Mississippi Code says that "The pledge of allegiance to the Mississippi flag shall be taught in the public schools of this state." We are asking almost half the population of our State to salute a symbol that has (undeniably) been used for well over a century to indicate their own Country's and State's rejection of their humanity and equality. That is utterly unconscionable. As a Christian, this is all about two simple, basic, biblical things: (1) Loving my neighbor, and (2) acknowledging that every person is created in God's image. If we do that as Christian citizens, we will want our public symbols to emphatically acknowledge the humanity and equality of all our fellow citizens. And I want all of us, together, to be able to be proud of our State Flag.<sup>111</sup>

Lobbyists working on behalf of the new flag noticed many conversations with legislators shifted after Tuesday. With the unequivocal statements from Parker, Duncan, and others, momentum in favor of change was given a boost. As one of Wright's group observed, "The air in the room had changed." There was no turning back. As another remembered, "It was time for the full-court press." For the next seventy-two hours, small group discussions over dinner between

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<sup>110</sup> Interviews with Trey Dellinger, Philip Gunn, Trey Lamar, Karl Oliver, and Jason White. At my request, David Warrington drove to the Carroll County Courthouse in May 2021 and took photographs of the flags.

<sup>111</sup> Interview with Ligon Duncan; Duncan's statement is on his website at [www.ligonduncan.com](http://www.ligonduncan.com).

members and the lobbyists formed the core of their strategy.<sup>112</sup>

With momentum picking up, the Legislative Black Caucus narrowed the parameters of the debate as its members began making clear in private conversations with Republican leaders that any bill containing a new referendum on the 1894 flag was a non-starter. It was time the legislature retired the Confederate symbolism. The fifty-three Caucus representatives and senators were united on this point, and without their votes, getting to two-thirds to suspend the rules would be next to impossible.<sup>113</sup>



*Representative Robert Johnson surrounded by members of the Mississippi Legislative Black Caucus on June 23, 2020. Photo courtesy of Rogelio V. Solis.*

By this time, Briggs Hopson and Josh Harkins had met with Hosemann and informed him of their desire to move forward on the flag. They were encouraged by the vote count Smith and Upchurch were keeping, and they agreed to participate in a series of small meetings with individual senators to discuss the issue. Later that afternoon, Hosemann and Gunn discussed the specifics of what legislation would look like—a specific repeal of the statute creating the 1894 flag, a commission to design a new flag, the inclusion of “In God We Trust” in any new design, and, at the lieutenant governor’s insistence, a

<sup>112</sup> Interviews with Manning McPhillips, Camp Murphy, Lindsey Simmons, Steve Simmons, Clarke Wise, Kelly Wright, and Bryce Yelverton.

<sup>113</sup> Interviews with John Horhn, Robert Johnson, and Derrick Simmons.

requirement that any new banner is put to a vote of the people.<sup>114</sup>

Throughout the afternoon, others with close ties to Republican legislators endorsed a new flag: the Mississippi Manufacturers Association, the Business and Industry Political Education Committee, the Mississippi Bankers Association, Hancock Whitney Bank CEO John Hairston, and Sanderson Farms CEO Joe Frank Sanderson. Moreover, Walmart announced it was pulling all of the Mississippi flags from its stores.<sup>115</sup>

When Gunn arrived for dinner, Fisackerly was joined by Scott Waller; John Arledge; Anthony Wilson, CEO of Mississippi Power Company; Mayo Flynt, president of AT&T Mississippi; Dan Rollins, CEO of Bancorpsouth; William Yates III, CEO of Yates Construction; and Jerry Host, CEO of Trustmark National Bank. After Gunn brought them current on the day's developments, Fisackerly briefed him on the poll results and the full-page ads that were ready to run. (A copy of the newspaper ad is reproduced in Appendix D.) Moreover, he made clear, as did the CEOs with him that night, that MEC was prepared to do everything it could to pass legislation to retire the old flag. Gunn agreed the poll should be released the next day, and he urged the business leaders to activate their entire operation. He told them that he believed this might be the only opportunity they would have to get this done.<sup>116</sup>

Over the previous two weeks, NASCAR had stopped the display of the Confederate flag, the SEC and NCAA had targeted Mississippi, virtually all of the state's religious leaders had announced their support for a new flag, and the business community and their lobbyists at the capitol were fully engaged. By the end of the day, the conversations that Leah Rupp Smith, Nathan Upchurch, Briggs Hopson, Brice Wiggins, Wright's group of lobbyists, and others had been having with senators had resulted in Upchurch's tally going from twenty-three to twenty-

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<sup>114</sup> Interviews with Trey Dellinger, Philip Gunn, Josh Harkins, Briggs Hopson, Delbert Hosemann, Leah Rupp Smith, Nathan Upchurch, and Jason White.

<sup>115</sup> Patrick Magee, "List of Politicians, Groups That Want to Change State Flag Grows," *Biloxi Sun-Herald*, June 26, 2020; Max Garland, *Commercial Appeal*, "Walmart Removes Flags From Stores," *Jackson Clarion-Ledger*, June 24, 2020; Adam Ganucheau, *Mississippi Today*, "CEO: Flag Vote Would Cause Boycotts," *Greenwood Commonwealth*, June 24, 2020; John Hairston wrote an opinion piece, "Time to Support Update of Mississippi's Flag," *Biloxi Sun-Herald*, June 21, 2020.

<sup>116</sup> Interviews with Haley Fisackerly, Philip Gunn, and Scott Waller.



seven. They were now eight short. There was one last domino to fall.<sup>117</sup>

### Wednesday, June 24

Unlike many states, the fifty-two men and women elected to the Mississippi State Senate do not choose the leader for their upper chamber. While the 122 representatives elect a Speaker from among their number, the Mississippi Constitution vests with the lieutenant governor the authority to serve as president of the Senate. As with the Speaker, the Senate president has vast power in determining the fate of legislation through the appointment of committees and their chairs, the referral of bills to those committees, the recognition of members on the floor for motions, and the like. For the previous twelve years, Delbert Hosemann had served as secretary of state and during the 2019 statewide campaigns had little trouble getting elected lieutenant governor. Even though the 2020 legislative session was his first as head of the Senate, virtually no one at the capitol thought a resolution to suspend the rules on such a controversial issue could get a two-thirds vote without the active involvement and support of Hosemann as leader of the Senate.

Like everyone else in Mississippi, Hosemann had no idea when he took office in January that the legislature would be seriously considering a change to the state flag in June. And like most elected officials, Hosemann's previous positions put him in the camp of letting the people decide, even though he personally believed the flag needed to be changed. And while he was as hamstrung by the 2001 vote as everyone else was, the times were demanding a different course of action. He knew what a new flag could mean for the state, had seen the MEC polling, had heard from his friend and neighbor Ligon Duncan, and had talked with several senators now wanting to vote on a new flag. Then there was the letter Hosemann's great-great-grandfather had written to President Andrew Johnson on July 13, 1865, in which he admitted his role as a soldier for the Confederacy, told Johnson that he had been wrong, and asked for restoration of his citizenship in the United States. As Hosemann once said, "If he could put the war behind him, why are we still here, today, with this flag?"

By Wednesday morning, Hosemann was ready to get behind a

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<sup>117</sup> Interviews with Leah Rupp Smith, Nathan Upchurch, and Kelly Wright.



legislative change. He had concluded this one act by the legislature at this point in time could dramatically alter public stereotypes about his state and improve opportunities, not just for his grandchildren, but for all of Mississippi's children. Once in his office, he asked Nathan Upchurch and Leah Rupp Smith to join him and to review his statement and offer comments. They talked back and forth and finally Hosemann wrote the last two sentences and gave it to Smith to release to the press. It posted on Facebook at 11:49 a.m.:

I rise before you today to discuss the flag of our State. This discussion is not prompted by fear of loss of economic development, although virtually every economic developer in our State has indicated opportunities and employment of our citizens will be adversely affected. Further, it is not prompted by the impending loss of student athletes' ability to compete for championships, although that has occurred. Further, I recognize many of our citizens are proud of their individual ancestors, some of whom fought in battle 150 years ago. I am one of those citizens.

While important, these issues are not controlling. What is compelling to me is the future of our children and grandchildren. They will learn together, they will work together, and they will worship together. Those who wish to fly our flag should not be typecast in any fashion. Similarly, those who are offended by our flag are sincere in their beliefs. The physical acknowledgments of our history are our guideposts and buoys which help us to avoid reefs in the future. Destruction of history fails to change it and, over time, opens us to repeat it. However, now we must look to a flag for our collective future to be flown over our collective assets. I, like the majority of Mississippians, am open to changing our current flag. In my mind, our flag should bear the Seal of the Great State of Mississippi and state "In God We Trust." I am open to bringing all citizens together to determine a banner for our future. Some distrust the will of the citizens and fear the public dialogue which comes with a ballot. I am not one of those people. Changes in our hearts and minds arise from conversation, and in our Republic by the finality of the ballot box. However, the legislature in 1894 selected the current flag and the legislature should address it today. Failing to do so only harms us and postpones the inevitable.

With that, the full weight and power of the lieutenant governor's office was behind a change of the flag. Hosemann called Gunn to let him know, and they agreed the House would move the resolution first, but only after they both had the votes. Some were urging Gunn to force the Senate to take action by unilaterally passing the resolution, but that was not an option for Gunn. He was asking members of his caucus to take an extraordinary vote; he was not going to ask them to make that vote unless he was convinced it would mean the flag was coming

down. For the next three days, Hosemann led a series of small group meetings with senators to discuss changing the flag. Leah Rupp Smith said it was the turning point in the Senate.<sup>118</sup>

Yet more endorsements for a new flag followed that afternoon, including State Auditor Shad White, Insurance Commissioner Mike Chaney, State Treasurer David McRae, Attorney General Lynn Fitch, the Mississippi Association of Realtors, and the Mississippi Library Association. Clarke Wise, a lobbyist for the Realtors, knew something special was happening throughout the state that week when his membership was polled before releasing a statement. More than eighteen hundred realtors responded, the highest number of any internal poll they had ever taken, with two-thirds supporting a change.<sup>119</sup>

More significant for the vote counting that Philip Gunn, Jason White, Trey Lamar, Nathan Wells, TJ Taylor, and others were doing with House members was a poignant conversation that Gunn had with Manly Barton Wednesday afternoon. Barton's district encompasses the northern part of Jackson County and the southern part of George County. His is the only district on the Gulf Coast that does not contain any part of an incorporated municipality, and of the twenty-five thousand people who lived in the district, 96.2 percent of them were White. In 2001, Barton's district gave the 1894 flag 90.2 percent of its vote. Barton had worked at the Chevron refinery in Jackson County for more than thirty years and before getting elected to the House in 2011, and he had served as a county supervisor. He knew from his work at Chevron and from his friends at Ingalls, the massive ship building facility down the highway, that "the flag mattered for business." That being said, he also knew his district and many of his friends and constituents were in an uproar over the prospect of a new flag. After an intense conversation, Barton told Gunn, "I'll let you know tomorrow morning."<sup>120</sup>

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<sup>118</sup> These paragraphs covering the lieutenant governor were based on interviews with Sally Doty, Josh Harkins, Briggs Hopson, Delbert Hosemann, Leah Rupp Smith, Nathan Upchurch, and Brice Wiggins.

<sup>119</sup> Interviews with Mike Chaney and Clarke Wise; Patrick Magee, "List of Politicians, Groups That Want to Change State Flag Grows," *Biloxi Sun-Herald*, June 26, 2020. The websites [www.mississippitoday.org](http://www.mississippitoday.org) and [www.yallpolitics.com](http://www.yallpolitics.com) both kept current lists of people, organizations, and businesses that endorsed a new flag during this last week in June 2020.

<sup>120</sup> Interviews with Manly Barton, Philip Gunn, Trey Lamar, and Jason White.

Momentum on the House side of the capitol kicked into high gear later on Wednesday when Karl Oliver's statement was released to the public:

Recent events surrounding our state's banner are causing it to grow more divisive by the day and affecting many in our state, first and foremost our children and young people—our future. They are watching. History will record the position I chose. History will record the position of every Mississippian. Fully aware of the consequences, I've made my decision. One day, I will no longer be a legislator; however, I will forever be a father and grandfather. In years to come, when my grandchildren and their children are studying this time in history, they will have questions. When they ask me or their parents what my position was, I want them to know that it was because of my love for them and Mississippi, and Christ's love for me, and for my fellow Mississippians, I based my decision on what I believed to be best for everyone.<sup>121</sup>

Later that morning the MEC publicly released the results of the Tarrance Group poll. While legislators saw that a majority of the state now supported a new flag, they also knew the results would vary widely from legislative district to legislative district. More important to them was the figure seventy-two percent. That was the number of voters who would support a new flag if it incorporated "In God We Trust." As Scott Waller said to reporters, "In the nearly twenty years we have held the position of changing the state flag, we have never seen so many voters in favor of change. These recent polling numbers show what people believe, and that the time has come for us to have a new flag that serves as a unifying symbol for our entire state."<sup>122</sup>

By this time, the possibility of a legislative change to the flag had become real enough that some representatives and senators, who had yet to commit, wanted to know what the governor would do if presented with a bill to retire the 1894 flag. Was it worth taking such a controversial vote only to have Governor Reeves veto the legislation? While a vote to pass a measure to change the flag required only a majority of each chamber, to override a governor's veto required a two-thirds vote, the same margin required to approve the resolution

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<sup>121</sup> Interviews with Trey Dellinger, Philip Gunn, Karl Oliver, and Jason White; Rick Rojas, "Mississippi Lawmakers Push Ahead With Proposal to Take Down State Flag," *New York Times*, June 27, 2020.

<sup>122</sup> Interviews with Henry Barbour, Haley Fisackerly, and Scott Waller; Luke Ramseth, "New Poll: Majority of Voters Support Changing Flag," *Hattiesburg American*, June 26, 2020.

to suspend the rules. Reeves publicly acknowledged the math in a Facebook post that Wednesday afternoon:

Some legislative leaders have changed their position multiple times in recent days. Right now, they are considering suspending the rules to change the flag. It would take a two-thirds vote. That's how many it takes to override a veto. Make no mistake, a vote to change the rules is a vote to change the flag. If they get those votes, a veto would be pointless. That debate would be over, and the flag would change.

For Reeves, it was a tacit signal in support of the legislation. By Wednesday it was clear any bill to authorize a new flag would require a public referendum on that new flag, so Reeves had concluded that provision met his threshold of giving people a vote.<sup>123</sup>

Inside the capitol, as legislators were privately making their decisions, the Wednesday Facebook posts by Hosemann and Reeves contributed to the growing momentum. Outside the capitol, the Mississippi business community had seized the moment. Hundreds of CEOs had signed the full-page ads that were beginning to show up in local newspapers. They were calling and meeting with their legislators, and they were funding an extensive effort to educate voters about the flag and urging them to contact their legislators.<sup>124</sup>

Throughout the day, the university presidents were at the capitol, first meeting with Gunn, then with Hosemann, and finally with individual legislators. They all knew what was at stake because they knew what their students, their recruiters, and their faculty were telling them. If the higher education community in Mississippi was going to compete across the country for students, for research grants, for funding, for recognition, the universities needed to fly a flag without Confederate symbolism. They were told in the meeting with Gunn, “we are really close,” and they were asked to “do all you can to help.” They knew how. After finishing a late afternoon meeting with Hosemann, the presidents agreed to find a quiet place to discuss their next steps. They ended up in Room 113 on the first floor of the capitol, gathered around a conference table on one side of the room. As they were discussing options, Lee Weiskopf leaned over to his boss

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<sup>123</sup> Interviews with Sally Doty and Tate Reeves; confidential interview; Emily Wagster Pettus, Associated Press, “Phil Bryant Calls for the Removal of Rebel Emblem from State Flag,” *Biloxi Sun-Herald*, June 26, 2020.

<sup>124</sup> Interviews with Scott DeLano, Sally Doty, Briggs Hopson, Leah Rupp Smith, and Nathan Upchurch; confidential interview.

Mark Keenum and very quietly said, "I think it would really help if we could get all of the coaches from all of the schools here at the capitol to make a statement." Keenum was immediately taken with the idea and upped the ante. He suggested to the group that each of the presidents commit to having as many of their coaches as possible appear at a press conference inside the capitol at nine o'clock the next morning. The presidents looked at each other, realizing the magnitude of the proposal: in less than sixteen hours, they had to assemble all of their coaches from all parts of the state, organize a press conference, choose speakers, and arrange travel. Without hesitating, they all agreed.<sup>125</sup>

As the day progressed, African American legislators began to think the momentum they were feeling was real. Representative Ed Blackmon once described his changed outlook. "For me it was like, it wasn't something that I saw coming," he recalled. "It wasn't like it was a progression that was going to happen. It was like, bam, here it is! All of a sudden, you realize it may in fact happen." Derrick Simmons, a three-term senator from Washington County in the Delta, realized the old flag might come down after a series of emotional conversations with his colleagues. "I felt a kinship, to see my white brothers on the other side of the aisle come to me and say 'I understand,'" he remembered. "They initiated the conversations. They were genuine, and they gave me hope."<sup>126</sup>

Wednesday night was another round of late-night dinners among legislators and between legislators and lobbyists. By the time Wednesday turned into Thursday, more than two dozen people were actively talking with legislators and counting votes in support of the resolution to suspend the rules. And those two dozen people were connected in a myriad of ways—some coordinated, some not—to a sprawling network of thousands of individuals throughout the state in the home districts of legislators. At the same time, a handful of legislators were working the other side, making the case that the people expected any change to the flag to be put on the ballot. Through their social media platforms and their own networks, they inspired voters who agreed with them to likewise contact their House and Senate members.

Inside the capitol, however, the individual and small group

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<sup>125</sup> Interviews with Glenn Boyce, Philip Gunn, Delbert Hosemann, Mark Keenum, and Lee Weiskopf.

<sup>126</sup> Interviews with Chris Bell, Ed Blackmon, John Horhn, Robert Johnson, and Derrick Simmons.

meetings were showing signs of progress. As one representative observed, “The flag was discussed a lot among the members and those informal conversations made a difference.” Undecided legislators were becoming “yes” votes and many “no” votes were moving onto the “undecided” list. Very few had to be convinced Mississippi needed a new flag; instead the issue was the 2001 referendum, and the drumbeat from some opponents of change to “let the people vote.” The calls, text messages, and emails from back home were reaching record levels, and in many of the districts the messages for change were outnumbering the pleas to keep the 1894 flag. The proponents of a new flag were creating a constituency for change around the state, and they were giving legislators a political base to use during their re-election campaigns.<sup>127</sup>

By Wednesday night, though, it was clear to everyone that something even more powerful was happening to drive the count—spouses and children of members were weighing in on the side of change. Quiet but profound conversations were taking place within families. As one senator described it, “This was a generational issue and the younger generation wanted a new flag.” Another legislator observed, “You cast a vote like this one knowing it will affect your entire family.” A year later a senator remembered, “My kids saw the strain, the hostilities coming at me. They felt it. But they knew we had the opportunity to do something that would be viewed as a watershed moment in our state’s history. And they wanted me to be a part of it.”

The vote for a new flag was quickly becoming a vote for the history books and family members, as only they can, were placing a value on legacy. Everyone knew this was not a vote that would go unnoticed. This was a vote that would be reproduced in newspapers and social media posts, talked about in coffee shops and civic groups, and would serve as fodder for the next campaign. As Representative Manly Barton once said, “This thing was staring us in the face. There was no running from it.”<sup>128</sup>

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<sup>127</sup> Confidential interview.

<sup>128</sup> The role of family members surfaced in almost every conversation I had with legislators. The Manly Barton quote came from my interview with him.

### Thursday, June 25

By Thursday morning, a weekend vote on retiring the 1894 state flag was a near certainty, and, as the day evolved, it would be remembered as the most intense day of lobbying of the entire hectic week. The calls, text messages, and emails members were receiving were passionate, relentless, and unprecedented.

The first of a series of events took place at nine o'clock that morning on the third-floor rotunda area of the capitol where forty-six coaches and six athletic directors from all eight public universities assembled to support a new flag. Only sixteen hours earlier, those fifty-two professionals had other entries on their schedules for Wednesday night and Thursday. Instead, plans were put on hold, meetings were canceled and early morning travel was arranged. And while everyone present had a story to tell and a personal reason for wanting a new flag, serving as the public spokespersons for the group fell to two basketball coaches: Kermit Davis, the men's head coach at the University of Mississippi, and Nikki McCray-Penson, the women's head coach at Mississippi State University.



*Athletic coaches and administrators appearing at a press conference at the state capitol on June 25, 2020, urging the removal of Confederate symbolism from the state flag. Photo courtesy of Mississippi State Women's Basketball.*

Kermit Davis, described by one reporter to be “as deeply rooted in Mississippi as just about anyone,” went first. His father had served as



the high school basketball coach in Tupelo and later at Mississippi State University. When Davis walked up to the podium on that Thursday morning in June, he had been coaching basketball for twenty-five years, including the last three at the University of Mississippi. His statement reflected the subtle shift in the way proponents of a new flag were making their case:

Mississippi needs to have a flag that is great for all the citizens in our state. Mississippi needs to have a flag that is right for all of our students in-state and all of our out-of-state students and student-athletes that come on our campus. I think we've got to get to a place of what do we all agree on. We all agree that we'd love to have a state that has great pride. We all agree on that. We'd love to have a state that is flourishing economically business-wise and educationally. For that to happen, we all know that the flag needs to change.

This new plea had developed organically and was more heartfelt. It was time for an official state flag to be inclusive, to represent all of the citizens of the state.

Nikki McCray-Penson went next and was more pointed. A Tennessee native, SEC star basketball player, Olympic gold medalist, and member of the Women's Basketball Hall of Fame, she was coaching for the University of South Carolina in 2015 at the time of the church massacre in Charleston:

As a black woman coaching at one of the most diverse universities in the country, I look forward to seeing change that unites us and accurately represents our great community. Changing the flag is an important step toward inclusivity and an end to racial injustice. This is a moment in our society for us to reassess values and do the right thing by removing this symbol of hatred.

Philip Gunn then closed the press conference with a challenge to his members:

This entire state is screaming for a change. This is an issue that needs to be resolved and resolved quickly. The longer it goes, the more it festers and the harder it's going to be later on. The image of our state is at stake here, ladies and gentlemen. The nation is watching. They want to know what we as a state stand for.<sup>129</sup>

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<sup>129</sup> Interviews with Keith Carter and Philip Gunn; Nick Suss, "Coaches Call for Change," Jackson *Clarion-Ledger*, June 26, 2020; Dalton Middleton, *Daily Journal*, "University Coaches, Officials Lobby for Flag Change," McComb *Enterprise-Journal*, June 26, 2020; Rick Cleveland, *Mississippi Today*, "Coaches Had One Message: Time for a Change," Greenwood *Commonwealth*, June 27, 2020.

As Gunn was walking back to his office, he was feeling good about making his vote quota because he knew Manly Barton would be with him. More than one person interviewed for this article remembered seeing the two men at a local restaurant late Wednesday night, off by themselves at a small table. It was there that Barton gave Gunn his answer: "I'm going to go with you. If it beats me, it beats me, but it is the right thing to do. This one is for my family." And as he wrote two days later on Facebook, "When my grandchildren and great-grandchildren look back at this moment in time I want them to be proud of what I did and believe that I made the right decision. I want them to have a bright future and live in a state that they can be proud of."<sup>130</sup>

One representative remembers talking with Barton later that morning in the back of the chamber, "He pulled out a photo of his grandchild. 'This is who I'm doing it for,' he told me. When I talked with Manly I knew we were changing it. No doubt in my mind."<sup>131</sup>

For those in opposition to changing the flag, their options to undermine the momentum that continued to intensify were quickly narrowing. The threat of a gubernatorial veto was off the table. There would be no party retaliation as Lucien Smith, chairman of the state Republican Party, and former Republican Governor Phil Bryant were among the growing number of GOP leaders who had endorsed a new flag. Virtually every major religious denomination in the state was on record in support of a new flag, with the exception of the United Pentecostal Church, which had delivered letters to the capitol on Wednesday urging a public vote on any change to the 1894 flag.<sup>132</sup> Nevertheless, with the legislative leadership fully on board, there were no favors available to the opponents to hand out, and any calls coming from back home opposed to a new flag were being matched, if not overwhelmed, by the proponents for change.

Ultimately, the only currency inside the capitol building are votes. Bills live or die by votes. If you supported the 1894 flag and were desperately looking to derail the momentum for change, you would do that by claiming you had the votes to prevent the passage of the suspension resolution. And that is precisely what Senator Chris

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<sup>130</sup> Interviews with Manly Barton and Philip Gunn.

<sup>131</sup> Interviews with Kent McCarty and Jansen Owen.

<sup>132</sup> Interviews with David Blount, Hob Bryan, Philip Gunn, and Jason White; Lindsay Knowles, "Mississippi Pentecostal Organization Calls for a Vote on the State Flag," *WLOX-TV* news story posted on June 25, 2020.

McDaniel did on Thursday morning.

McDaniel was first elected to the state Senate in 2007 from Jones County in south Mississippi. In the years following the passage of the Affordable Care Act in the spring of 2009, when the “Tea Party” wing of the Republican Party was at the height of its influence, McDaniel came to be seen as one of their most vocal spokesmen. But he rocketed to fame in 2014 when he came within a few hundred votes of upsetting six-term U. S. Senator Thad Cochran in the Republican primary election that year.

About the time the coaches were finishing up their press conference, McDaniel posted a video on his Facebook page, styled as an “update on the flag,” in which he made a remarkable claim:

We still have the votes to hold the line in the senate. The individuals who want to change the flag, they have to suspend the rules to bring this bill up. They do not have the two-thirds vote they need to do that just yet. We are holding the line and we don't anticipate many or any of our senators moving away from that line.

He was soon telling reporters that “there are about 20 or 21 senators who are rock-solid in their conviction that changing the state flag should only be decided by another referendum.”

Twenty senators would stop a two-thirds vote in its tracks. McDaniel's claim was the political equivalent of “throwing a wrench into the works.” If legislators believed him, then any movement to change the flag would come to a grinding halt. The Facebook video was ultimately viewed more than twenty-seven thousand times.

While initially creating a stir among insiders at the capitol, the ultimate obstacle for McDaniel was that others were also counting votes, and their tally was dramatically different. When a reporter caught up with Hosemann to get his response to McDaniel's claim, he observed drily, “Senator McDaniel has been here longer than I have, so he certainly would be a knowledgeable source, but not necessarily accurate.”

Another more serious problem with McDaniel's video presentation was an accusation he made against his fellow senators:

These are the days you find out who has a backbone. These are the days we find out who will stand with the people as opposed to with the special interests. You will see who has the real mettle to stick out a tough issue.<sup>133</sup>

With that one claim, McDaniel undermined his credibility among a number of his colleagues. If legislators knew anything about the vote they were being called to make, they knew the politically safest and easiest vote was to punt, just like legislators did in 2001, and mandate another public referendum on the question of changing the flag. The evidence was all over their social media platforms. Facebook had become the vehicle of choice for legislators to inform their constituents, and the comment section for the posts had become the repository for the reaction.<sup>134</sup>

While social media commentary rarely, if ever, reflects the entirety of a legislator's district and while the number of supportive comments generally outnumbered the negative during this week, it was the sheer number and depth of the negative that stood out. After Manly Barton disclosed his decision on Facebook, close to three hundred comments were quickly added to the post, with many concurring in the sentiments of one person who wrote, "You have betrayed the very people who put you in office. You're a coward and a disappointment." Another made it more personal: "All your time in the military. You want military respect while you are spitting on our Civil War soldiers' graves. You don't deserve respect."

More than five hundred people left comments on Representative Jody Steverson's post. Among them were, "You and all your friends seem to be getting closer and closer into pushing people into a civil war. I am so sorry I voted for you, and believe it when I say I will vote for a rat before I vote for you again." Representative Kent McCarty's statement generated almost eight hundred and fifty comments while more than a thousand people left a staggering display of invective on Representative Jansen Owen's Facebook page, including pictures of

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<sup>133</sup> McDaniel's "update" was posted at <https://www.facebook.com/senatormcdaniel/videos/2048107235320605> on June 25, 2020, at 9:53 a.m.; Luke Ramseth and Giacomo Bologna, "The Nation is Watching," *Jackson Clarion-Ledger*, June 26, 2020.

<sup>134</sup> Interviews with Hob Bryan, Scott DeLano, Josh Harkins, Delbert Hosemann, and Leah Rupp Smith. The Facebook posts described in the following paragraphs were all pulled from the respective Facebook pages of identified legislators and were discussed in interviews with Manly Barton, Sam Creekmore, Kent McCarty, Jansen Owen, Jody Steverson, and a confidential source.

his children accompanied by subtle threats and the wish that he would “catch cancer and die.”

More than one legislator had to endure comments that combined the pandemic with the hope he or she, “would catch COVID, have to go to the emergency room and there would not be any ventilators available.” Representative Sam Creekmore’s Facebook page included this entry: “You are one sorry communist piece of crap. I hope everywhere you go, whether it’s out to eat or the grocery store that people come up to you and tell what a sorry SOB YOU are.”

Then, there was this four-word declaration left for Senator Rita Parks after she announced her support for a new flag: “Burn in hell bitch.”

Legislators who used social media to explain their votes felt the sting of comments that went beyond the pros and cons of the issue to include personal attacks, threats of retaliation, and worse. Ironically, though, for many on the receiving end of this hatred, the viciousness bolstered their resolve: the more extreme the opposition became, the clearer the choice became. As one legislator remarked, “The pain and suffering were temporary. The vote was permanent.”<sup>135</sup>

While the coaches’ press conference was part of a critical series of public events that helped to sustain momentum throughout the week, it was their private conversations with individual legislators, describing real experiences with student-athletes, that helped to influence votes. By now the private sector lobbyists were focused exclusively on the Senate, connecting with each other throughout the day, exchanging information, and making plans for evening conversations. The outreach effort managed by the MEC/Alliance organization was generating thousands of calls and messages into the capitol. By the end of the week, for example, Senator Scott DeLano’s phone had recorded more than thirty-eight hundred text messages. Senator Sally Doty said later, “My cell phone sounded like a slot machine. It was going off every second with a new text message or email. By the end of the week, I was getting three thousand messages a day.” The individual meetings on the House side were no less concentrated as the Speaker and his team were on the verge of having the votes they needed. As one representative remembered those last few days in June, “Every vote the Speaker got caused a ripple through the House. Members wanted

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<sup>135</sup> Confidential interview.

to be on the winning side.”<sup>136</sup>

In constant touch with Henry Barbour, Chip Pickering was helping to coordinate phone calls from Ligon Duncan, Roger Wicker, and others to targeted senators. As Wicker once said, “I thought my most important contribution to offer was that I had endorsed a new flag, won a re-election campaign, and had lived to talk about it.” Thinking back to conversations he had with undecided senators in the closing days of the week, Andy Taggart remembered, “Not one senator wanted to keep the old flag. The hurdle was the 2001 referendum. Could they back up from a promise made in the campaign to let people vote on any change? In the end, I think, enough of them realized this was a once-in-a-lifetime moment that they needed to take.” Throughout the day, more statements in support of a new flag made their way into news coverage, including the Mississippi National Baptist Convention, the major African American Baptist denomination in the state, and Faith Hill, the well-known Mississippi country music star.<sup>137</sup>

The travel schedule of Lane Kiffin represented one of the many instances in which this week became the one that people all over Mississippi set aside what they had planned in order to participate in the flag campaign at the state capitol. Mississippi had made national headlines six months earlier when the University of Mississippi chose Lane Kiffin as its new head football coach and Mississippi State University hired Mike Leach in the same position for its team. Both coaches were well known in the broader college football world, and their announcements had generated considerable excitement in the state’s fan base. When MSU President Mark Keenum and University of Mississippi Chancellor Glenn Boyce committed on late Wednesday afternoon to have their coaches at the Thursday morning press conference, they had no idea where Leach and Kiffin were. What they knew was, given their high profiles, that they had to be in attendance. As it turned out, Kiffin was visiting his family in California and Leach was in Florida. Keith Carter, University of Mississippi athletic director, vividly remembers getting Boyce’s call late Wednesday afternoon from

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<sup>136</sup> Interviews with Henry Barbour, Scott DeLano, Sally Doty, Kent McCarty, Jansen Owen, and Scott Waller.

<sup>137</sup> Interviews with Henry Barbour, Ligon Duncan, Chip Pickering, Andy Taggart, and Roger Wicker; Associated Press, “Flag Continues to Spark Strong Debate,” *McComb Enterprise-Journal*, June 27, 2020; Giacomo Bologna and Luke Ramseth, “Tensions Flare as Legislators Push Off Flag Vote,” *Jackson Clarion-Ledger*, June 27, 2020.

the capitol with the instructions: how many coaches can you get to Jackson the next morning for a press conference and where was Lane Kiffin?

Carter knew Kiffin's whereabouts, though before he called his head coach, he found the pilots for the university plane and told them to make the necessary arrangements for a flight to California. The pilots realized immediately it would be an eight-hour round trip flight in the middle of the night, which gave them little margin for delay. Only then did Carter call Kiffin. After hearing the news, he asked when and where should he meet the pilots. While the plan evolved over the evening that Kiffin's plane would meet the rest of the coaches in Oxford early Thursday morning, allowing everyone to fly to Jackson together, rough weather in north Mississippi forced the plane to head directly to Jackson. Driving down that morning, Carter had a new problem to resolve: Kiffin had no suit for the press conference. After first arranging to have a supporter pick Kiffin up at the airport, Carter then coordinated a suit purchase at a local men's clothing store on the way from the airport to the capitol. Recalling the event six months later, Carter said, "It may have been the fastest fitting of a suit on record." Leach, having traveled from Florida, was at the capitol by the time Kiffin arrived, and for the remainder of the week the two men set aside their SEC rivalry and worked together on behalf of a new flag.<sup>138</sup>

Lee Weiskopf, the Mississippi State University lobbyist, captured this period of hectic, intense, lack-of-sleep work at the state capitol when he remarked eight months later, "If you would have told me those two weeks in June were just one day, I wouldn't argue with you."<sup>139</sup>

Before they left the capitol for dinner meetings with legislators, Kelly Wright, Camp Murphy, and Clarke Wise huddled with Nathan Upchurch to compare notes and trade information. They all agreed they were three votes shy of the goal of thirty-five in the Senate, and they were down to only four possibilities. On the House side, Representative Shanda Yates remembered having dinner with a number of her Republican colleagues in the House: "The mood was good. They were proud of what they were about to do, and they thought they had the votes."<sup>140</sup>

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<sup>138</sup> Interviews with Glenn Boyce and Keith Carter.

<sup>139</sup> Interview with Lee Weiskopf.

<sup>140</sup> Interviews with Camp Murphy, Leah Rupp Smith, Nathan Upchurch, Clarke Wise, Kelly Wright, and Shanda Yates.



Two of those four in the Senate had spent the afternoon at the Governor's Mansion conferring with Tate Reeves, talking through the various options and the prospects of what might happen on a roll call vote. Of the thirty-six Republican senators who would be voting on any legislation, twenty-five had served during all or part of the eight years Reeves was lieutenant governor. Many of them were friends and allies. Senator Sally Doty was there that afternoon: "Tate and I both came to the Senate in 2012, and we had worked closely together. We covered a lot of ground in that discussion, and it was important to me that we were together on this issue."<sup>141</sup>

Listening to McDaniel's video later that night was Jeremy England, a thirty-seven-year-old attorney and freshman senator from Jackson County on the Gulf Coast. Senator Brice Wiggins represented the southern portion of the county, along the water, while England's district covered the northern part of the county, including many of Representative Manly Barton's constituents. Just the year before, England had won the seat in the Republican runoff election by only thirty-eight votes, out of 7,678 total cast.

Like many of his colleagues, England had checked the box for the 1894 flag in the 2001 referendum, though, also, like many of his colleagues over the ensuing twenty years, he had witnessed White supremacists and other hate groups appropriate the Confederate battle flag as their own. If a state flag should serve to unify a people, England came to believe, the 1894 banner no longer met that goal. "I had a black classmate at Mississippi State," England once remembered, "and one night, when we were talking, he said, 'When I get older and have a family, my children will go to the public schools, and every morning they will have to walk under that flag and know what it means for their family and their ancestors.'"

By the start of 2020, England was ready to support a new flag, but assumed it would never come up during the session, and, if it did, it would be the subject of another referendum. Nevertheless, six months later, as the week's events were unfolding, he came to share the same feeling of many of his colleagues—at this moment in time, we have a historic opportunity to do something for the state and our children and grandchildren. On Wednesday morning, he told Nathan Upchurch he would vote with the lieutenant governor and early Thursday used

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<sup>141</sup> Interviews with Sally Doty and Tate Reeves; confidential interview.

his Facebook page to inform his constituents. Over the next few days, more than seven hundred and thirty comments were appended to his post, many offering him congratulations but many others vowing to campaign against him. The comments ranged from “blah, blah, blah . . . long-winded speech to confuse the people about your cowardice,” to “you will regret this decision when you are walking out of your office with your stuff.”

Late into the night, after reading all the comments and listening again to McDaniel complain about spineless politicians, England decided to respond the next day.<sup>142</sup>

### Friday, June 26

Friday morning started early for Josh Harkins. He had been up all night working on legislation coming from his Senate Finance Committee, and at 1:59 a.m., Harkins posted on Facebook what his Senate colleagues already knew:

For me it is simple, I don't need to look any further than across my kitchen table at my children. I can't tell them that this flag represents the best part of Mississippi . . . its people. It should.<sup>143</sup>

One senator remembered his response to reading the post, “I had a son and daughter. My son is voting for the very first time. He wants it. My daughter wants to see that happen. You can't separate it. When I saw Josh's post, I knew then it was going to pass. The world had changed in the last twenty years.”<sup>144</sup>

Among all of the powers vested with the Speaker of the House and the lieutenant governor, as president of the Senate, is the near-complete discretion in choosing whether to recognize a member on the floor for a motion or speech. One exception is the point of personal privilege, a short speech to the entire chamber reserved for those times when the reputation of a member has been called into question, or for some other highly personal reason. It was that exception Jeremy England intended to invoke during the morning session.

In the meantime, legislators opposed to change had held a strategy

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<sup>142</sup> Interview with Jeremy England.

<sup>143</sup> Interview with Josh Harkins.

<sup>144</sup> Interview with Brice Wiggins.

session at a local hotel early that morning, generating a new set of rumors. Word began circulating around the capitol that Gunn and his team had the votes they needed to suspend the rules. No one on the House side ever confirmed it publicly, but by the middle of the day, enough people were talking about it that the pressure on the Senate became more intense.<sup>145</sup>

Then, as the Senate was finishing its morning business, Delbert Hosemann recognized England for his point of personal privilege. This was one newspaper's account of what happened:

England spoke slowly and deliberately from the podium on the Senate floor. He never mentioned McDaniel, but stared directly at him. McDaniel crossed his arms and stared back. England said he would never accuse a fellow senator of lacking backbone. "I'm here, backbone in place, standing as strong as I can under this dome. Let me just be blunt, this flag, if we let it, it's going to tear us apart. . . That flag is going to change. It's going to. But the longer we put it off, the worse it's going to be on all of us in this room." England told his fellow lawmakers that he wouldn't back down either. "I have a backbone," England said. "I am going to hold the line." After England's speech, several Democrats and Republicans stood for an ovation.<sup>146</sup>

One of the senators listening quietly in the back of the chamber to England's speech recalled its importance: "The significance of what Jeremy said cannot be overstated, and it set the tone for the rest of the debates. For days, tensions had been running high, and it felt like it could spill over into the Senate chamber at any moment. Everyone was under enormous pressure, but Jeremy never pointed fingers, never took McDaniel's bait, but instead talked about the issue from his perspective. Members viewed it as sincere and respectful rather than argumentative, and, as a result, it gave everyone a good feeling going into the weekend. Jeremy helped to ease the tension and set the bar for the next few days."<sup>147</sup>

While no one knew it at the time, England's point of personal privilege was the last of the public events that had shaped and defined

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<sup>145</sup> The Friday morning meeting held by the opponents was mentioned by a number of legislators and lobbyists I interviewed. Almost all of the senators I interviewed had heard during the course of the day on Friday that the House had its required number of votes to suspend the rules.

<sup>146</sup> Giacomo Bologna and Luke Ramseth, "Tensions Flare as Legislators Push Off Flag Vote," *Jackson Clarion-Ledger*, June 27, 2020.

<sup>147</sup> Interviews with David Blount, Scott DeLano, Jeremy England, and Leah Rupp Smith.

the eight days leading up to his Friday morning speech. From the announcements by the SEC and NCAA, statements of religious leaders and church organizations, the release of the MEC poll and its outreach activities with local business owners and executives, endorsements from trade and professional associations, university presidents, school officials, businesses, entertainers, and athletes, to the coaches' press conference, the attention and pressure brought to bear on individual legislators inside the state capitol had been both extraordinary and unprecedented. Moreover, the news coverage of the legislature's consideration of a change to the state flag had been relentless and had contributed to the momentum felt by anyone inside the capitol. Reporters were constantly updating their stories in the online editions of their newspapers and issuing their own tweets and Facebook posts, which were followed—and acted upon—by tens of thousands of readers throughout the state and across the country. When it became clear that an entire week would be consumed by the possibility of a new flag, reporters, editors, guest columnists, bloggers, and talk show hosts began to chronicle the unfolding events in real-time. Not only did the unrelenting coverage add to the urgency everyone was feeling at the capitol, but by drilling deep into their districts it ensured a legislator's vote would be known and remembered.

As the day wore on, and as the focus shifted to the handful of votes still needed in the Senate, Representative Robert Johnson could feel the tension swing to the other side of the capitol:

We thought we had the votes, but the Senate didn't. Do you force it down the Senate's throat or wait for them to get the votes? The Speaker was protecting his members. The Senate had to get the votes before we would move. At one point, we heard some in the Senate wanted a provision to preserve the Confederate monuments. The Speaker called me to see if my group would be okay with these provisions. We both agreed it was a bad idea. This was a vote about the flag.<sup>148</sup>

By seven o'clock on Friday night, Gunn had concluded he had done all he could do. He either had the votes or he didn't. He convened a meeting with Trey Dellinger, TJ Taylor, Jason White, and Nathan Wells and told them "it's time to double-check my count." Gunn had conferred with Robert Johnson earlier in the day and confirmed every one of the forty-four Democrats were good. And he knew the two

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<sup>148</sup> Interview with Robert Johnson.

Independents would be with him. Gunn needed thirty-five Republicans in his caucus to get to the magic number of eighty-one to suspend the rules. His private count was at thirty-eight. He assigned members to Dellinger, Taylor, White, and Wells and asked them to verify three votes: YES to suspend the rules, NO on any amendment to require a public vote on the 1894 flag, and YES on the actual bill to change the flag. Gunn wanted a final count before he went to bed. He told his team to make the calls and let him know. Within the hour, all four had reported the results. Gunn's count of thirty-eight was solid. More than half of his caucus would be voting the next day to do something no one thought possible eight days earlier. Gunn would make his move on Saturday morning.<sup>149</sup>

Having heard from Gunn's team, Representative Jody Steversson knew the vote was imminent. It was time to let his north Mississippi constituents know what he planned to do. At 8:37 that night, he posted the following on his Facebook page:

After serious thought and consideration, I have made the decision to vote in favor of retiring the state flag. Our State faces serious economic impact if we continue flying our current flag, a flag that doesn't unite all the people of Mississippi but divides us. Several options were discussed by the leaders of our State, but the implications of not removing the current flag could not wait until a referendum could be placed on the ballot. This was a tough decision as I heard from some in my district who wanted to keep the current flag. I want all Mississippi children to grow up in a state not clinging to its divisive history but focused on a more united future.<sup>150</sup>

On the other side of the capitol, Hosemann had picked up another vote earlier in the day and was now shy of the goal by two, with only three undecided senators remaining. With legislators scattered among restaurants throughout the Jackson area that evening meeting with lobbyists and their colleagues, Leah Rupp Smith had chosen a small party to whom she would make one last pitch. Meanwhile, in his office on the third floor of the capitol, Nathan Upchurch looked at his list and knew instinctively the one undecided senator he had to call—an old family friend from Attala County, Sally Doty, who had moved to Brookhaven and who represented conservative Lincoln County

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<sup>149</sup> Interviews with Trey Dellinger, Philip Gunn, Robert Johnson, TJ Taylor, Nathan Wells, and Jason White.

<sup>150</sup> Interview with Jody Steversson.

in the southwest region of the state. Two hours later, they gathered around a table at Char, a local Jackson restaurant. Doty remembered the conversation a year later: "Rumors about vote counts had been rampant all day, but it was not until Nathan showed me his list that I realized how close it was. It was very, very close. He had some yes votes I didn't know about. I told Nathan I'd let him know my decision the next morning."<sup>151</sup>

About the time everyone was finishing up with their dinner conversations, Briggs Hopson made it back to the capitol to sign conference reports on more than seventy bills that would appropriate billions of dollars in state funds. Friday night was the deadline to file the reports and Saturday morning was set aside for the full Senate and House to consider and vote on the legislation. As chairman of the Senate Appropriations Committee, Hopson was the lead Senate conferee. All week long, Hopson had been managing the negotiations on behalf of the Senate with his House colleagues at the same time he was helping to plan the memorial service for his father, which had taken place earlier that day.<sup>152</sup>

As midnight was closing in, Upchurch reported to Hosemann the two senators they needed to make their count would let them know in the morning; Doty had returned home, knowing she held one of those two decisive votes; Hopson was finishing up at the capitol, having been asked by Hosemann to manage the rules suspension resolution on the floor of the Senate; Jason White was making the final edits to the most important speech he would probably ever deliver on the floor of the House; and Philip Gunn took a minute to reflect on the last five years. What might happen in less than twenty-four hours was nothing short of a miracle, he thought.

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<sup>151</sup> Interviews with Sally Doty, Delbert Hosemann, Camp Murphy, Lindsey Simmons, Leah Rupp Smith, Nathan Upchurch, Clarke Wise, and Kelly Wright.

<sup>152</sup> Interview with Briggs Hopson.

### **The Vote** **Saturday, June 27<sup>153</sup>**

A year later, thinking back on those last few days in June of 2020, Senator Briggs Hopson was quick to remind anyone that consideration of a change to the state's flag was not on the Senate's agenda four weeks earlier. The legislature had returned to Jackson to complete its regular session business—appropriating more than \$22 billion to fund the state's budget; grappling with all of the disruptions caused by the pandemic (including allocating \$1 billion in emergency COVID-19 money from the federal government); approving millions of dollars for construction projects; and addressing a myriad of other issues.

Since Hopson and Josh Harkins were the Senate's lead negotiators for all things financial, they were in Hopson's office early Saturday morning getting ready for a morning packed with votes on hundreds of bills. It was about nine o'clock when Philip Gunn made a surprise visit. He told them about his vote count from the previous night and made one request of the two senators: "As soon as you confirm you've got the votes, let me know, and we'll move on the suspension resolution. I don't want to move in the House until you know you've got them in the Senate."<sup>154</sup>

Driving into Jackson that morning, Sally Doty had made her decision: the vote count from Upchurch had convinced her. This once-in-a-lifetime opportunity for her state was too great to pass up. The resolution was not going to die on her vote. Before calling Upchurch to let him know, she called Reeves. They had not talked since their Thursday afternoon conversation. After she told him what she wanted to do, he asked, "Would it be helpful if I issued a statement to support you?"<sup>155</sup>

By the time Hopson and Harkins had walked upstairs to the lieutenant governor's office to convey the news from Gunn, Upchurch had heard from Doty and her colleague that they were both "yes" votes. Leah Rupp Smith was there. They had thirty-five votes. All that was

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<sup>153</sup> The descriptions of the floor debate, the quotes from the speeches, and the timing markers are based on the video recording of the floor proceedings and the entries in the respective House and Senate Journal pages from that Saturday. The video recording is available on YouTube.

<sup>154</sup> Interviews with Philip Gunn, Josh Harkins, and Briggs Hopson.

<sup>155</sup> Interviews with Sally Doty and Tate Reeves.



left to do was confirm the votes and inform the Speaker. Only then did the weight of the moment sink in. A state flag that had flown for 126 years was about to come down.<sup>156</sup>

A few minutes later, Governor Reeves, as he had promised Doty, settled the matter when he posted the following on his Facebook page:

The legislature has been deadlocked for days as it considers a new state flag. The argument over the 1894 flag has become as divisive as the flag itself and it's time to end it. If they send me a bill this weekend, I will sign it. For economic prosperity and for a better future for my kids and yours, we must find a way to come together.<sup>157</sup>

While both the House and Senate spent the morning voting on appropriation bills, the galleries in both chambers were filling up with people who had come to witness the historic occasion. Meanwhile, lawyers for the House and Senate worked to finalize the provisions of the resolution, and Hosemann, Smith, and Upchurch quietly conferred with each senator and confirmed their earlier commitments. Around eleven thirty, Philip Gunn got the call he was waiting for from the Senate: "We've confirmed our vote. You need to go to the floor."<sup>158</sup>

There would be no lunch break for House members that day. Fifteen minutes later, Gunn convened a meeting of the Republican caucus. GOP House members crowded into a committee room on the second floor of the capitol where he broke the news everyone was expecting. Within the hour, the full House would consider a resolution to suspend the joint legislative rules to allow for consideration of a bill to change the state's flag. The Speaker himself would introduce the resolution, known as House Concurrent Resolution 79. Robert Johnson would be his co-author. Jason White would manage it on the floor. Even though Gunn announced he had the necessary votes to approve the resolution, opponents spent the better part of an hour in the caucus making the case against the move.<sup>159</sup>

A few minutes before one o'clock, the caucus adjourned, and the House Rules Committee took all of five minutes to approve the

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<sup>156</sup> Interviews with Sally Doty, Josh Harkins, Briggs Hopson, Leah Rupp Smith, and Nathan Upchurch.

<sup>157</sup> Interview with Tate Reeves.

<sup>158</sup> Interviews with Trey Dellinger, Philip Gunn, Leah Rupp Smith, and Nathan Upchurch.

<sup>159</sup> Interviews with Nick Bain, Philip Gunn, Trey Lamar, Kent McCarty, Missy McGee, Jansen Owen, and Jason White.

resolution for floor debate, with Lincoln County Representative Becky Currie casting the lone vote in opposition. By now, everyone in the capitol and everyone following the cause on social media knew the time had come.<sup>160</sup>

At 1:13 p.m. on Saturday afternoon, Speaker Gunn called the House to order and recognized Representative Jerry Turner, chairman of the Rules Committee, to offer the resolution for consideration.<sup>161</sup> TJ Taylor was on the floor, standing off to the side. Like everyone else packed into the chamber that afternoon, he could scarcely believe the improbable series of events that had brought all of them to this hour of this day. He had never felt the “movement of history” on the floor of the House before, but he did now. One representative remembered, “There was a heaviness in the building. It was emotional for so many people for so many reasons. Some of my Republican colleagues were making a vote they thought might end their careers. My colleagues in the Black Caucus were living through something they never thought they would ever see.” Members were getting texts and emails from spouses, children, parents, and friends all over the state and the country, who were watching via the live video feed on the legislative website. As another representative recalled, “It was a once-in-a-lifetime experience.”<sup>162</sup>

Turner yielded the floor to Jason White, who began his presentation:

Thank you Mr. Speaker, Mr. Chairman, Ladies and Gentlemen of the House. I rise before you today in this chamber. The eyes of our state, the nation and indeed the world are on this house. History will be made here today. Whether we like it or not, the Confederate emblem on our state flag is viewed by many as a symbol of hate. There is no getting around that fact. We cannot sit here and deny it. You and I cannot carry the banner of freedom in one hand and the banner of hate in the other. It does not work that way. It is simply the right thing to do. This is not about erasing history, but about making history.

After explaining what the underlying bill would do—repeal the law that prescribed the 1894 flag, establish a commission to design a new flag, require “In God We Trust” as part of any new design, and authorize the new design to go on the November ballot for an up or down vote—

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<sup>160</sup> Interviews with Philip Gunn and Jason White.

<sup>161</sup> *House Journal*, 2020 Regular Session, 1104.

<sup>162</sup> Interviews with Trey Lamar, Missy McGee, Jansen Owen, TJ Taylor, Jason White, and Shanda Yates.

White ended with, “It is time to exercise our responsibility today. It is time to adopt a new state flag that’s rooted in the best traditions of that liberty and that justice for all that we talk about, and let’s move forward together.”



*Representative Jason White explains a bill to remove the Confederate battle emblem from the state flag. Photo courtesy of Rogelio V. Solis.*

As White moved away from the lectern, the Speaker recognized Gulf Coast Representative Jeff Guice, who stood before the House and offered the amendment everyone was anticipating—to provide for a special election on the question of whether or not to retain the 1894 flag. As drafted, the resolution not only repealed the law that authorized the 1894 banner as the state’s official flag but prohibited the commission, in recommending a new design, from including the Confederate battle emblem. Guice’s amendment proposed to leave the future use of Confederate symbolism in the hands of the voters.<sup>163</sup>

It was at the precise moment after Guice had given a short explanation of the amendment, that no one knew what would happen next. Twenty of Guice’s colleagues had coauthored the amendment. Would any of them take up the cause of an election? Would any of them deliver an impassioned speech on behalf of the history represented by the Confederate flag? Would anyone berate the Black Lives Matter movement or complain about the SEC and NCAA forcing Mississippi’s back up against the wall? And if those speeches did materialize, how would the proponents react? More than one representative was on the edge of his or her seat watching and waiting. Representative Nick Bain remembered the feeling: “The air was so tense. I’ve never been in a room my whole life where it was that tense.”<sup>164</sup>

As it happened, no one posed any question to Guice, and no one else spoke on the amendment. Given what they heard from Gunn at the

<sup>163</sup> *House Journal*, 2020 Regular Session, 1104-1105.

<sup>164</sup> Interviews with Nick Bain, Manly Barton, Chris Bell, Sam Creekmore, Trey Lamar, Kent McCarty, Missy McGee, Jansen Owen, Jason White, and Shanda Yates.

Caucus meeting, the opponents knew the count. They also recognized the intensely personal nature of what each member was being asked to do. Grandstanding would likely backfire. Everyone stood down, and the amendment was easily defeated on a voice vote.<sup>165</sup>

Of the 119 representatives who voted on the resolution that Saturday afternoon, only twelve had served in 2001 when the legislature dodged the issue and authorized the referendum on the 1894 flag. Among that dozen was Ed Blackmon, and when it became clear there would be no other speeches, and that the resolution was going to pass in record time, Blackmon rose to address his colleagues. He recalled the ugly experiences from his service on the earlier Musgrove commission, said it was wrong to have required the referendum, and then closed with:

When you walk into this building every day and you look at that podium, I would guess that a lot of you don't even see that state flag in the right corner up there. Some of us notice it every time we walk in here and it is not a good feeling. It ought to be something that we all feel a sense of pride that when we see it we know it is about not just some of us, but all of us.<sup>166</sup>

Remembering the moment a year later, Jason White said, "You could feel the weight of history in that chamber. I had never felt anything like that before and I don't know if I ever will." With all of twenty-nine minutes having elapsed since he first explained the resolution, White was once again recognized by the Speaker. Hearing White move adoption of the resolution, Philip Gunn delivered the instruction: "Open the machine, Madame Clerk. If you favor the resolution, vote aye, if you are opposed, vote nay."<sup>167</sup>

On either side of the House chamber, there are huge electronic boards that display the name of each member. Beside each name is a green light for "yes" and a red one for "no," and on each member's desk is a small box with corresponding green and red buttons. While people on both sides of the issue, on the floor, in the galleries, and watching the live video feed, were holding their breaths, green lights and red lights popped up on the board. Although it is relatively easy to determine by looking at the lights if a measure has obtained a majority vote, it is next to impossible to gauge whether a two-thirds vote has

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<sup>165</sup> *House Journal*, 2020 Regular Session, 1105.

<sup>166</sup> Interview with Ed Blackmon.

<sup>167</sup> Interview with Jason White. White credits Trey Dellinger with helping to write and edit his House floor speech.

been achieved. Only next to the Speaker's lectern is there a screen that displays the actual numerical vote total. After a few minutes, and as he had done hundreds of times, the Speaker intoned, "Has everyone voted, has everyone voted? Close the machine, Madame Clerk."

Gunn's next words—"by a vote of eighty-four to thirty-five, the resolution passes"—set off a wave of emotion that one representative described as "nothing short of intoxicating." Many applauded and hugged; others wept, including Chris Bell: "The board lit up, and I put my head down and shed a tear. I didn't believe I would live to see that change. It was a glorious day." Representative Jarvis Dortch barely had time to snap a photo of the board before he was overcome with emotion: "Until we voted on that resolution, I didn't think it would happen. But when I saw that it was real, it hit me. I didn't expect the emotional response that came over me. It not only felt really special, but I felt relief."<sup>168</sup>

Standing alone at the front of the chamber, on the Speaker's dais, Gunn waited a few minutes and picked up his gavel with the thought of enforcing some order. Anyone watching the video feed could see him raise the gavel but then think twice about using it. He quietly laid it back down so the celebration could continue. Folding his hands on the podium, Gunn at least allowed himself a little smile.

Thinking back on that moment a year later, Robert Johnson said:

I was certainly proud. It's funny, though. You know the first thing I thought about? Now, if I want to wear a pin that had the flag of the State of Mississippi on it when I travel or when I walk around the State, I can do that! I won't have to put it in my pocket or throw it away.<sup>169</sup>

Then something happened that was unexpected. Gunn recognized Representative Turner who moved for the immediate release of the resolution to the Senate. In the normal course of business, a legislative measure that has passed is subject to a motion to reconsider for twenty-four hours after passage. In other words, it is not forwarded to the Senate until that twenty-four-hour period has expired, unless a motion for immediate release is approved.

To Briggs Hopson's astonishment, no one objected to Turner's

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<sup>168</sup> *House Journal*, 2020 Regular Session, 1105; interviews with Chris Bell, Jarvis Dortch, Trey Lamar, Missy McGee, Jason White, and Shanda Yates.

<sup>169</sup> Interview with Robert Johnson.

motion. House Concurrent Resolution 79 was headed his way. He was crowded in Delbert Hosemann's office, along with other senators and staff members, and had been listening to the House debate over the capitol's internal speaker system. Hopson had assumed someone would "hold" the resolution on a motion to reconsider. In other words, the resolution would not show up until Sunday afternoon at the earliest, meaning that he would have time to go home, get a good night's sleep, and have time to prepare his remarks. Immediate release meant the Senate would take up the resolution in less than two hours. All eyes turned to Hopson. He had given no thought to what he might say. He had just buried his father. And he had spent all morning in front of the Senate managing appropriation bills. Hosemann looked over at Hopson and asked, "Briggs, you ready?" With nothing but a stunned look on his face, everyone in the room knew at once what had happened. Hopson got up to head to his office and said, "Y'all got to give me some time to collect my thoughts."<sup>170</sup>

Two hours later, the Senate had received the resolution from the House, the Rules Committee had approved the resolution, and Lieutenant Governor Delbert Hosemann was ready to convene his members. By this time, the galleries overlooking the Senate chamber were not only filled to capacity, but nearly two dozen House members had gathered among Senate staff members all along the walls of the chamber to watch the historic action. As one senator remembered, "House members were on the floor, the galleries were packed. There were people everywhere, and it was so hot in that chamber. It was as if there was electricity in the air. I've never felt anything like it."<sup>171</sup>

A few minutes before Hosemann called the Senate to order, Gulf Coast Senator Scott DeLano saw his old House colleague Philip Gunn standing on the other side of the chamber. He walked over to say hello, and there on the packed and busy Senate floor a quiet reunion occurred. Five years earlier, almost to the day, Gunn had made his now-famous declaration about the flag and then Representative DeLano had told a reporter that "he proudly supported Gunn's statement and looked forward to making this vote." DeLano had won a very close race for the Senate in the 2019 elections and remembered:

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<sup>170</sup> Interviews with Briggs Hopson, Delbert Hosemann, Leah Rupp Smith, and Nathan Upchurch.

<sup>171</sup> Interviews with David Blount, Hob Bryan, Sally Doty, Jeremy England, Josh Harkins, Briggs Hopson, John Horhn, and Brice Wiggins.

During all of my door-to-door canvassing, I was asked constantly about the flag, and I told everyone, “You don’t have to worry, because they will never get the votes in the House to do this. It will never get to the Senate.” Now, only eight months later, I could not have imagined all that had transpired for the resolution to pass the House, but it did. So, I walked over to congratulate Philip on his win, and he said, “You going to be good on this?” He asked me this because he knew I’ve been telling everyone I was a “no” vote. But, we looked at each other, and I told him, “Philip, I’ve been with you. In your heart, you have always known I was with you on this.”<sup>172</sup>

At 4:16 p.m., Senator Josh Harkins posted a short entry on his Facebook page: “Senator Briggs Hopson is taking up the Suspension Resolution on the floor of the Senate to allow a bill to come forward to change the state flag. Say a prayer for everyone on both sides of this issue.”

A year later, Harkins recalled, “For the first time all month, the galleries were full of people, representatives were all along the walls, it was electric and tense. I just watched the room and noticed how quiet it was. It was something like I’d never seen in ten years.” Another senator agreed, “The feeling that something historic was about to happen was real.”<sup>173</sup>

Hopson, a four-term Republican senator from Warren County, home of the Vicksburg National Military Park, one of the nation’s most storied Civil War battlefields, arranged his notes on the podium in the well of the chamber, surveyed the packed crowd before him, and began:

Thank you Mr. President. Little did I know when I got up this morning that I would be here at this time. But, today, you and Mississippi have a date with destiny. Destiny is calling and I want to know if you will answer today. We’ve got a decision to make. Which direction is Mississippi going to go?

After providing some arguments for the adoption of a new flag, Hopson ended with a simple observation:

We need to put our best foot forward. We need to say to the rest of the world that we are inclusive and that we’ve got a flag that represents all of our citizens. This vote is about my children and my children’s children and their progeny. I believe for the future of this state, the best thing we can do is to change this flag so we give them an opportunity to be as successful as they can be, to give them opportunities to get jobs here in Mississippi. I want my kids to be in this state. I want my

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<sup>172</sup> Interviews with Scott DeLano and Philip Gunn.

<sup>173</sup> Interviews with David Blount and Josh Harkins.



grandkids to be in this state. I think if you'll reach deep down in your heart and try to make the decision about what is right for our state, I think you are going to vote with me today and pass this resolution, start the process of bringing up a bill so that we can get something new that is representative of all our people here in Mississippi.

Much like the House, for those expecting contentious debate or combative interrogations, there were none. Over the next forty minutes, Hopson explained what the resolution would do and answered a few questions. Senator Chris McDaniel urged his colleagues to vote it down while senators Barbara Blackmon and Hillman Frazier argued for its approval.

At 4:32 p.m., Hopson moved the adoption of the resolution and Hosemann instructed the clerk to call the roll. In the Senate, there is no electronic machine. The vote is taken the old-fashioned way: *viva voce*. One by one the names were called aloud by the Senate clerk, and one by one the members shouted their decision. As the senators were announcing their votes, Hosemann compared them with the count sheet Upchurch had maintained and that Leah Rupp Smith had slipped to him at the beginning of the debate. The sheet showed thirty-five senators marked YES and fifteen marked NO. They missed one.<sup>174</sup>

At the end of the roll call, while everyone was waiting and watching, the clerk counted the votes and handed the official tally to Hosemann, who, after pausing for a moment as the weight of history suddenly became apparent to him, announced the result: "By a vote of thirty-six ayes and fourteen nays, the resolution is adopted."<sup>175</sup>

The emotional outburst that followed the announcement of the vote—both in the galleries and on the Senate floor—was captured by Nathan Upchurch: "This was not normal legislative business. I will never see this again." Sitting quietly at the back of the chamber was Dennis DeBar, a twenty-year veteran of the Air Force, a second-term senator from Greene County. It was his vote for the resolution that Hosemann was not expecting. For DeBar, who made his decision a few hours before the Senate convened, it was a once-in-a-lifetime opportunity to grant the young people of Mississippi equal standing with every other state in the nation. Mississippi's future would soon be in their hands, and they deserved the chance to embrace that future

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<sup>174</sup> Interviews with Leah Rupp Smith and Nathan Upchurch.

<sup>175</sup> *Senate Journal*, 2020 Regular Session, 2265.

without a state flag that celebrated Confederate symbolism.<sup>176</sup>



*Senator Briggs Hopson is hugged by Senator Albert Butler, back to camera, after the Senate voted to change the state flag. Photo courtesy of Rogelio V. Solis.*

When asked what he felt after hearing Hosemann pronounce the count, John Horhn, an eight-term African American senator from Jackson, remembered,

No one should discount the symbolism of that old flag. It said to me, you don't count, you don't measure up, you are not equal, this is not your state. With that one vote, a huge stumbling block had been removed. A big weight had just been lifted, and I felt really good about my state.<sup>177</sup>

More than four hundred people marched in Oxford that Saturday afternoon with MoMo Sanogo, Ryder Anderson, and Donnetta Johnson, a member of the women's basketball team.<sup>178</sup> By the time the speeches began, the House had approved the suspension resolution and the Senate was an hour away from debating it. Keith Carter was there, in the crowd, getting real-time reports from Jackson and giving them to Sanogo and the other organizers. After a few hours, he texted Sanogo with the news of the Senate vote. A year later, when asked about his reaction to the legislature's action, Sanogo said:

<sup>176</sup> Interviews with Dennis DeBar and Nathan Upchurch.

<sup>177</sup> Interview with John Horhn.

<sup>178</sup> Nick Suss, "Unity march in Oxford," *Jackson Clarion-Ledger*, June 26, 2020; updated 11:56 am, June 27, 2020.

I tell you what was going through my mind. This was a tremendous moment in history, not just for Mississippi but for the country. Now we could decide on a flag that every single person in the state could be proud of. And we could carry out the Mississippi flag in all of our football games, and our other games, and have pride in it.<sup>179</sup>

### Sunday, June 28<sup>180</sup>

With the resolution approved suspending the legislative rules to allow for the introduction of a bill out of order, on Sunday afternoon Philip Gunn introduced House Bill 1796, which is reproduced in Appendix E. The nine-page bill created a commission to design a new flag, mandated a public vote on the design at the same time and on the same ballot as the 2020 presidential general election in November, prescribed a backup procedure for the commission to follow in the event the first design was rejected, required the words “In God We Trust” to be incorporated in any new flag design, prohibited the commission from using the Confederate emblem as part of any design, and, in Section 5 of the bill, specifically repealed the state law that designated the 1894 flag as Mississippi’s official flag.<sup>181</sup>

In less than twenty-five minutes, the full House approved the bill by a margin of 92 to 23.<sup>182</sup> It was a stunning recognition of the historical legacy attached to that one vote. Eight representatives who had voted “no” on the suspension resolution voted “yes” on the actual bill to change the flag. Lee County Representative Jerry Turner spoke for many, if not all of them, when he addressed his colleagues:

I’ve heard mention made of the resolution we passed yesterday, which I voted against, as a train. Some have said the train has left the station, and I agree. That train has left the station. Ladies and Gentlemen, my reason for voting no yesterday was because I had agreements with a lot of constituents across my district that I would not take their right to vote away from them. I did that yesterday. I defended that right. But that’s gone. That’s not here anymore. But, speaking of the train. We have another train before us today. This train needs a name. The train of unification. That’s what we’ve all prayed for, that’s what we all say we are in favor of. Today, you can get your ticket for that train

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<sup>179</sup> Interviews with Keith Carter and MoMo Sanogo; Nick Suss, “Ole Miss Athletes Share Experiences at Unity March,” Jackson *Clarion-Ledger*, June 29, 2020.

<sup>180</sup> The descriptions of the floor debate, the quotes from the speeches, and the timing markers are based on the video recording of the floor proceedings and the entries in the respective House and Senate Journal pages from that Sunday. The video recording is available on YouTube.

<sup>181</sup> *House Journal*, 2020 Regular Session, 1112.

<sup>182</sup> *House Journal*, 2020 Regular Session, 1316-1317.

of unification. I don't know about you today, but I want to be one of the first ones to get my ticket punched green up here to be on that train.

An hour later, on the other side of the capitol, Briggs Hopson called the bill up for consideration by the full Senate. After rejecting an amendment by Pearl River County Senator Angela Hill to require a public referendum on the 1894 Flag, the Senate approved House Bill 1796 by a vote of 37 to 14.<sup>183</sup>



*Senator David Jordan speaks in support of House Bill 1796 on June 28, 2020. Photo courtesy of Rogelio V. Solis.*

David Jordan, an African American senator from Leflore County, was eighty-seven at the time of the vote. He had not only lived through the worst of Jim Crow but had been a leader of the Civil Rights Movement in the late 1950s and early 1960s in his hometown of Greenwood.

He told a reporter after the vote, "I feel released. This does help our image. And images are important.

Don't let anybody tell you that images are not important." Hosemann told the same reporter, "We want Mississippi to have a heart and a soul, and today she had one. It was just time. People several weeks ago started talking about this and the momentum built and the momentum built, it was bipartisan and it was just time. It was just time." And Philip Gunn observed, "We did not remove the Confederate battle emblem because we hate the American proposition. We did it because we love what America stands for. We did not betray our heritage. We fulfilled it."<sup>184</sup>

Late that evening, Josh Harkins made his last Facebook post about the flag:

<sup>183</sup> *Senate Journal*, 2020 Regular Session, 2309.

<sup>184</sup> Luke Ramseth and Giacomo Bologna, "New Day for Mississippi," *Jackson Clarion-Ledger*, June 29, 2020.

There have been debates and speeches along with millions of votes taken in this building since 1903, but today was something different. Today is a day that I will remember forever. It was tense and you could feel the electricity in the air. Now, it is peaceful and still. This beautiful room witnessed something today that I wish so many other Mississippians could have been a part of. You voted on me to represent you and I am working, to the best of my ability, to vote in a manner that represents my district. I am sorry if you feel different, but I could not, in good conscience, allow that flag to represent our state anymore.<sup>185</sup>



*The Senate gallery erupts in applause when House Bill 1796 is passed by a vote of 37 to 14 to remove the 1894 flag on June 28, 2020. Photo courtesy of Rogelio V. Solis.*

## Conclusion

When it comes to passing a major piece of controversial legislation at the Mississippi Legislature, it is almost always about timing. Were it not for the pandemic, the legislature would not have been in session in June. And, were it not for the tragic death of George Floyd and the massive national and international response, the momentum necessary to create a political opening at the legislature to consider the change would not have occurred.

Moreover, by the summer of 2020, a number of campaign organizations and groups were in place to support legislators who would vote for a change, the broad acceptance and use of the Stennis

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<sup>185</sup> Interview with Josh Harkins.

flag and the MEC banner had made it easier for legislators to consider a change, and a younger generation of Mississippians was not only firmly in favor of a new flag but, in an unprecedented way, made their presence known at the state capitol.<sup>186</sup>

Irony also played a part. Adopted four years after the 1890 Constitution had effectively disfranchised the 58 percent of the state's population that was African American, the symbolism of the state flag was part and parcel of the White supremacy movement that swept the South in the latter part of the nineteenth century and the first half of the twentieth century. It was that very symbolism that John Hawkins wanted no part of as a University of Mississippi cheerleader in 1982. In the years since the 2001 referendum, though, new White supremacist movements had developed throughout the country and had made full use of the Confederate banner. It was their brazen display of Confederate symbolism that left all but a handful of legislators with the realization that the continued use of the 1894 flag was untenable.

In the end, there was no one reason that motivated 120 legislators to vote that Saturday afternoon to suspend the rules. Every person's vote hinged on different factors. What did emerge, though, in that final week of June was the feeling that this would be one of those few votes recorded in the history books. It would be a legacy vote and members made individual decisions about how they wanted to be remembered, both by the public but also by their families. More than one legislator agreed with Representative Jody Steverson's observation, "It will be the most historic vote I will ever cast." And while there were certainly considerations related to economic development and collegiate sports that helped to engender support for a change, the one sentiment expressed in nearly every interview conducted for this article was that the state flag needed "to be inclusive and to represent everyone in Mississippi."

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<sup>186</sup> The legislature had even warmed to the idea of the Stennis flag. During its 2019 Regular Session, it had approved Senate Bill 2570 to authorize the state Department of Revenue to add a Stennis flag design to the collection of personalized automobile license tags offered to the general public. By the summer of 2020, less than nine months after the tag had become available, close to two thousand cars were already displaying a Stennis Flag tag (Mississippi Department of Revenue FY 2020 Annual Report).



## Epilogue

Two days later, on Tuesday, June 30, Governor Reeves signed House Bill 1796 into law. The very next day, on July 1, the 1894 flag was lowered for the last time at the state capitol and in a short ceremony delivered to the Museum of Mississippi History. Receiving the flag in his capacity as president of the Board of Trustees of the Mississippi Department of Archives and History was Reuben Anderson, a great-great-grandson of slaves, the first African American Supreme Court justice in Mississippi, and a driving force for the creation of the Mississippi Civil Rights Museum and the Museum of Mississippi History.<sup>187</sup>

After working for nearly two months, the new flag commission, whose members included Anderson, an appointee of Delbert Hosemann, and TJ Taylor, one of Speaker Gunn's appointments, produced a final design that was approved by the voters at the November general election by an overwhelming margin of nearly seventy-two percent.<sup>188</sup> The new design features a magnolia flower surrounded by twenty white stars representing Mississippi as the twentieth state and one gold star, serving as a tribute to Native Americans who first settled Mississippi. Those symbols, along with the words "In God We Trust," are displayed in the middle of a navy banner. On either side are red panels separated from the blue with gold stripes. To close this chapter of Mississippi history, the legislature made that design the official state flag when it adopted House Bill 1 during the first two days of its 2021 Regular Session. Only one representative and seven senators voted "no" on final passage.<sup>189</sup>

In the early stage of its work, the commission invited the public to submit designs for the new flag to the Mississippi Department of Archives and History, which provided a website to allow the public to view and react to the designs. More than three thousand proposals

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<sup>187</sup> *House Journal*, 2020 Regular Session, 2013; *Laws of 2020*, Chapter 427; Giacomo Bologna, "Mississippi Retires Flag," *Jackson Clarion-Ledger*, July 1, 2020; Emily Wagster Pettus, Associated Press, "Mississippi Furls Flag," *Jackson Clarion-Ledger*, July 3, 2020.

<sup>188</sup> Only two of the state's eighty-two counties voted against the new flag design: George and Greene. Virtually all of the legislators interviewed for this article felt the margin of approval affirmed their votes five months earlier.

<sup>189</sup> Giacomo Bologna, "Commission Selects Final State Flag Design," *Jackson Clarion-Ledger*, September 3, 2020; House Bill 1, Regular Legislative Session, 2021, and signed into law by the Governor on January 11, 2021.



were ultimately recorded. Perhaps destiny was at play when a design by Rocky Vaughan formed the basis for the final flag adopted by the commission. Vaughan is a native of Choctaw County, the home county of Representative Joey Hood, whose fundraiser Philip Gunn had attended in June of 2015, and who voted with the Speaker to suspend the rules and change the flag.<sup>190</sup>

When asked the first time he became aware of the Confederate battle flag, Representative Robert Johnson recalled an event many years earlier:

When I was five years old, I went with my family to my first Christmas parade. This was 1963 in downtown Natchez. White folks were on one side of Main Street, and my family and other black folks were on the other side. At the end of the parade, after Santa Claus, came fifteen to twenty Klansmen, all on horseback, waving their Confederate flags. The whites were cheering while all of us were very quiet. Even as a child, I understood the chilling effect of that flag. Everyone knew what it stood for. You know, I never thought I'd live to see the day that the state flag would be changed. Never did. But in the days leading up to the vote, many of my white colleagues began to understand and respect what I've been feeling for 61 years of my life. And that's why I think it changed.<sup>191</sup>



*Governor Tate Reeves signs House Bill 1 on January 11, 2021, adopting the “In God We Trust” flag as members of the Commission to Redesign the Mississippi State Flag watch. Pictured from left to right: TJ Taylor, Mary Graham, Sherri Carr Bevis, Mack Varner, Reuben Anderson, Governor Reeves, Chief Cyrus Ben, Robyn Tannehill, Frank Bordeaux, and Betsey Hamilton. Photo courtesy of the Mississippi Department of Archives and History.*

<sup>190</sup> Alissa Zhu, “Shield or Magnolia?” *Jackson Clarion-Ledger*, August 26, 2020; Stephen Pimpo, “Ackerman Man Who Designed New Mississippi Flag Honored to Create Symbol of Unity for State,” *WCBI-TV*, November 11, 2020.

<sup>191</sup> Interview with Robert Johnson.

## **Appendix A**

### **Interviews**

Meg Annison, former Director of Communications, Office of the Speaker, interview on 2/18/21

John Arledge, Vice President of Public Affairs, Entergy Mississippi, recorded interview on 1/13/21

Nick Bain, State Representative, recorded interview on 3/8/21

Henry Barbour, Partner, Capitol Resources and BullsEye Public Affairs, recorded interview on 12/11/20

David Baria, former State Representative, interview on 2/26/21

Joey Barnes, News Director, WCBI-TV, interview on 4/1/21

Manly Barton, State Representative, interview on 2/22/21

Chris Bell, State Representative, recorded interview on 2/8/21

Ed Blackmon, State Representative, recorded interview on 3/22/21

David Blount, State Senator, interview on 8/2/21

Glenn Boyce, Chancellor, University of Mississippi, recorded interview on 3/24/21

Bea Branch, former state NAACP president, interview on 12/31/20

Rollins Branch, retired, interview on 12/31/20

Hob Bryan, State Senator, interview on 6/4/21

Keith Carter, Athletic Director, University of Mississippi, recorded interview on 4/1/21

Mike Chaney, Commissioner of Insurance, interview on 6/28/21

Confidential interview on 1/12/21

Confidential interview on 6/30/21

Confidential interview on 10/27/21

Sam Creekmore, State Representative, interview on 3/18/21

Dennis DeBar, State Senator, interview on 8/3/21

Scott DeLano, State Senator, recorded interview on 4/21/21

Trey Dellinger, Chief of Staff, Speaker Philip Gunn, recorded interview on 3/19/21

Oliver Diaz, former State Supreme Court Justice, interview on 12/31/20

Jarvis Dortch, former State Representative, recorded interview on 3/9/21

Sally Doty, former State Senator, recorded interview on 5/17/21

Ligon Duncan, Chancellor, Reformed Theological Seminary, recorded interview on 3/17/21

Jeremy England, State Senator, recorded interview on 4/14/21  
Haley Fisackerly, President and CEO, Entergy Mississippi, recorded interview on 1/13/21  
Adam Ganucheau, Editor-in-Chief, *Mississippi Today*, interview on 3/4/21  
Philip Gunn, Speaker, House of Representatives, recorded interview on 11/5/20  
Josh Harkins, State Senator, recorded interview on 3/8/21  
Briggs Hopson, State Senator, recorded interview on 12/16/20  
John Horhn, State Senator, recorded interview on 12/17/20  
Delbert Hosemann, Lieutenant Governor, recorded interview on 1/21/21  
Robert Johnson, State Representative, recorded interview on 12/3/20  
Mark Keenum, President, Mississippi State University, recorded interview on 1/12/21  
Trey Lamar, State Representative, recorded interview on 12/7/20  
Shane Langston, Partner, Langston & Langston, interview on 12/30/20  
John Lassiter, Partner, Burr Forman LLP, recorded interview on 1/27/21  
Kent McCarty, State Representative, recorded interview on 3/8/21  
Missy McGee, State Representative, recorded interview on 2/24/21  
Manning McPhillips, Government Affairs Advisor, Watkins & Eager, interview on 4/1/21  
Camp Murphy, Partner, Corporate Relations Management, interview on 3/15/21  
Karl Oliver, State Representative, interview on 3/4/21  
Jansen Owen, State Representative, recorded interview on 3/15/21  
Shawn Parker, Executive Director-Treasurer, Mississippi Baptist Convention, recorded interview on 3/18/21  
Chip Pickering, former Member of Congress, recorded interview on 3/11/21  
Tate Reeves, Governor, interview on 7/16/21  
Greg Sankey, Commissioner, Southeastern Conference, recorded interview on 4/16/21  
MoMo Sanogo, student athlete, University of Mississippi, recorded interview on 7/19/21  
Derrick Simmons, State Senator, recorded interview on 3/11/21  
Lindsey Simmons, Partner, Simmons Consulting Firm, interview on 4/19/21

Steve Simmons, Partner, Simmons Consulting Firm, interview on 4/19/21

Kirk Sims, Director of Corporate Affairs, Yates Construction, recorded interview on 1/13/21

Leah Rupp Smith, Deputy Chief of Staff, Office of Lieutenant Governor, recorded interview on 1/25/21

Jody Steverson, State Representative, recorded interview on 4/13/21

Andy Taggart, CEO, Taggart, Rimes & Wiggins, PLLC, recorded interview on 5/25/21

TJ Taylor, former Director of Policy, Office of the Speaker, recorded interview on 2/25/21

Blake Thompson, President, Mississippi College, interview on 2/24/21

Nathan Upchurch, Chief of Staff, Office of Lieutenant Governor, recorded interview on 1/25/21

Scott Waller, CEO, Mississippi Economic Council, recorded interview on 12/15/20

Lee Weiskopf, Special Assistant to the President for Governmental Affairs, Mississippi State University, interview on 1/15/21

Nathan Wells, former Chief of Staff, Office of the Speaker, recorded interview on 12/2/20

Jason White, Speaker Pro Tempore, House of Representatives, recorded interview on 2/24/21

Roger Wicker, United States Senator, interview on 4/9/21

Brice Wiggins, State Senator, recorded interview on 2/5/21

Clarke Wise, Vice President of Government Relations, Mississippi Association of Realtors, interview on 3/15/21

Kelly Wright, Director of Government Affairs, Mississippi Manufacturers Association, interview on 1/22/21

Shanda Yates, State Representative, interview on 3/3/21

Bryce Yelverton, lobbyist, Yelverton Consulting, interview on 4/15/21

Charles Younger, State Senator, interview on 10/12/21

APPENDIX B  
STATE FLAG VOTES  
MISSISSIPPI SENATE

Legend:  
Blue shade indicates Democrat  
Red shade indicates Republican

HCR 79 was the June 2020 concurrent resolution to suspend the rules to allow the Legislature to consider a bill to repeal the 1894 state flag. It passed the Senate 36-14.

HB 1796 was the June 2020 bill that repealed the 1894 state flag, that created a commission to design a new flag, and that authorized a November 2020 public referendum on the commission’s recommendation. It passed the Senate 37-14.

HB 1 was the January 2021 bill that enacted the new state flag, as approved in the November 2020 referendum, into law. It passed the Senate 43-7.

NAME	HCR 79	HB 1796	HB 1
Juan Barnett, Heidelberg (34)	Yes	Yes	Yes
Jason Barrett, Brookhaven (39)	Note 1	Note 1	Yes
Barbara Blackmon, Canton (21)	Yes	Yes	Yes
Kevin Blackwell, Southaven (19)	Yes	Yes	Yes
David Blount, Jackson (29)	Yes	Yes	Yes
Nicole Boyd, Oxford (9)	Yes	Yes	Yes
Jenifer Branning, Philadelphia (18)	No	No	Yes
Hob Bryan, Amory (7)	Yes	Yes	Yes
Albert Butler, Port Gibson (36)	Yes	Yes	Yes
Joel Carter, Gulfport (49)	Yes	Yes	Yes
Chris Caughman, Mendenhall (35)	No	No	Yes
Lydia Chassaniol, Winona (14)	No	No	Yes
Kathy Chism, New Albany (3)	No	No	No
Dennis DeBar, Leaksville (43)	Yes	Yes	Yes
Scott DeLano, Biloxi (50)	Yes	Yes	Yes

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NAME	HCR 79	HB 1796	HB 1
Sally Doty, Brookhaven (39)	Yes	Yes	Note 1
Jeremy England, Vancleave (51)	Yes	Yes	Yes
Joey Fillingane, Sumrall (41)	No	No	No
Hillman Frazier, Jackson (27)	Yes	Yes	Yes
Josh Harkins, Flowood (20)	Yes	Yes	Yes
Angela Hill, Picayune (40)	No	No	Present
Briggs Hopson, Vicksburg (23)	Yes	Yes	Yes
John Horhn, Jackson (26)	Yes	Yes	Yes
Gary Jackson, Starkville (15)	Yes	Yes	Note 2
Robert Jackson, Marks (11)	Yes	Yes	Yes
Sampson Jackson, Preston (32)*	Yes	Yes	Yes
Chris Johnson, Hattiesburg (45)	No	Yes	Yes
David Jordan, Greenwood (24)	Yes	Yes	Yes
Dean Kirby, Pearl (30)	Yes	Yes	Yes
Tyler McCaughn, Newton (31)	No (P)**	No	Yes
Chris McDaniel, Ellisville (42)	No	No	No
Michael McLendon, Hernando (1)	No	No	Yes
Chad McMahan, Guntown (6)	Yes	Yes	Yes
Walter Michel, Ridgeland (25)	Yes	Yes	Yes
Philip Moran, Kiln (46)	Yes (P)**	Yes	Yes
Sollie Norwood, Jackson (28)	Yes	Yes	Yes
David Parker, Olive Branch (2)	Yes	Yes	Yes

APPENDIX B  
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NAME	HCR 79	HB 1796	HB 1
Rita Parks, Corinth (4)	Yes	Absent***	Yes
John Polk, Hattiesburg (44)	Yes	Yes	Absent
Joseph Seymour, Vancleave (47)	No	No	No
Derrick Simmons, Greenville (12)	Yes	Yes	Yes
Sarita Simmons, Cleveland (13)	Yes	Yes	Yes
Melanie Sojourner, Natchez (37)	No	No	No
Daniel Sparks, Belmont (5)	No	No	Yes
Benjamin Suber, Bruce (8)	No	Yes	Yes
Jeff Tate, Meridian (33)	Yes	No	No
Joseph Thomas, Yazoo City (22)	Yes	Yes	Yes
Mike Thompson, Long Beach (48)	Yes	Yes	Yes
Angela Turner-Ford, West Point (16)	Yes	Yes	Yes
Neil Whaley, Potts Camp (10)	No	No	No
Brice Wiggins, Pascagoula (52)	Yes	Yes	Yes
Bart Williams, Starkville (15)	Note 2	Note 2	Yes
Tammy Witherspoon, Magnolia (38)****	Yes	Yes	Yes
Chuck Younger, Columbus (17)	Yes	Yes	Yes

\* Sampson Jackson retired from the Senate in July 2021.

\*\* Under Senate rules, if a member plans to be absent for a vote, that member can “pair” with a present member to record his or her vote. For HCR 79, Philip Moran was absent but “paired” with Tyler McCaughn, who was present in the chamber. In this way, Moran could indicate his Yes vote for the resolution while McCaughn could be recorded No on the resolution.



## **APPENDIX B**

### **STATE FLAG VOTES**

### **MISSISSIPPI SENATE**

\*\*\*Rita Parks inserted an explanation for her absence for the vote on HB 1796 in the 2020 Senate Journal at page 2310 and ended it with, "I request that the Journal reflect that I would have voted Yea on HB 1796 had I been present in the Senate Chamber on June 28, 2020."

\*\*\*Tammy Witherspoon resigned from the Senate in June 2021.

Note 1 – For Senate District 39, Jason Barrett was elected in October 2020 to replace Sally Doty, who resigned from the Senate in July 2020.

Note 2 – For Senate District 15, Bart Williams was elected in October 2020 to replace Gary Jackson, who resigned from the Senate in July 2020.

APPENDIX C

STATE FLAG VOTES

MISSISSIPPI HOUSE OF REPRESENTATIVES

Legend:  
Blue shade indicates Democrat  
Red shade indicates Republican  
Green shade indicates Independent

HCR 79 was the June 2020 concurrent resolution to suspend the rules to allow the Legislature to consider a bill to repeal the 1894 state flag. It passed the House 84-35.

HB 1796 was the June 2020 bill that repealed the 1894 state flag, that created a commission to design a new flag, and that authorized a November 2020 public referendum on the commission’s recommendation. It passed the House 92-23.

HB 1 was the January 2021 bill that enacted the new state flag, as approved in the November 2020 referendum, into law. It passed the House 118-1.

NAME	HCR 79	HB 1796	HB 1
Shane Aguirre, Tupelo (17)	Yes	Yes	Yes
Brent Anderson, Kiln (122)	Yes	Yes	Yes
Jeramey Anderson, Escatawpa (110)	Yes	Yes	Yes
Otis Anthony, Indianola (31)	Yes	Yes	Yes
Tracy Arnold, Booneville (3)	No	Yes	Absent
Willie Bailey, Greenville (49)	Yes	Yes	Yes
Nick Bain, Corinth (2)	Yes	Yes	Yes
Earle Banks, Jackson (67)	Yes	Yes	Yes
Shane Barnett, Waynesboro (86)	No	No	Yes
Manly Barton, Moss Point (109)	Yes	Yes	Yes
Jim Beckett, Bruce (23)	Yes	Yes	Yes
Chris Bell, Jackson (65)	Yes	Yes	Yes
Donnie Bell, Fulton (21)	Yes	Yes	Yes
Richard Bennett, Long Beach (120)	Yes	Yes	Yes

APPENDIX C  
STATE FLAG VOTES  
MISSISSIPPI HOUSE OF REPRESENTATIVES

NAME	HCR 79	HB 1796	HB 1
Ed Blackmon, Canton (57)	Yes	Yes	Yes
Joel Bomgar, Madison (58)	Yes	Yes	Yes
Scott Bounds, Philadelphia (44)	No	No	Yes
Randy Boyd, Mantachie (19)	No	No	Yes
Bo Brown, Jackson (70)	Yes	Yes	Yes
Chris Brown, Nettleton (20)	No	Absent	Yes
Cedric Burnett, Tunica (9)	Yes	Yes	Yes
Charles Busby, Pascagoula (111)	Yes	Yes	Yes
Larry Byrd, Petal (104)	Yes	Yes	Yes
Billy Calvert, Meridian (83)	No	No	Yes
Bubba Carpenter, Burnsville (1)	No	No	Yes
Bryant Clark, Pickens (47)	Yes	Yes	Yes
Alyce Clarke, Jackson (69)	Yes	Yes	Yes
Angela Cockerham, Magnolia (96)	Yes	Yes	Yes
Carolyn Crawford, Pass Christian (121)	No	No	Yes
Sam Creekmore, New Albany (14)	Yes	Yes	Yes
Dana Criswell, Olive Branch (6)	No	No	Yes
Ronnie Crudup, Jackson (71)	Yes	Yes	Yes
Becky Currie, Brookhaven (92)	No	Yes	Yes
Jerry Darnell, Hernando (28)	No	No	Yes
Oscar Denton, Vicksburg (55)	Yes	Yes	Yes
Clay Deweese, Oxford (12)	Yes	Yes	Yes

APPENDIX C  
STATE FLAG VOTES  
MISSISSIPPI HOUSE OF REPRESENTATIVES

NAME	HCR 79	HB 1796	HB 1
Jarvis Dortch, Jackson (66)	Yes	Yes	Note 1
Dan Eubanks, Walls (25)	No	Absent	Present
Casey Eure, Saucier (116)	Yes	Yes	Yes
Bob Evans, Monticello (91)	Yes	Yes	Yes
Michael Evans, Preston (45)	Yes	Yes	Yes
John Faulkner, Holly Springs (5)	Yes	Yes	Yes
Kevin Felsher, Biloxi (117)	Yes	Yes	Yes
Jill Ford, Madison (73)	Yes	Yes	Yes
Kevin Ford, Vicksburg (54)	Yes	Yes	Yes
Stephanie Foster, Jackson (63)	Yes	Yes	Yes
Debra Gibbs, Jackson (72)	Yes	Yes	Yes
Karl Gibbs, West Point (36)	Yes	Yes	Yes
Dale Goodin, Richton (105)	Yes	Yes	Yes
Jeffrey Guice, Ocean Springs (114)	No	Absent	Yes
Philip Gunn, Clinton (56)	Yes	Yes	Yes
Jeff Hale, Nesbit (24)	No	No	Yes
Greg Haney, Gulfport (118)	No	Yes	Yes
Jeffery Harness, Fayette (85)	Yes	Yes	Yes
John Hines, Greenville (50)	Yes	Yes	Yes
Stacey Hobgood-Wilkes, Picayune (108)	No	No	Yes
Gregory Holloway, Hazlehurst (76)	Yes	Yes	Yes
Joey Hood, Ackerman (35)	Yes	Yes	Yes

**APPENDIX C**  
**STATE FLAG VOTES**  
**MISSISSIPPI HOUSE OF REPRESENTATIVES**

NAME	HCR 79	HB 1796	HB 1
Steve Hopkins, Southaven (7)	No	Absent	Yes
Kevin Horan, Grenada (34)	Yes	Yes	Yes
Stephen Horne, Meridian (81)	No	No	No
Mac Huddleston, Pontotoc (15)	Yes	Yes	Yes
Abe Hudson, Shelby (29)*	Yes	Yes	Yes
Lataisha Jackson, Como (11)	Yes	Yes	Yes
Hester Jackson-McCray, Horn Lake (40)	Yes	Yes	Yes
Robert Johnson, Natchez (94)	Yes	Yes	Yes
Kabir Karriem, Columbus (41)	Yes	Yes	Yes
Bill Kinkade, Byhalia (52)	No	No	Yes
Timmy Ladner, Poplarville (93)	No	No	Yes
Trey Lamar, Senatobia (8)	Yes	Yes	Yes
Jon Lancaster, Houston (22)**	Yes	Yes	Yes
Vince Mangold, Brookhaven (53)	No	No	Yes
Steve Massengill, Hickory Flat (13)	Yes	Yes	Yes
Kent McCarty, Hattiesburg (101)	Yes	Yes	Yes
Missy McGee, Hattiesburg (102)	Yes	Yes	Yes
Jay McKnight, Gulfport (95)	No	No	Yes
Dana McLean, Columbus (39)	No	Yes	Yes
Doug McLeod, Lucedale (107)	No	No	Yes
Carl Mickens, Brooksville (42)	Yes	Yes	Yes
Tom Miles, Forest (75)	Yes	Yes	Yes

APPENDIX C  
STATE FLAG VOTES  
MISSISSIPPI HOUSE OF REPRESENTATIVES

NAME	HCR 79	HB 1796	HB 1
Sam Mims, McComb (97)	No	No	Yes
Ken Morgan, Morgantown (100)	No	No	Yes
Gene Newman, Pearl (61)	Yes	Yes	Yes
Karl Oliver, Winona (46)	Yes	Yes	Yes
Solomon Osborne, Greenwood (32)	Yes	Yes	Yes
Jansen Owen, Poplarville (106)	Yes	Yes	Yes
Orlando Paden, Clarksdale (26)	Yes	Yes	Yes
Randall Patterson, Biloxi (115)	No	Yes	Yes
Bill Pigott, Tylertown (99)	No	No	Yes
Daryl Porter, Summit (98)	Yes	Yes	Yes
Brent Powell, Brandon (59)	Yes	Yes	Yes
John Read, Gautier (112)	Yes	Yes	Yes
Tommy Reynolds, Charleston (33)	Yes	Yes	Yes
Rob Roberson, Starkville (43)	Yes	Yes	Yes
Robin Robinson, Laurel (88)	Note 2	Note 2	Yes
Tracey Rosebud, Tutwiler (30)	Yes	Yes	Yes
Randy Rushing, Decatur (78)	No	No	Yes
Noah Sanford, Collins (90)	No	Yes	Yes
Donnie Scoggin, Ellisville (89)	Yes	Yes	Yes
Omeria Scott, Laurel (80)	Yes	Yes	Yes
Fred Shanks, Brandon (60)	Yes	Yes	Yes
Troy Smith, Enterprise (84)	No	No	Yes

APPENDIX C  
STATE FLAG VOTES  
MISSISSIPPI HOUSE OF REPRESENTATIVES

NAME	HCR 79	HB 1796	HB 1
De'Keither Stamps, Jackson (66)	Note 1	Note 1	Yes
Jody Steverson, Ripley (4)	Yes	Yes	Yes
Rufus Straughter, Belzoni (51)	Yes	Yes	Yes
Zakiya Summers, Jackson (68)	Yes	Yes	Yes
Cheikh Taylor, Starkville (38)	Yes	Yes	Yes
Rickey Thompson, Shannon (16)	Yes	Yes	Yes
Joseph Tubb, Purvis (87)	Note 3	Note 3	Yes
Mark Tullos, Raleigh (79)	No	No	Yes
Jerry Turner, Baldwin (18)	No	Yes	Yes
Kenneth Walker, Carthage (27)	Yes	Yes	Yes
Price Wallace, Mendenhall (77)	No	No	Yes
Percy Watson, Hattiesburg (103)	Yes	Yes	Yes
Tom Weathersby, Florence (62)	Yes	Yes	Yes
Jason White, West (48)	Yes	Yes	Yes
Sonya Williams-Barnes, Gulfport (119)	Yes	Yes	Yes
Brady Williamson, Oxford (10)	No	Yes	Absent
Joseph Wright, Columbus (37)	Note 4	Note 4	Yes
Lee Yancey, Brandon (74)	Yes	Yes	Yes
Shanda Yates, Jackson (64)***	Yes	Yes	Yes
Charles Young, Jr., Meridian (82)	Yes	Yes	Yes
Hank Zuber, Ocean Springs (113)	Yes	Yes	Yes



## **APPENDIX C**

### **STATE FLAG VOTES**

#### **MISSISSIPPI HOUSE OF REPRESENTATIVES**

\* Abe Hudson resigned from the House in August 2021.

\*\* Jon Lancaster switched to the Republican Party in November 2021.

\*\*\* Shanda Yates changed her party affiliation to Independent in January 2022.

Note 1 – For House District 66, De’Keither Stamps was elected in October 2020 to replace Jarvis Dortch, who resigned from the House in July 2020.

Note 2 – House District 88 was vacant during the legislative session in June 2020. Robin Robinson was elected to fill that vacancy in June 2020 and took office in August 2020.

Note 3 – House District 87 was vacant during the legislative session in June 2020. Joseph Tubb was elected to fill that vacancy in November 2020.

Note 4 – House District 37 was vacant during the legislative session in June 2020. Joseph Wright was elected to fill that vacancy in October 2020.

## Appendix D

# IT'S TIME

for a state flag that moves Mississippi forward and unifies Mississippians. The Mississippi Economic Council joins with Mississippi business and industry to urge state leaders to make positive change that will help inspire future economic growth and open doors for more jobs. It's time.



The presence of the Confederate Battle Flag as a component of the 1894 flag is offensive to many, not representative of all Mississippians, and perpetuates negative stereotypes of our state. Regardless of its origins and despite some opinions that the emblem honors history and heritage, the reality is the battle flag has become a global symbol of prejudice and hatred.

Mississippi Economic Council feels strongly that adoption of a new flag is a timely and high profile action that would improve

Mississippi's image, advance a new narrative about our state, and set the stage to enhance economic opportunities and improve quality of life in a fair and inclusive manner for every Mississippian.

The current flag is harmful to Mississippi's image and reputation for those outside our state and is hurtful to many fellow Mississippians. Mississippi Economic Council encourages and supports state leaders to take action to change the flag.

## MISSISSIPPI ECONOMIC COUNCIL BOARD OF DIRECTORS

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 Shelby Fox EXECUTIVE DIRECTOR Hatch Paperholding, Center	 Brandt Galloway MANAGING MEMBER Galloway & Saunders Insurance	 Robert Gibbs MANAGING PARTNER Gibbs Trade, PLLC	 Jeff Good PRESIDENT Mangrove Bay Real Estate Management Group	 John Hairston PRESIDENT & CEO Haworth Veterinary	 Alan Hargett CEO Patterson Bank	 Bill Hannah PRESIDENT & CEO East Mississippi Business Development
 Joe Max Higgins CEO Orlando Triangle Development LLC	 Christie Holbrook PRESIDENT Delta Dental	 Paul Hollis PRESIDENT Delta Dental	 Blair Hughes OWNER Park Hughes Restaurant	 William O. Jacobs OWNER Jacobs Properties	 William James MANAGER Parker Companies	 Jonathan Jones SENIOR VICE PRESIDENT AND GENERAL MANAGER Hatch's Call Coast
 Angie Jorgins CO-FOUNDER Larkin Business League	 Allen Kurr VICE PRESIDENT, ECONOMIC DEVELOPMENT Oxford-Leake County Economic Development Foundation	 John Lauster PARTNER East Commerce LLP	 Doug Levanway SHAREHOLDER Wick Carter, Child & Company PA	 Wade Litton PRESIDENT & CEO Littin's Investment	 Travis Lunn PRESIDENT & COO Banc South & Card Service	 Adele Lyons VP of Manufacturing Rosen North America
 Christopher Maddux BANK CHAIR Hatch Bank LP	 Andrew Mallinson CHIEF EXECUTIVE OFFICER Hatch Bank LP	 Kasey Matthews PRESIDENT & CEO Columbia Bank, Alliance	 Suzette Matthews OWNER Banks Bank	 Brad Mayhew REGIONAL OPERATIONS MANAGER Banc South	 GT McCullough PROJECT MANAGER The Bridge	 Hu Meena COBIE The Project Bank
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 Andy Taggart CEO Taggart Bank & Finance PLC	 Richard Vincent PRESIDENT & CEO Goodman South Mississippi	 Rick Weil PRESIDENT Langstaff Bank	 Andrew Warmath CEO Bancorp South Bank Group	 Bolle White CHAIRMAN OF THE BOARD Continental Development Foundation	 Rhea Williams-Bishop DIRECTOR OF PROGRAMMING W. Telling Foundation	 Paul White PRESIDENT The Project Bank

To see other supporters and sign up to join this historic initiative, visit [msmec.com/its-time](http://msmec.com/its-time).

**Appendix E**

## House Bill 1796

MISSISSIPPI LEGISLATURE

2020 Regular Session

To: Rules

By: Representatives Gunn, White, Johnson, Anderson (110th), Karriem, Williams-Barnes, Hines, Banks, Paden, Brown (70th), Porter, Mickens, McCray, Foster, Summers, Burnett, Clark, Crudup, Evans (91st), Denton, Reynolds, Scott, Anthony, Gibbs (72nd), Holloway, Ford (73rd), Osborne, Rosebud, Bell (65th), Harness, Walker, Hudson, Taylor, McGee, Faulkner

House Bill 1796  
(As Sent to Governor)

AN ACT TO ESTABLISH THE COMMISSION TO REDESIGN THE MISSISSIPPI STATE FLAG; TO PRESCRIBE THE MEMBERSHIP OF THE COMMISSION AND TO PROVIDE FOR ITS ORGANIZATION AND MEETINGS; TO PROVIDE THAT THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG RECOMMENDED BY THE COMMISSION SHALL NOT INCLUDE THE DESIGN OF THE CONFEDERATE BATTLE FLAG, BUT SHALL INCLUDE THE WORDS "IN GOD WE TRUST"; TO PROVIDE THAT THE COMMISSION SHALL MAKE ITS RECOMMENDATION FOR THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG BY SEPTEMBER 14, 2020; TO PROVIDE THAT THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG RECOMMENDED BY THE COMMISSION SHALL BE PLACED ON THE BALLOT IN A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2020; TO PROVIDE THAT IF A MAJORITY OF THE QUALIFIED ELECTORS VOTE FOR THE NEW DESIGN, THEN THE LEGISLATURE SHALL ENACT INTO LAW THE NEW DESIGN AS THE OFFICIAL MISSISSIPPI STATE FLAG; TO PROVIDE THAT IF A MAJORITY OF THE QUALIFIED ELECTORS VOTE AGAINST THE NEW DESIGN, THEN THE COMMISSION SHALL RECONVENE TO RECOMMEND ANOTHER NEW DESIGN FOR THE MISSISSIPPI STATE FLAG TO BE PRESENTED TO THE LEGISLATURE DURING

THE 2021 REGULAR SESSION; TO REQUIRE THAT THE SPECIAL ELECTION BE ADMINISTERED BY MEANS OF BALLOTS CONTAINING A COLOR PICTURE OR DRAWING OF THE NEW DESIGN FOR THE MISSISSIPPI STATE FLAG; TO REQUIRE THE SECRETARY OF STATE TO PROVIDE THOSE BALLOTS TO THE ELECTION COMMISSIONERS OF EACH COUNTY; TO AMEND SECTIONS 23-15-351 AND 23-15-355, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTION 3-3-16, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE DESIGN FOR THE OFFICIAL FLAG OF THE STATE OF MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is established the Commission to Redesign the Mississippi State Flag (commission) for the sole purpose of developing, designing and reporting to the Governor and the Legislature its recommendation for the new design for the official Mississippi State Flag not later than September 14, 2020. The new design for the Mississippi State Flag recommended by the commission shall be placed on the ballot in a statewide special election as provided for in Section 2 of this act. The new design for the Mississippi State Flag recommended by the commission shall not include the design of the Confederate Battle Flag, but shall include the words "In God We Trust." The commission is charged with a sensitive and responsible task that it shall conduct in an objective manner. The new design for the Mississippi State Flag shall honor the past while embracing the promise of the future.

(2) The Commission to Redesign the Mississippi State Flag shall consist of nine (9) members, to be appointed as follows:

- (a) Three (3) members appointed by the Speaker of the House;
- (b) Three (3) members appointed by the Lieutenant Governor;
- (c) Three (3) members appointed by the Governor, to include:
  - (i) A representative from the Mississippi Economic Council;
  - (ii) A representative from the Mississippi Arts Commission;
  - (iii) A representative from the Board of Trustees of the

Mississippi Department of Archives and History.

All appointments to the commission shall be made not later than July 15, 2020. The chair of the commission shall be chosen by majority vote of the members of the commission. The commission shall meet

as soon as practicable after the appointments have been made upon the joint call of the Speaker and the Lieutenant Governor, and shall organize for business. A majority vote of the members of the commission shall be required for the adoption of any reports and recommendations. The Mississippi Department of Archives and History shall provide meeting space and clerical support for the operation of the commission

(3) The commission shall have the following functions and duties:

(a) To hold regular public meetings when and where it sees fit;

(b) To receive written public comments in a manner and under the terms and conditions as it sees fit;

(c) To collect, examine and consider all information that it determines may be helpful in making a recommendation for the new design for the Mississippi State Flag;

(d) To consult with experts, representatives of organizations and associations, and others, as it sees fit, whose knowledge or expertise may assist the commission in making its recommendation;

(e) To make any inquiries and conduct any business that may assist the commission in developing the new design for the Mississippi State Flag; however, the new design for the Mississippi State Flag recommended by the commission shall not include the design of the Confederate Battle Flag, but shall include the words «In God We Trust»;

(f) Keep minutes of its meetings, and make those minutes available to the public; and

(g) To make a written recommendation for the new design for the official Mississippi State Flag, which shall be presented to the Governor and the Legislature not later than September 14, 2020.

(4) Members of the commission shall receive no compensation for their service on the commission, but may receive reimbursement for mileage and actual expenses as provided in Section 25-3-41, to the extent that funds are available for that purpose.

SECTION 2. (1) There shall be a statewide special election for the purpose of determining whether the new design for the Mississippi State Flag recommended by the commission shall be the design for the official Mississippi State Flag. The special election shall be held on Tuesday, November 3, 2020, and shall be conducted in the same manner as general elections are held. The question put before the voters at the special election shall read on the ballots as follows:

“PLEASE VOTE ‘YES’ OR ‘NO’ ON WHETHER THE FOLLOWING

## DESIGN SHALL BE THE OFFICIAL MISSISSIPPI STATE FLAG

‘YES’:\_\_\_\_\_ ‘NO’:\_\_\_\_\_”

The qualified electors may indicate their preference on the line following the answer that they prefer.

If a majority of the qualified electors voting on the question in the special election vote «Yes,» then the Legislature shall enact into law the new design as the official Mississippi State Flag during the next regular session of the Legislature after the election.

(2) If a majority of the qualified electors voting on the question in the special election vote «No,» then the commission shall reconvene to perform the functions described in Section 1 of this act. The commission shall make its recommendation for another new design for the official Mississippi State Flag, which shall be presented to the Governor and the Legislature during the next regular session of the Legislature after the election. The new design for the Mississippi State Flag recommended by the commission shall be placed on the ballot in a statewide special election for the purpose of allowing the qualified electors to determine whether the new design recommended by the commission shall be the design for the official Mississippi State Flag. The special election shall be held on the first Tuesday after the first Monday in November of the year in which the commission presents its recommendation to the Legislature, and shall be conducted in the same manner as general elections are held. The question on the ballot shall be the same question as provided in subsection (1) of this section, and the results of the election shall determine which of the procedures described in this section shall be followed in the future in determining the new design for the official Mississippi State Flag.

(3) The statewide special election for voting on the new design for the official Mississippi State Flag shall be administered by means of ballots containing a uniform representation of the new design for the Mississippi State Flag recommended by the commission, which shall be provided by the Secretary of State to the election commissioners of each county. The Secretary of State shall determine whether, in each county, it would be more efficient to administer the election by paper ballots, voting machines, electronic voting systems, optical mark reading equipment or other mechanized equipment. The method used in each county shall be as uniform as practicable when compared to any other county in which the same method is used. In any event, the Secretary of State shall include a color picture or drawing of the

new design for the Mississippi State Flag on all ballots provided for in this section. The Secretary of State is authorized to enter into any necessary contracts for providing the required color picture or drawing of the new design for the Mississippi State Flag on all ballots in all counties of this state. The costs incurred in providing the ballots that are required to include a color picture or drawing of the new design for the Mississippi State Flag shall be borne by the State of Mississippi, and the Legislature shall appropriate the funds necessary for this purpose. All other costs associated with the holding of the statewide special election shall be borne by each individual county.

(4) The county election commissioners shall transmit to the Secretary of State, in the same manner as the vote for state officers is transmitted, a statement of the total number of votes cast in the statewide special election for voting on the new design for the official Mississippi State Flag. The Secretary of State shall tabulate those returns and certify the results to the Governor and to each house of the Legislature.

SECTION 3. Section 23-15-351, Mississippi Code of 1972, is amended as follows:

23-15-351. It shall be the duty of the chair of the election commission of each county to have printed all necessary ballots for use in elections, except ballots in municipal elections which shall be printed as herein provided by the authorities of the respective municipalities; and the election commissioner shall cause the official ballot to be printed by a printer sworn to keep the ballots secret under the penalties prescribed by law. The printer shall deliver to the election commissioners for holding elections, a certificate of the number of ballots printed for each precinct, and shall not print any additional ballots, except on instruction of proper election commissioners; and failure to observe either of these requirements shall be a misdemeanor.

In the case of a statewide special election on the new design for the official Mississippi State Flag provided for in Section 2 of this act, the provisions of this article regarding the printing and distribution of the official ballots shall be governed by the provisions of Section 2(3) of this act.

SECTION 4. Section 23-15-355, Mississippi Code of 1972, is amended as follows:

23-15-355. Ballots in all elections shall be printed and distributed at public expense and shall be known as «official ballots.» The expense



of printing the ballots shall be paid out of the county treasury, except that in municipal elections such expenses shall be paid by the respective cities, towns and villages.

In the case of a statewide special election on the new design for the official Mississippi State Flag provided for in Section 2 of this act, the provisions of this section regarding payment of the expenses of printing the official ballots shall be governed by the provisions of Section 2(3) of this act.

SECTION 5. Section 3-3-16, Mississippi Code of 1972, which provides the design for the official flag of the State of Mississippi, is repealed.

SECTION 6. Upon the effective date of this act, the Department of Archives and History shall immediately develop a plan for the prompt, dignified and respectful removal of the former official Mississippi State Flag described in Section 3-3-16, Mississippi Code of 1972, and the removal of the flag shall take place not later than fifteen (15) days from the effective date of this act.

SECTION 7. This act shall take effect and be in force from and after its passage.