
STATUARY PARK AT

Gettysburg

Re: Solicitation of Confederate Statues Offer

October 14, 2021

We commend once again the City Council and City Manager of Charlottesville for the successful removal of the two Southern statues without further incident.

Statuary Park at Gettysburg's mission is to rescue unwanted statues associated with Civil War era figures as well as other 19th century figures. Our mission is to rescue, collect, preserve, and present to the public.

Statuary Park at Gettysburg follows in the proven footsteps of 4 other museums for unwanted statues.

Taiwan, Russia, Hungary and Lithuania all have successfully operated these museums for 20+ years.¹ They display statues in a simple fashion and statues are often within 30 feet of other unwanted statues. There is no ennobling of the statues. As a Lithuania father expressed it, we need to preserve the past and learn from tangible statues and not vague concepts. Stones do speak, and statues are not silent bodies in bronze.

These two Southern statues are indeed excellent examples of 3 noted sculptors works.

We thank you for the opportunity to submit a proposal and would respectively submit the following comments.

Sec. 1.2 Firstly, the enormous (and perhaps unnecessary cost of moving the bases) is a meaningful deterrent and favors well established institutions or those close to Charlottesville itself. In fact, this requirement handicaps newer institutions and museums, especially those located at some distance from the current resting place(s) of the statues and bases. (Bases could be replicated at a future site for a fraction of the transport cost using laser measurements and modern materials.)

Sec. 2.2. We believe we would qualify to bid under the enabling category of "engaged in commemorating historical events."

Sec. 2.5 This section is problematical since history does change and each generation is rightly empowered and equally entitled to re-interpret past events. If future interpretations can never change, then how can corrections be made? If the late author Seamus Heaney could not have been allowed to retranslate Beowulf, his translation would not have made Beowulf newly accessible to enchant future generations of readers.

Noted historian Ron Chernow asserted in a recent biography that a contemporary term for Gen. U.S. Grant was “filthy “butcher.”² In fact, a simple Google search shows past use of the term “bloody butcher”, but it is Chernow himself who has coined the term “filthy butcher.” Historians often sensationalize the past (as is their prerogative) and does anyone propose that Mr. Chernow now be corrected?

Sec. 2.6 Offeror is solely responsible for removal relocation or re-erection... We believe the city, if it does not take advantage of the \$250 mm program that Mellon Foundation has promoted to help defray the costs of exactly this type of “relocation”, may be failing its own fiduciary duty. (see below)

Sec. 3.2 The long-term sustainability of the recontextualization plan could be well strengthened by having an explicit, tightly crafted indemnification clause to provide “teeth” to the required commitment.

Paying for Removal and Transport of the Statue and Base

We would recommend that the city of Charlottesville work with whomever is the winning bidder and avail themselves of grants offered by the Andrew W. Mellon Foundation to cover the cost and expense of moving and re-siting the monument. Taking the Foundation at its word, Mellon Foundation has committed \$250 mm over the next 5 years for exactly these purposes, as per their website.

Andrew W. Mellon Foundation (NY) announced a \$250 mm Monuments Project to Census, Remove, and Replace (Oct. 2020). Specifically, the third of Mellon’s three stated goals is “relocate existing monuments or memorials”

See website monumentsproject@mellon.org. I contacted Julie B. Ehrlich, Program Advisor and Chief of Staff, inquiries@mellon.org at 212-838-8400.

We thank you for the opportunity to prepare an offer on behalf of Statuary Park at Gettysburg but must decline as per the reasons stated above.

Sincerely,



T.C. Donahoe

www.gosmuseum.org

¹ Taiwan (Cihu Memorial Statues Park)
Russia (Fallen Monument Park)
Hungary (Memento Park)
Lithuania (Grutas Park)

² Chernow, Ron, *Grant*, New York, N.Y., Penguin Press, 2017, page xxi

Frederick Gierisch
3794 FM 1796
UTOPIA, TX 78884
830-202-5099

10-10-2021

#2

"LETTER OF TRANSMITTAL"

"CONFIDENTIAL STATUES OFFER"

The ENCLOSED LETTER AND OFFER ARE FOR THE (2)
Statues THE "CITY OF CHARLOTTESVILLE" SENT OUT A
SOLICITATION OF OFFERS FOR.

- ① General Robert E. Lee with base.
- ② Jonathan "Stonewall" JACKSON with base.

Submission Deadline OCTOBER 15, 2021

I Frederick Gierisch an individual is solely
responsible for the bid/offer and financial payment.
My Address to relocate the statues and also my contact
info. is: Frederick Gierisch
3794 FM 1796
UTOPIA, TEXAS 78884
830-202-5099

Thank You,

Frederick Gierisch
~~Frederick Gierisch~~

Frederick Gierisch

OCTOBER 10, 2021

Bid For Statues

① Robert E. Lee and Base.

② Jonathan (stonewall) Jackson and Base.

A. Introduction ; I am an individual family man with a great wife and (4) great kids aged 3-11yrs. I am purchasing as an individual for my private personal collection. I am not affiliated with any companies, groups or organizations.

I have a 2800 Acre Ranch and my intent is to display these at my ranch with other items I have collected over the years.

I take care of all my belongings and these will be in a secure location and protected from any future grafitti or harm.

I believe our histories good and bad should be preserved. If history is erased like some people are trying to do, it possibly will repeat itself.

I am a simple person as such forgive my personal penmanship. I am not into computers much. Feel free to call me with any follow-up Questions!

Bid For Statues

B. Reasons to Accept my Bid.

①. These confederate items have been a reason for protest over the last 5 years. They bring unwanted problems, hardship and publicity for you, and other future owners.

There are future risks of protestors, public scrutiny, etc. There will be the possibility of future large gatherings with possible damage, vandalism, etc.

I am rurally located and feel the risks here will be avoidable and minimal in my private collection.

② IF you sell, donate, give, etc. these to a business, a non-profit, a museum, or cemetery for public display. You have a great chance of still being in the spotlight and there will be many more chances for them to be damaged from protestors or destroyed as a protest.

I am giving you a better, quieter alternative.
OUT OF SIGHT OUT OF MIND!

③ I can pick up and relocate these items quickly, safely and quietly!

④ I always pay all my bills and I am Quick Pay.

Bid For statues.

Page 3

C.- MY BID

I have no idea what these statues are worth as far as materials, labor, etc.

For you and your city to be removed from the responsibility of safe guarding them or from being subjected to more public protest and scrutiny, I would say your value to dispose of them would be high for you.

INSTEAD of you paying or donating these with the possibility of future liabilities, I would be willing to relocate them to my ranch for display and pay you

\$10,000.00 each for statue with base.

This would be \$20,000.00 total and the statues and bases would both be picked up as soon as possible and relocated, at my cost for loading and transporting and reassembling them.

Frederick Gierisch

OCTOBER 10, 2021

Bid For statues.

Page 4

C. cont'd.

I believe I could have everything removed within a 1-2 week timeframe once removal is approved. However I would like a 60 Day window for removal just in case any unforeseen problems or issues pop up.

I would also like the removal days kept quiet so there is no controversy and so my safety and my loading crews and transporters are safe also.

D. Further INFO.

I am more than willing to speak with you more on this bid at any time. Just please let me know whether my Bid is Accepted or Rejected. Thank you for your time and for considering my offer!

Frederick Gierisch
3794 FM 1796
UTOPIA, TX 78884
830-202-5099

Frederick Gierisch
October 10, 2021

Bid For Statues

Food For Thought.

Please think about this no matter who you decide to give, sell, donate these items to.

As there is a lot of public scrutiny during this time, I once donated some machines to our local recycle place for use. I wanted to put a few rules and stipulations in place. I spoke with an attorney about this.

He instructed me not to place any rules, restrictions, etc. or get involved in any way. Just donate, sell, etc. outright as is, where is, he said.

Otherwise you (me) will be responsible for any future issues good or bad. So the best thing is to detach yourself completely from the items.

So, just food for thought. You seem to have lots of little rules on these items that would bind you and the future people running your city and you would be spending resources and time trying to monitor the future activities of these items! Is that something you really want to stay involved with?

Frederick Bierisch

#3

October 15, 2021
Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Confederate Statues Offer: Robert E. Lee Statue

DEAR CHARLOTTESVILLE CITY COUNCIL,

The Jefferson School African American Heritage Center appreciates this opportunity to submit its offer, "Swords into Plowshares," to the City of Charlottesville. We request possession of the Shradly-Lentelli 1924 monument of Robert E. Lee for the purposes of melting it down and remolding it into a new work of public art that expresses the City's values of inclusivity and racial justice. This transformation will be informed by a collaborative and democratic process of community engagement that prioritizes the voices of descendants of enslaved people, extending the dialogues on race that have occurred locally since 2010. Using this statue's melted bronze material in a new way will be a powerful symbol of social change.

In its recently published "National Monument Audit," the Monument Lab defined monuments as "a statement of power and presence in public." Like many Confederate memorials throughout the country, Charlottesville's Lee statue was erected during the era of Jim Crow, a time when whites wanted to symbolically reinforce power against a flourishing black population.

The Lee statue became an international lightning rod of white supremacy when, in August 2017, neo-Nazi rioters descended on Charlottesville to intimidate our elected government from removing it from the park. The violence that engulfed our city became synonymous with globally-resurgent white nationalism. Heather Heyer was killed, and many were injured, when a Nazi-sympathizer drove his car into a crowd of anti-racist demonstrators.

Recontextualization is not enough. Even taken from its pedestal and removed from its central location in downtown Charlottesville, the social codes engendered by the Lee statue will allow it to remain an icon of violent white supremacy wherever it is placed.

Transformation is different from destruction: the new piece of art will draw meaning from the fact that it will be formed from the very materials that were once used in the Lee statue. We believe our proposal will create an opportunity to move history forward and leave behind the false notion that such symbols are a fixed part of our community's shared heritage.

The Lee statue has been a singular source of harm to our community. Our proposed process of transformation may not be the right solution for every city that has inherited unwanted symbols of oppression. But it is the right solution for this city and this statue. The Jefferson School's "Swords into Plowshares" proposal offers Charlottesville the chance to transform this trauma into healing and renewal through art.

This offer is valid for 120 days.

Thank you for your consideration.

Sincerely,



DR. ANDREA DOUGLAS
EXECUTIVE DIRECTOR
JEFFERSON SCHOOL AFRICAN AMERICAN HERITAGE CENTER

SWORDS INTO PLOWSHARES PROPOSAL

"Swords Into Plowshares" (SIP) proposes to articulate Charlottesville, Virginia's 1924 monument of Robert E. Lee as a new work of public art that expresses the City's values of inclusivity and racial justice. Inspired by the prophetic vision of transforming "swords into plowshares" (Isaiah 2:4), SIP would fund the transportation, disassembly, and melting down of the statue; an extensive community engagement process; and ultimately, the commissioning of an artist-in-residence committed to that engagement to repurpose its bronze for a new piece or pieces of art. Upon completion, SIP would offer the completed artwork to the City for potential installation in a public place.

This proposal is submitted by the Jefferson School African American Heritage Center (JSAAHC), a Charlottesville nonprofit 501c3 organization, with support from the University of Virginia Democracy Initiative's Memory Project, Virginia Humanities, the Open Society Foundations, Descendants of Enslaved Communities at UVA, the Bridge Progressive Arts Initiative, along with other community groups, museums, and educational, arts and philanthropic organizations. This coalition believes that Charlottesville is uniquely positioned to make a bold statement that will recast the national conversation about monuments and public spaces. By selecting "Swords Into Plowshares," the Charlottesville City Council will give our community an opportunity to write a new and innovative chapter in our City's story.

Community input will be key to the artistic transformation of the Lee monument. SIP includes a plan for an extensive community engagement process that builds on earlier successes such as the Dialogue on Race, the Blue Ribbon Commission on Race, Memorials and Public Spaces, and the Memorial to Enslaved Laborers at UVA. In this new conversation, the community will collaborate to define the values that the new work of art should reflect and the criteria of its future placement. The conversation will be especially attentive to the voices of descendants of enslaved people: the same community that, a century ago, was excluded from shaping civic life and public spaces.

In the 20th century, Charlottesville was acclaimed (by those willing to ignore white supremacy's harms) for its collection of commissioned monuments which have recently been removed. In the 21st century, our city will again be distinguished for its leadership in public art--this time by pieces that express commitment to democratic values. SIP will extend the ideas reflected in UVA's highly regarded Memorial to Enslaved Laborers both geographically and thematically. We aspire for SIP to result in a work that receives equal critical acclaim, while giving Charlottesville its own artistic reckoning with our

town's racial politics that is distinct from the university's. SIP would further articulate the conversation about racial politics to address our present moment, connecting the Memorial to Enslaved Laborers's focus on slavery to contemporary struggles for equity and social justice. These monumental works will interact conceptually by embedding different aspects of our community's efforts at historical truth telling directly into the landscape.

Through the project's insistence that its outcomes be community driven, it "is consistent with City Council's core values," as described in the "C'ville Arts and Culture" section of the "Charlottesville City Council Vision - 2025":

Our community has world-class performing, visual, and literary arts reflective of the unique character, culture, and diversity of Charlottesville. Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources."

PROPOSED PLAN & TIMELINE

STATUE REMOVAL & TRANSFORMATION

SIP is prepared to remove the Lee statue from City property immediately. The JSAAHC has consulted with a foundry that has agreed to pick up the Lee statue from its current location and transport it to its facilities, where the statue will be further disassembled and reconstituted as ingots. The ingots will be stored until the time comes to repurpose them as an art medium. A sculpture studio has agreed to pick up the granite from city property and transport it to their facilities. The contractors involved are enthusiastic about participating in such a transformative project.

COMMUNITY ENGAGEMENT

In January 2022, JSAAHC plans on inaugurating a six-month series of community dialogues and meetings facilitated by Frank Dukes and colleagues at UVA's Institute for Engagement + Negotiation. Dukes played a key role in mediating the Montpelier Board's recent shift to parity with its descendant community and led community engagement as a member of the design team for UVA's Memorial to Enslaved Laborers. He is well associated with the community as both a resident and the director of UCARE.

The process will consist of an extensive conversation with the community in traditional and non-traditional sites including the Jefferson School, churches, local schools, assisted living facilities, public libraries, cafés, beauty salons, and barber shops. Outreach will also occur virtually to ensure inclusion of community members with limited access to other

sites. For additional information about the community engagement plan, please see Appendix A of this application.

Based on the content of these sessions, we will compile the results of our findings to create a guiding document to be presented to the community by Fall 2022.

ARTIST RESIDENCY

In Winter 2022, we will announce an RFP and craft a jury process which will require interested artists to engage with the community in public forums as well as the guiding document created prior to artists' submission of their proposals. Our goal is for the jury to announce an artist or artists by 2024, the one-hundredth anniversary of the Lee statue's installation. They will be invited to an artist residency hosted at Visible Records, an artist-run gallery and studio space in Charlottesville. Ideally, the new art piece will be completed and installed before the 10-year anniversary of the Summer of Hate in 2027.

MANAGEMENT

Given the complexity and length of this project, SIP's budget includes funding for a project manager. This position will oversee the metal and stone contractors, staff the community engagement process, and interface with donors and the City as the process advances.

FINANCIAL FEASIBILITY & COST TO THE CITY

If the City accepts SIP, the City will not be liable for any costs associated with removal and transformation of the Lee statue. We confirm that the Jefferson School will be liable for all such costs, including transportation. SIP's aim is to offer the resulting transformed work of art to the City, ideally for installation on public land. SIP is willing to cover the cost of installation and welcomes conversation with the City about possible arrangements for land. Should the city accept the eventual donation of the piece of art, there could potentially be some financial obligations commensurate with normal upkeep of art in public spaces. If the City should in the future decline the donation, SIP plans on pursuing other placement options.

From removal to completed work of art, SIP will cost an estimated \$1.1 million. At the time of submission of this application, SIP has raised \$590,000--more than half that amount. Funders include the Memory Project at UVA's Democracy Initiative, Virginia Humanities, and Open Society Foundations. This application packet includes letters confirming

these organizations' pending commitments. Contractors have generously offered to provide services for this project at a discounted rate.

THE JEFFERSON SCHOOL AFRICAN AMERICAN HERITAGE CENTER

The JSAAHC is qualified to receive the statue under Virginia Code §15.2-953, which states: "A locality may make like gifts and donations to any and all public and private nonprofit organizations and agencies engaged in commemorating historical events." The JSAAHC is a nonprofit 501c3 founded in 2013, whose mission is to honor and preserve the rich heritage and legacy of the African-American community of Charlottesville-Albemarle, Virginia and to promote a greater appreciation for, and understanding of, the contributions of African Americans and peoples of the Diaspora locally, nationally and globally.

The JSAAHC is the most appropriate recipient of the Lee statue. It has played a key role in Charlottesville's years-long process of re-envisioning public spaces. In 2011, JSAAHC helped to develop the Dialogue on Race's Vinegar Hill monument jury process that led to the selection of internationally known artist Mel Edwards. From 2013-2018 Dr. Douglas served on the University of Virginia's President's Commission on Slavery and was a member of the jury that selected the design team that designed UVA's Memorial to Enslaved Laborers. She presently serves as co-chair of the University's Commission on the Age of Segregation.

In 2016, she was appointed a commissioner of Blue Ribbon Commission (BRC) on Race, Memorials, and Public Spaces, which held public hearings for six months about Confederate monuments, many of which took place at the JSAAHC.

Dr. Douglas and the JSAAHC have experience owning, maintaining, and displaying historic artifacts. The JSAAHC maintains a museum exhibit and gallery space on its premises, which it stewards according to American Alliance of Museum guidelines. Dr. Douglas holds a Ph.D. in Art History and possesses twenty years of experience as a museum curator, including seven years at UVA's Fralin Museum of Art. She has served on numerous sculpture juries in Washington D.C., including the Katzen Art Center at American University. It is fitting to have African American leadership for this culminating disposition phase of our community's painful journey with these symbols of white supremacy. It behooves the City Council to select the Jefferson School -- the only local institution, and the sole African American organization to have applied.

CONTACT INFORMATION

As the JSAAHC's Executive Director, Dr. Andrea Douglas is authorized to negotiate this offer on behalf of the Jefferson School. Her contact information is:

Dr. Andrea Douglas

434-260-8724

director@jeffschoolheritagecenter.org

APPENDIX 1: SWORD INTO PLOWSHARES: A COMMUNITY-LED PROCESS

The JSAAHC wishes to acquire the Shradys-Lentelli 1924 monument of Robert E. Lee in order to transform it into material to be used by community members and artists in the creation of sculpture that affirms 21st century Charlottesville's inclusive values. We propose to engage Charlottesville residents in a participatory process that centers the voices of our descendant community and that also helps define the criteria for placement of this art in public areas. We are inspired by the prophetic vision of transforming "Swords Into Plowshares" (Isaiah 2:4).

The development of the new art will be driven by an intensive community engagement process. This engagement will follow principles of equitable collaboration. Key elements of equitable collaboration include:



Trauma-Informed – Focus on relationships, and prepare and support people in ways that prevent, minimize, or mitigate trauma



Inclusive – Reach all segments of a community, and account for racial, ethnic, gender, class and other dynamics as keys for meaningful participation



Responsive – Acknowledge and respond to community questions, needs, concerns and ideas in timely and meaningful ways



Truth-Seeking – Invite honest, complete histories, even when such histories may be painful to hear and to understand



Deliberative – Foster brave spaces where participants honestly and openly confront past and present, for learning, growing, and shared civic thinking



Adaptive – Develop appropriate goals and process for current circumstances, while adjusting as circumstances change

The engagement will be facilitated by the Institute for Engagement at UVA (IEN), drawing on lessons learned from earlier successful engagement on issues involving racialized history, including the Dialogue on Race, the Blue Ribbon Commission on Race, Memorials and Public Spaces, and the community-based design process for UVA's Memorial to Enslaved Laborers (MEL). The latter was led by IEN as a member of MEL's design team.

SIP WILL DESIGN A COMPREHENSIVE OUTREACH PLAN BY:

- ★ Actively inviting ideas from all populations, while centering the needs, concerns and ideas of the descendant community;
- ★ Holding bi-weekly, in-person gatherings at the locations throughout the City. These may include, but not be limited to, the Jefferson School, Charlottesville High School, Burley Middle School, assisted living facilities, public libraries, cafés, beauty salons, barber shops, and places of worship;
- ★ Ensuring that all meetings are widely promoted, independently facilitated by trained facilitators, have clear purposes and agendas, and produce accessible summaries following the meetings;
- ★ Allowing also for remote participation through Zoom meetings.

THE PROCESS WILL ENCOURAGE DIVERSE PARTICIPATION BY:

- ★ Creating an ongoing community advisory body. This would be a diverse, representative group of community members who agree to participate throughout the engagement process to represent community views, to guide and support community engagement, to solicit ideas from their community connections, and to consider the public good even as they may advocate for particular outcomes;
- ★ Recruiting "community ambassadors" to increase the outreach to community groups, especially those who are unlikely to attend community meetings (whether virtual or in person);
- ★ Working in partnership with City Schools, to broaden the range of involvement to include children and youth.

THE PROCESS WILL SHAPE THE RESULTING ART:

- ★ The themes and conclusions developed in the community engagement process will be written up in a report by the fall of 2022. The artist selected for the commission will be required to base their proposal on that report and develop their own additional engagement work.



APPENDIX 2

SWORD INTO PLOWSHARES: LETTERS OF SUPPORT

The following organizations and Individuals have submitted letters of support on behalf of "Swords Into Plowshares," which are included in this appendix:

DONORS TO THE PROJECT

- ★ The Memory Project at UVA's Democracy Initiative
- ★ Virginia Humanities
- ★ Open Society Foundations

SUPPORTERS OF THE PROJECT

- ★ The Descendants of Enslaved Communities at the University of Virginia
- ★ Blue Ribbon Commission Members
- ★ The Bridge Progressive Arts Initiative
- ★ Visible Records
- ★ Equal Justice Initiative
- ★ Congregate Charlottesville
- ★ Charlottesville Clergy Collective
- ★ Sally Hudson, Delegate 57th District
- ★ Melody Barnes, Former Director, White House Domestic Policy Council
- ★ Virginia Student Power Network
- ★ Charlottesville Black Arts Collective
- ★ The Valentine Museum
- ★ Black History Museum and Cultural Center of Virginia
- ★ Casa Alma - Charlottesville Catholic Worker Community
- ★ Indivisible Charlottesville

- 
- ★ Charlottesville Democratic Socialists of America
 - ★ Hate Free Schools Coalition of Albemarle County
 - ★ Second Street Gallery
 - ★ New City Arts Initiative
 - ★ Beloved Community Cville
 - ★ Prolyfyck Run Crew
 - ★ Rev. Dorthey Piatt-Esguerra, Westminster Presbyterian Church
 - ★ Niya Bates, descendant of Monticello's enslaved community
 - ★ Gayle Jessup White, descendant of Monticello's enslaved community
 - ★ Elizabeth Birdsall, descendant of enslavers



October 15, 2021

Charlottesville City Council
605 East Main Street
Charlottesville, VA 22902

Dear Members of the Charlottesville City Council,

The past few years have been so challenging for Charlottesville that, at times, we lose sight of all that we've accomplished.

We have been willing to struggle as a community to identify and challenge white supremacy. During the 2017 Summer of Hate, residents of our city courageously stood up to hatred by exercising our rights to free speech and free assembly.

We keep showing up to do the work, despite our historic and on-going difficulties. We've held numerous public forums (many of them hosted by the Jefferson School African American Heritage Center) during which we've shone a spotlight onto this difficult history. We've learned a lot from one another--often in public.

One of the defining themes of these gatherings has been that as long as there has been white supremacy, Black people have been challenging it. In our town, the current reckoning with Confederate monuments has been powered by African American leaders--from Zyanna Bryant's bold 2016 petition, to Don Gathers' and John Edwin Mason's steady guidance of the Blue Ribbon Commission, to Dr. Andrea Douglas's innovative "Swords Into Plowshares" proposal. UVA's Memory Project is a proud supporter of SIP and has agreed to financially support this worthy effort. SIP has earned the endorsement of Descendants of Enslaved Communities, Charlottesville Black Arts Collective, the Black History Museum and Cultural Center of Virginia, and Black clergy. It is also being given critical support by Alvin Starks of the Open Society U.S. Equality Team.

With this proposal, you have been invited to support Black leadership. Should you accept it, Charlottesville will have another accomplishment of which to be proud. In 2017, the entire world witnessed our trauma and, more importantly, our resistance. The world is watching what we do now with these statues.

Be brave.

Sincerely,

A handwritten signature in black ink that reads "Jalane Schmidt". The signature is written in a cursive style with a large, stylized initial "J".

Dr. Jalane Schmidt

Director, Memory Project at UVA's Democracy Initiative



ARTS & SCIENCES

Democracy Initiative

Bond House | 600 Brandon Ave | Charlottesville, VA 22903

democracyinitiative.virginia.edu



October 13, 2021

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

To Members of City Council,

On behalf of Virginia Humanities, the commonwealth's humanities council, I write today to express my enthusiastic support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal. Charlottesville is uniquely positioned to make a bold and innovative statement about Confederate monuments that has the potential to recast the national conversation about race, history, and public spaces.

The JSAAHC is the only local applicant that has requested to receive the statue; it is also the only African-American organization. By proposing to transform the statue of Robert E. Lee into something new that more accurately reflects Charlottesville's democratic values, "Swords into Plowshares" will take our city's painful history and turn it into an opportunity for healing. It is proposing to do this entire project at no cost to the city. What is more, if this proposal is accepted by the city, Virginia Humanities has already agreed to financially support the community engagement aspects of the project.

The community engagement process and artistic transformation it proposes will pay special attention to voices in the African American community, which were systematically excluded from the conversation about public space when the statue was erected in 1924. The JSAAHC has the credibility and experience to carry this out. It has been a leader in city discussions about systemic racism for years. "Swords Into Plowshares" represents a creative culmination of the 2016 recommendations of the Blue Ribbon Commission.

As members of the Charlottesville community with a statewide mission, Virginia Humanities hopes you give JSAAHC the opportunity to lead in this effort to shape a new narrative of and for this great city, and that it becomes a model to which other communities across the nation might look as a model for racial healing. If you have need for further comment, please feel free to reach out to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Gibson", with a long horizontal flourish extending to the right.

Matthew Gibson
Executive Director
Virginia Humanities
946 Grady Ave., Ste 100
Charlottesville, Va. 22903
434.924.4531 | mgibson@virginia.edu

OPEN SOCIETY FOUNDATIONS

October 8, 2021

Dear Members of Charlottesville City Council:

The Open Society Foundations (OSF) offers our recommendation of the Jefferson School African American Heritage Center's "Swords into Plowshares" proposal for the future of the city's Robert E. Lee statue. As you may know, Open Society Foundations is one of the largest human rights philanthropies in the world and we are committed towards building vibrant and inclusive democracies by securing justice, equality, accountability and fairness for all. We understand the critical work of public monuments in the United States as part of a larger reparative justice and racial equity strategy that allows us to make amends with our complex American history by expressing authentic truth-based narratives that accurately depict our evolving democracy.

Communities around the nation—and the world—are confronting what it means to break with past legacies of oppression. The "Monument Audit" recently published by the Mellon-funded Monument Lab found that many U.S. monuments "erase, deny, or belittle the historical experience of those who have not had the civic power or privilege to build them." At the Open Society Foundations, we believe that the process of reimagining monuments and public spaces is a crucial part of weaving a more inclusive and democratic society. The Jefferson School African-American Heritage Center's innovative "Swords into Plowshares" proposal would set a new bar in this regard, transforming the conversation by developing a process that turns something painful into an opportunity for growth.

The state of Virginia has emerged as an important and critical watermark in the national debate on monuments, race and belonging in society. As you know well, in 2017 the "Unite the Right Rally" in Charlottesville was centered on the contention surrounding the Lee monument and this sparked a tidal wave of deeply meaningful debates on race and contemporary culture while also creating new reforms on the role of public symbols in America culture. Recently, OSF proudly supported the new Emancipation and Freedom monument in Richmond and in 2019 we awarded community activist Free Egunfemi a Soros Equality Fellow to support her work on commemorative justice in Charlottesville. As part of our groundbreaking work on race in 2020, OSF created a monument justice initiative to support innovative memorial interventions that foster new ideas on historical accuracy and racial justice to inspire hope for an inclusive multiracial democracy.

The Open Society Foundations offers our letter of recommendation for "Swords into Plowshares," as we are currently pending a grant for their work. If you have questions or concerns, please contact me directly at alvin.starks@opensocietyfoundations.org.

Best regards,

Alvin Starks
Director — Equality, OSUS
Open Society Foundations

Descendants of Enslaved Communities at the University of Virginia



October 14, 2021

Charlottesville City Council
605 E. Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council:

In September, **The Descendants of Enslaved Communities (DEC) at the University of Virginia** celebrated its first anniversary as an independent nonprofit organization which serves as a collective voice of all descendants of enslaved and free Black communities who labored at the University of Virginia through research, education, and preservation. Our privileged partnership with the Jefferson School of African American Heritage Center (JSAAHC) is a key component to building our membership. The DEC would like to register its enthusiastic support for the JSAAHC's "Swords into Plowshares" proposal. Charlottesville is uniquely positioned to make a bold and innovative statement about Confederate monuments that has the potential to recast the national conversation about race, history, and public spaces.

The JSAAHC is the only local applicant that has requested to receive the statute; it is also the only African-American organization. By proposing to transform the Lee statute into something new that more accurately reflects Charlottesville's democratic values, "Swords into Plowshares" will take our city's painful history and turn it into an opportunity for healing. It is proposing to do this entire project at no cost to the city.

The community engagement process and artistic transformation it proposes will pay special attention to voices in the African-American community, which were systematically excluded from the conversation about public space when the statute was erected in 1924. The JSAAHC has the credibility and experience to carry this out. It has been a leader in city discussions about systemic racism for years. "Swords Into Plowshares" represent a creative culmination of the 2016 recommendations of the Blue Ribbon Commission.

As members of the Charlottesville community, we hope you give us the opportunity to participate in shaping the narrative about our city.

Thank you,

Bertha French
Bertha French, Co-Chairs

DeTeasa Gathers

DeTeasa Gathers, Co-Chairs of the Descendants of Enslaved Communities at the University of Virginia

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear Members of City Council,

In 2016, we joined together to sit through 17 meetings of the City's Blue Ribbon Commission on Race, Memorials and Public Spaces (BRC) as appointed members of that Commission. Except for three meetings devoted entirely to public engagement, each meeting began and ended with public comment.

It was extraordinarily disappointing to hear so many totally false histories being presented to us during that time. Many of those involved Lee - "he liberated his own slaves" (reality: he fought the terms of his father-in-law's will that mandated their freedom as soon as possible, a case he lost in court), "he welcomed African Americans to his church in the months following Appomatox" (reality: he was lauded for his defiance of a Black man who dared to attend his church), he was fighting over state's rights, not slavery (reality: the only state's right in dispute was the right to enslave), "he was a paragon of honor" (reality: he allowed his soldiers to kidnap and enslave free Blacks during his campaign in Maryland and Pennsylvania).

The Lee statue, its ceremonies of dedication, its veneration by generations of whites blinded by the poison of white supremacy - all of these served as the worst form of idolatry. It is not enough simply to remove it from its former location. It must never again be allowed to stain ours or any other community's soul. By supporting the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal, Charlottesville will begin making amends for a century of complicity in that false worship.

Please help complete the work of the BRC and of so many who have said "no more" to white supremacy in our public spaces. The JSAAHC will engage our community in a thoughtful, inclusive process to transform this emblem of harm into one of hope and healing. Please make it possible to do so.

Signed,

Don Gathers, former chair
John Mason, former vice-chair
Andrea Douglas
Frank Dukes
Jane Smith



October 7, 2021

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

On behalf of the entire staff and board of The Bridge Progressive Arts Initiative, I am writing to indicate our unanimous support for the Jefferson School African American Heritage Center's *Swords Into Plowshares* proposal. The thoughtful and deliberate approach they've outlined stands in stark contrast to all others as the only proposal to offer a bright vision and inclusive process for public engagement, education, and transformation of the monument.

The Bridge Progressive Arts Initiative applauds the city's September 2021 Solicitation of Offers for statue acquisition guidelines which necessitates "the rejection of the Jim Crow-era narratives." Where the erection of the Robert E. Lee monument served to advance the prevailing racist and exclusionary narratives of the early 20th century, the *Swords Into Plowshares* proposal will champion a more compassionate, inclusive, and democratic possibility. As a city, we now have a sobering understanding of how public monuments, art, and symbols have a unique power to invoke and imprint narratives and ideals. Those which are associated with Charlottesville's Robert E. Lee monument must no longer endure. With this proposal, our city is gifted a rare opportunity to take a bold step toward dismantling and replacing those abiding narratives and ideals. Thanks to the thoughtful leadership and ambition of the JSAAHC, Charlottesville is now uniquely poised to transform our own narrative while inspiring a national conversation about race, history, and the role of art in public spaces.

The JSAAHC is the only local applicant that has requested to receive the statue. It is also the only African-American organization. The Jefferson School executive director Dr. Andrea Douglas is well qualified to steward this project, having served as a member of the City of Charlottesville's 2016 Blue Ribbon Commission on Race, Memorials and Public Spaces, and having served on the selection jury for the award-winning UVA Memorial to Enslaved Laborers. The JSAAHC's long standing commitment to providing appropriate context and education for Charlottesville's Jim Crow-era relics precedes the removal of the statue. For these reasons, The Bridge Progressive Arts Initiative trusts them, and only them, with the acquisition. Furthermore, we believe that the appropriate course of action for all other applicants upon learning of the *Swords Into Plowshares* proposal would be to graciously withdraw their applications.

To conclude, I would like to reiterate our utmost confidence in the JSAAHC's ability to thoroughly and thoughtfully carry out the *Swords Into Plowshares* proposal. We believe it is the only proposal worth consideration and we enthusiastically commit the support of our organization to their efforts in any capacity we may be able to serve.

Thank you,

Alan Goffinski, Executive Director

The Bridge Progressive Arts Initiative

VISIBLE / RECORDS

October 14, 2021

Morgan Ashcom & Kendall King
Directors of Programming for Visible Records
1740 Broadway St.
Charlottesville, VA 22902

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

On behalf of Visible Records, we are writing to express our enthusiastic support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal. Charlottesville is uniquely positioned to make a bold and innovative statement about Confederate monuments that has the potential to recast the national conversation about race, history, public artwork, and public spaces.

Artists across the nation are working to deconstruct Lost Cause narratives and transform our public spaces, and broader culture. "Swords Into Plowshares" provides Charlottesville with an incredible opportunity to engage in this national conversation and turn our previously white supremacist monument into a symbol that represents our community's values, our aspirations for a better future, and a truthful acknowledgement of our past. Artists regularly engage in a process of shifting societal values, and in this they run parallel to the work our community's activists have been engaging in for decades. "Swords Into Plowshares" provides an opportunity for these two groups to work together and create a site of communal healing.

We believe that this transformation must be Black-led, and that there is no better organization than the Jefferson School and Dr. Andrea Douglas to be trusted with this monumental project. Dr. Douglas is an established art historian and community leader, making her the ideal candidate to spearhead this transformative proposal.

We are a new artist-run studio space and gallery in the Belmont/Carlton neighborhood with a mission to prioritize affordability of studios, establish artist residency opportunities for Black, Indigenous, People of Color (BIPOC) and low-income artists, and build partnerships with BIPOC organizations and community organizers. We believe "Swords Into Plowshares" directly aligns with our mission and values, and we are excited to support by providing studio space for the artist residency, as well as access to our facilities for community events.

Thank you, Morgan Ashcom & Kendall King



October 14, 2021

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

The Equal Justice Initiative (EJI) is writing to express our enthusiastic support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal. Charlottesville is uniquely positioned to make a bold and innovative statement about Confederate monuments that has the potential to recast the national conversation about race, history, and public spaces.

The JSAAHC is the only local applicant that has requested to receive the statue; it is also the only African-American organization. By proposing to transform the Lee statue into something new that more accurately reflects Charlottesville's democratic values, "Swords into Plowshares" will take the city's painful history and turn it into an opportunity for healing. It is proposing to do this entire project at no cost to the city.

The community engagement process and artistic transformation it proposes will pay special attention to voices in the African American community, which were systematically excluded from the conversation about public space when the statue was erected in 1924. The JSAAHC has the credibility and experience to carry this out. It has been a leader in city discussions about systemic racism for years. "Swords Into Plowshares" represents a creative culmination of the 2016 recommendations of the Blue Ribbon Commission.

EJI had the privilege of working with JSAAHC and Charlottesville community members as part of the Community Remembrance Project to document and memorialize the 1898 lynching of John Henry James. Throughout that process, JSAAHC worked to engage the Charlottesville community in meaningful education and reflection. We encourage you to grant them the opportunity to do so again in shaping the narrative about Charlottesville.

Thank you,

Equal Justice Initiative



October 9, 2021

Dear City Council,

Congregate Charlottesville is writing to express our enthusiastic support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal.

Charlottesville is uniquely positioned to make a bold and innovative statement about Confederate monuments that has the potential to recast the national conversation about race, history, and public spaces.

The JSAAHC is the only local applicant that has requested to receive the statue; it is also the only African American organization. By proposing to transform the Lee statue into something new that more accurately reflects Charlottesville's democratic values, "Swords into Plowshares" will take our city's painful history and turn it into an opportunity for healing. It is proposing to carry out this entire project at no cost to the city.

The community engagement process and artistic transformation the project proposes will pay special attention to voices in the African American community, voices that were systematically disregarded and excluded from the conversation about public space when the statue was erected in 1924. The JSAAHC has the credibility and experience to carry this out. It has been a leader in city discussions about systemic racism for years. "Swords Into Plowshares" represents a creative culmination of the 2016 recommendations of the Blue Ribbon Commission.

As members of the Charlottesville community, we hope you give us the opportunity to participate in shaping the narrative about our city by accepting the JSAAHC's important and potentially transformative proposal.

Thank you,

Congregate Charlottesville
Christina Rivera
Rebekah Menning
Jordan Leahy
CO-PRESIDENTS



105 Lankford Ave.
Charlottesville, VA 22903
www.cvilleclergycollective.org
email@cvilleclergycollective.org

October 14, 2021

Dear City Council,

We, the undersigned members of the Charlottesville Clergy Collective, are writing to express our enthusiastic support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal. Charlottesville is uniquely positioned to make a bold and innovative statement about Confederate monuments that has the potential to recast the national conversation about race, history, and public spaces.

The JSAAHC is the only local applicant that has requested to receive the statue; it is also the only African-American organization. By proposing to transform the Lee statue into something new that more accurately reflects Charlottesville's democratic values, "Swords into Plowshares" will take our city's painful history and turn it into an opportunity for healing. It is proposing to do this entire project at no cost to the city.

The community engagement process and artistic transformation it proposes will pay special attention to voices in the African American community, which were systematically excluded from the conversation about public space when the statue was erected in 1924. The JSAAHC has the credibility and experience to carry this out. It has been a leader in city discussions about systemic racism for years. "Swords Into Plowshares" represents a creative culmination of the 2016 recommendations of the Blue Ribbon Commission.

As members of the Charlottesville community, we hope you give us the opportunity to participate in shaping the narrative about our city.

Thank you,

Rev. Dr. Alvin Edwards, Pastor, Mt. Zion First African Baptist Church
Sarah A. Kelley, Apostle, Faith, Hope and Love Int'l Healing and Deliverance Center
Devin Coles, Pastor of Amazing Changes Ministries, member of the Charlottesville Clergy Collective

Sharon Beckman-Brindley, Insight Meditation Community of Charlottesville

Rev. Dr. Eugene Locke, Parish Associate, Westminster Presbyterian

Rabbi Tom Gutherz, Rabbi, Congregation Beth Israel

Gail Hyder Wiley, Elder, Westminster Presbyterian Church

Rev. Dr. Linda Olson Peebles, Interim Lead Minister, Unitarian Universalist Congregation of Charlottesville

Rev. Dorothy Piatt-Esguerra, Associate Pastor for University and Social Justice Mission, Westminster Presbyterian Church

Steve Johnson, Pastor, Oak Chapel Baptist Church
Rev. Alexander B. Joyner, Pastor, First United Methodist Church, Charlottesville
Rev. Susan Steinberg, PC (USA)
Rev. Sandra Wisco, ret. Pastor in the ELCA
Gary Hatter, ruling elder, Olivet Presbyterian Church
Elizabeth Shillue, Quaker, Charlottesville Friends Meeting
Rev. Robert Lewis, Pastor, Hinton Avenue United Methodist Church
Rev. Ellen Longmoore, Retired UVA Chaplain, Interfaith minister
Rev. Dr. Jim Bundy, retired pastor, United Church of Christ
Rev. Maren Hange, Pastor, Charlottesville Mennonite Church
Rabia Povich, Cheraga, Inayatiyya Sufi Community fo Charlottesville
Rev. Alexandra McGee, MDiv, BCC Chaplain; Unitarian Universalist
Susan Kaufman, Insight Meditation Community of Charlottesville
Rev. Dr. Michael Cheuk, Secretary, Charlottesville Clergy Collective



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

COMMITTEE ASSIGNMENTS:
FINANCE
AGRICULTURE, CHESAPEAKE AND
NATURAL RESOURCES
COMMUNICATIONS, TECHNOLOGY AND
INNOVATION

SALLY LINDQUIST HUDSON

POST OFFICE BOX 2375
CHARLOTTESVILLE, VA 22902
FIFTY-SEVENTH DISTRICT

October 14, 2021

Charlottesville City Council
605 E. Main Street, 2nd Floor
Charlottesville, VA 22902

Dear Councilors,

I am writing to add my voice to the many Charlottesville residents who support the “Swords Into Plowshares” proposal from the Jefferson School African American Heritage Center. As a legislator who worked to reform the laws which have so long delayed this process, I can think of no better institution to lead our community in this next phase.

I trust there are several applicants for the City’s monuments that can safely transport the statues from one site to another. Only the Jefferson School is prepared to meet our community’s needs for an honest reckoning with these relics and their painful history, both recent and long-running.

JSAAHC is the only local applicant and the only African-American led institution that has applied to receive the statues. Its Executive Director, Dr. Andrea Douglas, has unmatched credentials for this project, including 20 years working as a museum curator and service on both the City’s 2016 Blue Ribbon Commission and UVA’s Commission on Slavery. She has proven leadership in shepherding transformative public art projects, including the Memorial to Enslaved Laborers at UVA. For many years — and especially these last five under the national spotlight — JSAAHC has educated the Charlottesville community about the Lost Cause mythology that gave rise to these statues and how it permeates every corner of the world we inhabit today.

Simply put, our community could not have navigated these last five years without JSAAHC’s leadership. We have achieved broad consensus that the statues must be removed because of their steadfast work. Now is the time to trust those same leaders to guide us in this next era of our journey.

Sincerely,

Sally Hudson

Charlottesville City Council
605 East Main Street, 2nd Floor
Charlottesville, Virginia 22902

October 15, 2021

Dear Members of the Charlottesville City Council,

I write to express my strong support for the Jefferson School African American Heritage Center's Swords Into Plowshares proposal.

For the past three years, I've traveled from my home in Richmond, Virginia to the University of Virginia – a commute between two cities that defiantly clung to the iconography of the Lost Cause prominently displayed in their public squares. As we know, the monuments were erected in the late 19th and 20th centuries as some in the South conjured a gilded new memory of its past and used every means possible to shape its culture, economy, policies and public narrative to carry that sentiment into the future. But places change when people change them and Charlottesville – like Richmond -- is changing. What better way to express Charlottesville's values of inclusivity and racial justice than a work of public art widely supported by the diverse community in which it will stand.

The Swords Into Plowshares (SIP) project reflects the best of the Charlottesville community. First, the artistic and physical transformation of the monument of Robert E. Lee would be informed by a community engagement process that ensures the public work of art produced reflects Charlottesville's values and those who live here. The art will be an extension of the conversation unfolding throughout Central Virginia and the nation regarding how to invite and listen to marginalized voices. The planned community engagement process would model the inclusive and democratic decision making that was absent from our public sphere when Confederate memorials were erected in the 1920s. By proposing to listen to community members, especially to the voices of descendants of enslaved people, SIP will follow in the path of other local cultural heritage sites including Monticello and Montpelier. Both presidential homes have invited significant input from the region's African American community as they work to create more historically accurate exhibitions.

The Jefferson School has the experience and credibility to lead this project, including the public engagement process. Its successful track record includes convening the Charlottesville community in public conversations about race and history, and in this instance, Dr. Frank Dukes will guide the work. Dr. Dukes is the former director of the Institute for Environmental Negotiation at the University of Virginia, and he also helped guide the community engagement process that led to UVA's Memorial to Enslaved Laborers.

Second, the final work of art would build dialogue with other significant work in the area, including the Memorial to Enslaved Laborers and the Rumors of War statue and the newly installed Emancipation and Freedom Monument in Richmond. More broadly, it would be an important contribution to the national and global conversation about what cities can do with unwanted symbols of oppression.

Finally, the community engagement process encourages the healthy civic culture needed to create a city in which everyone can thrive. As Harwood Institute for Public Innovation President Rich Harwood has written, "A weak civic culture undermines the best intentions and the most rigorous of analyses and plans. For change to happen, trust and community ownership must form, people need to engage with one another, and we need to create the right underlying conditions and capabilities for change to take root and spread." In this instance, both the community engagement process and the final work of art will be a powerful repudiation of the legacies of Jim Crow in our public square, as well as a down payment on the promise of a thriving Charlottesville.

Sincerely,



Melody C. Baines

Former Director, White House Domestic Policy Council (2009-2012)

Ibby Han

Co-Executive Director, Virginia Student Power Network
220 Hull St #200, Richmond, VA 2322
ihan@newvirginiamajority.org



October 13th, 2021

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

The Virginia Student Power Network is writing to express our support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal. VSPN's leadership, members, and alumni were deeply involved in counterprotesting white supremacists in the shadow of the Charlottesville Lee monument, and that impact continues today.

We believe that JSAAHC's proposal is the most transformative and community-centered option. The JSAAHC is the only applicant that is local to Charlottesville, African-American led, and will engage the community in a rigorous and thoughtful way. Allowing the monument to be exhibited elsewhere in its original form would be a profound disappointment and a disservice to the community members who have continuously challenged our city to address its painful history of racism and its symbols of white supremacy such as the Lee monument. Removing the monument was a critical first step; Charlottesville now has the opportunity to distinguish itself by reimagining the statue with reclamation and liberation as the central driving values.

Sincerely,

A handwritten signature in black ink that reads "Ibby Han". The signature is written in a cursive, flowing style.

Ibby Han
Charlottesville City resident

October 13, 2021

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

The **Charlottesville Black Arts Collective** supports the Jefferson School African American Heritage Center's "Swords Into Plowshares" plan for the Lee statue.

It's important to have public art that expresses inclusion. The Lee statue never did, and it never will, wherever it's placed next. A smelter is the best place for it. Our city would be better served by using its bronze for something new that takes our community in a forward direction.

With its exhibitions and programming, the Jefferson School has been a champion of African American art in Charlottesville. The Jefferson School is a trusted organization in our community, and its executive director, Dr. Andrea Douglas, is an art historian. We trust Dr. Douglas to lead this innovative "Swords Into Plowshares" process.

Transforming trauma into beautiful art is a powerful idea, one that deserves to become reality.

We urge you to select the Jefferson School.

Sincerely,

cvilleblackartscollective@gmail.com

The Charlottesville Black Arts Collective



1015 Last Clay Street
Richmond, VA 23219-1527

804.649.0711 p
804.643.3510 f
www.thevalentine.org

October 12, 2021

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council:

This is a transformative moment for Virginia. Our local histories and legacy artworks are on the world stage. Each community should embrace its role in deciding at the local level what it values and how to best share those ideals through a public process. As municipalities around the Commonwealth are wrestling with how to handle the future of now-removed monuments to white supremacy and racial oppression, it is critical to remember that each of the public artworks has a specific story connected to local place. Just as their creation began at the community level, so should their end.

The Valentine Museum is a local history organization currently involved in the discussions surrounding the disposition of Richmond's Lost Cause monuments and statues, and we fully support the selection of a local history organization in Charlottesville overseeing the final disposition of Charlottesville's Lost Cause monuments.

The Jefferson School African American Heritage Center has a successful history of actively interpreting Charlottesville's Lost Cause statues. The JSAAHC also thoughtfully engages with the community to reshape the narratives around race, public art, and memory. While Charlottesville reassesses its own civic values projected through public artworks, the JSAAHC is uniquely positioned to uplift the voices of the city's African American community through its established relationships and significant community engagement. In their public programming, the JSAAHC has been and will continue "clearly and unambiguously indicating the rejection of the Jim Crow-era narratives" that prevailed when Charlottesville residents originally erected the statues. Charlottesville is seeking a "real transformation of both space and narrative" that can be provided by the city's own Jefferson School African American Heritage Center.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Martin".

William J. Martin
Director, The Valentine



BHMVA
Black History Museum
& Cultural Center of Virginia

October 15, 2021

Charlottesville City Council
605 E Main Street, 2nd Floor
Charlottesville, VA 22902

Dear Council Members,

On behalf of the Black History Museum & Cultural Center of Virginia (BHMVA) I write in strong support of the Jefferson School African American Heritage Center's *Swords Into Plowshares (SIP)* proposal. As an organization dedicated to deepening understanding of African American history and culture across the Commonwealth, we believe *SIP* will make a vital contribution to our collective effort to strengthen and diversify opportunities for meaningful community engagement with issues central in our public life.

As you know, public art associated with the "Lost Cause" myth played a vital role in buttressing the "Jim Crow" apartheid system. We believe the *SIP* project represents a critical step for Central Virginia that, along with steps being taken by other sites and especially those of conscience, widens the corridor of opportunity for community members seeking to participate in the redress of the legacy of disfranchisement; the burdens of which we all still bear.

Moreover, in our view, the Jefferson School is uniquely qualified to lead the Charlottesville community in public conversations about race and history and brings the practical experience, wisdom, and empathy so essential to this unique undertaking.

We support the *SIP* project not simply because it is vital on its own merits, but because we believe it represents an extraordinary opportunity to leverage and scale aligned efforts in communities across Central Virginia and indeed the Commonwealth. For example, the BHMVA is hosting an exhibition titled "Unsay Their Names" a photo log of Richmond's transformation from June 8th to November 11th, 2020. The exhibition juxtaposes the "Say Their Names" social movement, while the photographs capture Confederate monuments during the period of social unrest that led to their removal. Taken together, these types of projects create opportunities for regional collaboration that can yield quantifiable economic benefits for our entire region.

SIP would expand civic dialogue already catalyzed by other significant works of art and initiative in the region, including the Memorial to Enslaved Laborers at the University of Virginia; the Rumors of War statue and the newly installed Emancipation and Freedom Monument in Richmond; as well as ongoing efforts at Montpelier and Monticello. Finally, *SIP* project would place your community at the center of the global conversation regarding ways in which cities can leverage their arts and culture infrastructure to help policymakers manage the complex public policy dimensions the accompany unwanted symbols of oppression. For these and many other reasons we hope and strongly urge that you approve this proposal.

Sincerely,



Marland Buckner
Interim Executive Director



Charlottesville's Catholic Worker community
911 Nassau Street, Charlottesville, VA 22902
434-202-2221 • cvillecw@gmail.com • casa-alma.org

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

October 9, 2021

Dear Members of the Charlottesville City Council,

On behalf of Casa Alma, I am writing to express our enthusiastic support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal. Charlottesville is uniquely positioned to make a bold and innovative statement about Confederate monuments that has the potential to recast the national conversation about race, history, and public spaces.

As a Catholic Worker community, Casa Alma is rooted in the tradition of creative nonviolence and action for repair and justice. We believe that JSAAHC's "Swords into Plowshares" represents the very best of this tradition - by transforming tools of oppression into tools for community liberation. We urge you to support JSAAHC's re-purposing of the statue to create art that energizes and moves our community forward.

The JSAAHC is the only local applicant that has requested to receive the statue; it is also the only African-American organization. By proposing to transform the Lee statue into something new that more accurately reflects Charlottesville's democratic values, "Swords into Plowshares" will take our city's painful history and turn it into an opportunity for healing. It is proposing to do this entire project at no cost to the city.

The community engagement process and artistic transformation it proposes will pay special attention to voices in the African American community, which were systematically excluded from the conversation about public space when the statue was erected in 1924. The JSAAHC has the credibility and experience to carry this out. It has been a leader in city discussions about systemic racism for years. "Swords Into Plowshares" represents a creative culmination of the 2016 recommendations of the Blue Ribbon Commission.

As members of the Charlottesville community, we hope you give us the opportunity to participate in shaping the narrative about our city.

Thank you,

Laura Snyder Brown, MSW
Casa Alma co-founder and Director

INDIVISIBLE CHARLOTTESVILLE



October 10, 2021

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

Indivisible Charlottesville is writing to express our warm support for the Jefferson School African American Heritage Center's "Swords into Plowshares" proposal. As an organization that values democracy and community engagement, we believe this project engages trusted leaders and organizations who will guide a much-needed process of symbolic transformation and meaningful community conversation. Charlottesville is uniquely positioned to make a powerful and timely statement about Confederate statues that will advance the dialogue on race, inclusion, and public space.

It is important that this process be steered locally. The JSAAHC is the only Charlottesville-based applicant that has requested to receive the statue. It is also the only proposal from an organization led by and for the African-American community, and the project involves no cost to the city. By seeking to transform the Lee statue into something new that more accurately reflects Charlottesville's democratic values, "Swords into Plowshares" will take our city's painful history and turn it into an opportunity for progress and healing.

"Swords into Plowshares" represents a creative culmination of the 2016 recommendations of the Blue Ribbon Commission. The community engagement process and artistic vision it proposes will intentionally honor voices in the African American community, which were wrongfully excluded from previous conversations about public space. The JSAAHC is an optimal choice to lead this project given its reputation and expertise at the intersections of art, history, and public discourse.

As members of the Charlottesville community, we hope you provide the JSAAHC the opportunity to guide us through this process of reshaping the narrative of our city.

Thank you,

Indivisible Charlottesville

10/12/21

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

The Steering Committee of the Charlottesville chapter of the Democratic Socialists of America is writing to express support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal. Charlottesville is uniquely positioned to make a bold statement about Confederate monuments, which has the potential to recast the national conversation about race, history, and public spaces.

The JSAAHC is the only local applicant that has requested to receive the statue; it is also the only African-American organization. By proposing to transform the Lee statue into something new, the JSAAHC is offering to facilitate a much-needed community conversation about reimagining our public space, in accordance with our democratic values. "Swords into Plowshares" will take our city's painful history and turn it into an opportunity for healing. It is proposing to do this entire project at no cost to the city.

The community engagement process and artistic transformation it proposes will pay special attention to voices in the African-American community, which were systematically excluded from the conversation about public space when the statue was erected in 1924. The JSAAHC has the credibility and experience to carry this out. It has been a leader in city discussions about systemic racism for years. "Swords Into Plowshares" represents a creative culmination of the 2016 recommendations of the Blue Ribbon Commission.

As members of the Charlottesville community, we strongly encourage you to give residents the opportunity to shape the narrative about our city through this novel proposal.

With a world to win,

The Steering Committee of Charlottesville DSA

October 9, 2021

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

Hate-Free Schools Coalition of Albemarle County (HFSC) is proud to support the Jefferson School African American Heritage Center's (JSAAHC) "Swords Into Plowshares" proposal. Since 2017, HFSC has helped to align and cultivate community awareness and action to dismantle elements of white supremacy within our public school systems in both Charlottesville City and Albemarle County.

As a driving force in this community, the JSAAHC is ideally positioned to lead an innovative effort to transform the narrative locally and nationally on the topic of race, history, and public spaces. The JSAAHC is the only local applicant AND the only African-American organization to request to receive the statue. This is fitting and we should not squander this opportunity to empower and amplify the work of turning our complicated and painful history into an opportunity for community engagement and healing through true transformation.

"Swords into Plowshares" is a concept in which military weapons or technologies are converted for peaceful civilian applications. The community engagement process and artistic transformation proposed by the JSAAHC will uplift the voices of the African-American community here in Charlottesville--voices that have been (and still are) systematically excluded and discredited.

The JSAAHC has the credibility, integrity, and expertise to successfully navigate this opportunity. The organization has been a leader in driving education, discussion, and analysis of systemic racism for many years and their proposal will be at no cost to the city.

As members of the Charlottesville community, we hope you give the JSAAHC and the community this opportunity to participate in shaping the narrative about our city in a meaningful and transformative way.

Thank you,

Hate-Free Schools Coalition of Albemarle County



October 9, 2021

Charlottesville City Council
605 E. Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

Second Street Gallery (SSG) is writing to express its enthusiastic support for the Jefferson School African American Heritage Center's (JSAAHC) "Swords Into Plowshares" proposal. As a community-based arts organization, SSG sees the incredible value of this proposal to turn the Lee statue into a public work and engage our community in much-needed conversation about transforming our public spaces.

The JSAAHC, led by Dr. Andrea Douglas, is the only local applicant that has requested to receive the statue; it is also the only African-American organization. Dr. Douglas is an art historian with 20 years experience as a museum curator, including at the UVA Fralin Museum of Art. She served on the UVA President's Commission on Slavery, and on the jury that selected the design and artist for the recently inaugurated, award-winning UVA Memorial to Enslaved Laborers. Since its inception, the JSAAHC has gained years of experience leading our discussions about systemic racism; there is no organization better equipped to undertake this effort.

We feel it is a win-win for the City to allow the community to take charge of disposing of and transforming this monument, and of the process of reconsidering public space. By accepting the JSAAHC's proposal, Charlottesville would distinguish itself by creating liberation-themed art with materials repurposed from a statue that represents so much painful history.

SSG's primary mission is to enliven Virginia through access to the best in contemporary art and artists and to inspire new ways of thinking, seeing, and doing. We see this as a momentous opportunity to attract visitors to Charlottesville to converse about art, and as a chance for our community to serve as a transformative spark of inspiration in the national conversation about monuments. We respectfully urge the City to accept the JSAAHC's proposal without hesitation.

Thank you for the opportunity to participate in shaping the narrative about our city.

Sincerely,

Lia Norton
President, Board of Directors
Second Street Gallery

Kristen Chiacchia
Executive Director and Chief Curator
Second Street Gallery



Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

I am writing to express my enthusiastic support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal.

Arts and cultural strategies that prioritize racial equity in Charlottesville need to consider both the form (what is produced) and the process by which they are created (by whom, for whom, and how). The JSAAHC is the only local applicant and the only African-American organization that has requested to receive the statue. By proposing to transform the statue into something new through a community-based process using the statue's original materials, "Swords into Plowshares" provides a platform for the community that worked towards the statue's removal to actively participate in physically transforming it into people-powered public art, rather than a symbol of crumbling mythologies rooted in white supremacy.

"Swords into Plowshares" gives Charlottesville residents a powerful, public way to lead the national conversation about race, history, and public spaces through a public art process led by JSAAHC, an organization with demonstrated experience in this kind of community engagement, having recently successfully navigated a public art engagement process with the UVA Memorial to Enslaved Laborers. The community engagement process and artistic transformation it proposes will pay special attention to voices in the African American community, which were systematically excluded from the conversation about public space when the statue was erected in 1924. As a leader in city discussions about systemic racism for years, the JSAAHC has the credibility and experience to carry this out.

"Swords Into Plowshares" follows the 2016 recommendations of the Blue Ribbon Commission: "The Confederate statues belong in no public space unless their history as symbols of white supremacy is revealed and their respective parks transformed in ways that promote freedom and equity in our community."

As a member of the Charlottesville community, I eagerly support this opportunity for Charlottesville residents to shape the narrative about our city.

Thank you,

Maureen Brondyke
Executive Director, *New City Arts Initiative*



Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

October 12, 2021

Dear City Council,

I'm Elizabeth Shillue with Beloved Community Cville and I'm writing to express my hope that City Council will support the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal. I believe that this initiative will create an opening for our community to delve into a creative project that has the potential to bring us together and increase interest in our public history. We're in need of something which will cultivate healing and help our city develop a new sense of identity after the trauma of Aug 12th. And I believe that the process outlined in their proposal is just the thing.

By proposing to transform the Lee statue into something new that more accurately reflects Charlottesville's democratic values, "Swords into Plowshares" will take our city's painful history and turn it into an opportunity for healing. It is proposing to do this entire project at no cost to the city. Plus I believe that it's really significant that the community engagement process will pay special attention to voices in the African American community, which were systematically excluded from the conversation about public space when the statue was erected in 1924.

As members of the Charlottesville community, we hope you give us the opportunity to participate in shaping the narrative about our city. There's a strong desire to work towards creating the Beloved Community in Cville and this initiative seems in alignment with that goal. The backing of this effort is likely to be something you'll be proud of someday when looking upon your legacy as a public servant.

With appreciation for all you do,

Elizabeth

Elizabeth Shillue
Beloved Community Cville
belovedcommunitycville.com

"Our goal is to create a beloved community and this will require a qualitative change in our souls as well as a quantitative change in our lives." Dr. Martin Luther King Jr.

Prolyfyck

October 13, 2021

Dear Charlottesville City Council,

Prolyfyck Run Crew is a Black-led, racially diverse group of community members who Run These Streets in Charlottesville.

As we've grown in fitness and discipline, we have also grown our friendships across racial lines. We encourage everyone to do their best and commit ourselves to improving our community. In Charlottesville, not everyone has always felt like they belong. Our goal is to create a space where everyone feels welcome.

As national issues of racial justice get more attention, we speak up and support organizations in our community that are doing the work of bringing us together.

We start and end our morning runs at the Jefferson School. We appreciate what the Jefferson School does to lift up African American history and culture and present that in Charlottesville. Dr. Andrea Douglas is a leader in the community. What the Jefferson School aims to do with the Lee statue can help our city to heal by making space for everyone. That's why we support it.

We hope that the City Council will too.

Signed,

William Jones, III
James Dowell
Dr. Wes Bellamy

Co-Founders, Prolyfyck Run Crew

(Rev.) Dorothy Piatt-Esguerra
Westminster Presbyterian Church
400 Rugby Rd.
Charlottesville, VA 22903

dpiatt@westminsterva.org

October 13, 2021

Charlottesville City Council
605 E. Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

I am writing to express enthusiastic support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal. Charlottesville is uniquely positioned to make a bold and innovative statement about Confederate monuments that has the potential to recast the national conversation about race, history, and public spaces.

Having moved here after serving churches in Nashville and Ann Arbor, I was relatively unfamiliar with Charlottesville before its name became a hashtag in 2017. In the relatively short time I have lived here, it has been apparent to me that the city's national reputation belies many citizens', leaders', and community groups' tireless work to advocate and organize for policies that promote justice and equity for all citizens. In fact, efforts by several community leaders and UVA officials to reinvestigate painful parts of city's past with courage, integrity, honesty, and humility, to celebrate the positive work that has been and continues to be done, and to imagine a future that empowers the flourishing of all make this an inspiring place to live.

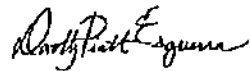
Now, the ability to literally recast the Lee statue constitutes an opportunity to show all Charlottesville residents what kind of future we hope to create. Moreover, it constitutes an opportunity to demonstrate to the rest of the nation that the Unite the Right Rally does not tell the full story of this city.

The JSAAHC is the only local applicant that has requested to receive the statue; it is also the only African-American organization. By proposing to transform the Lee statue into something new that more accurately reflects Charlottesville's democratic values, "Swords into Plowshares" will take our city's painful history and turn it into an opportunity for healing. It is proposing to do this entire project at no cost to the city.

The community engagement process and artistic transformation it proposes will pay special attention to voices in the African American community, which were systematically excluded from the conversation about public space when the statue was erected in 1924. The JSAAHC has the credibility and experience to carry this out. It has been a leader in city discussions about systemic racism for years. "Swords Into Plowshares" represents a creative culmination of the 2016 recommendations of the Blue Ribbon Commission.

As an invested member of the Charlottesville community, I hope you give us the opportunity to participate in shaping the narrative about our city.

Sincerely,



(Rev.) Dorothy Piatt-Esquerre

Associate Pastor for University and Social Justice Mission
Westminster Presbyterian Church

October 13, 2021

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council,

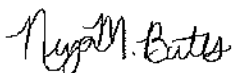
I am writing to express my whole-hearted support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal. Charlottesville has the platform to recast national conversations about race, history, and public spaces through bold and innovative approaches to our Confederate monuments.

There are few things more powerful or evocative than the power of place. The JSAAHC is the only local applicant that has requested to receive the statue; it is also the only Black-led organization. By proposing to transform the Lee statue into something new that more accurately reflects Charlottesville's community values, "Swords into Plowshares" will take our city's painful and divisive history and turn it into an opportunity for healing and reunion at the source. The JSAAHC is proposing to do their entire project at no cost to the city.

The community engagement process and artistic transformation it proposes will pay special attention to voices in the African American community, which were systematically excluded from the conversation about public space when the statue was erected in 1924. The JSAAHC has the credibility and experience to execute their plan. It has been a leader in city discussions about systemic racism for years. "Swords Into Plowshares" represents a creative culmination of the 2016 recommendations of the Blue Ribbon Commission.

As a native daughter of Charlottesville and Albemarle's Black communities, I hope you will give the JSAAHC the opportunity to unite our community around reshaping the narrative of our hometown.

Thank you,



Niya Bates

Board Member, Jefferson School African American Heritage Center

Charlottesville City Council
605 E Main Street
2nd Floor
Charlottesville, VA 22902

Dear City Council:

I am Gayle Jessup White, a descendant of Monticello's enslaved community and author of "Reclamation: Sally Hemings, Thomas Jefferson, and a Descendant's Search for Her Family's Lasting Legacy." I also serve on several community-based boards and committees, and am a member of historical, civic, and descendant organizations. However, I am proudly writing to you on my own behalf in support of the Jefferson School African American Heritage Center's "Swords into Plowshares" proposal.

Since 2017, Charlottesville has been in the national spotlight. With the "Swords into Plowshares" initiative, the city would have the opportunity to make a bold and innovative statement about Confederate monuments, with the potential to again influence the national conversation on race, history, and public spaces.

The JSAAHC is the only local applicant, and the only African American organization, that has requested to receive the Lee statue. Repurposing the statue, that for 100 years caused many people so much pain would offer our city a chance to mend and to heal.

Engagement from the African American community in the project would be paramount, as Blacks were intentionally excluded from the conversation about public space when the statue was erected in 1924. The JSAAHC has the experience and the community's trust to successfully complete the "Swords into Plowshares" initiative, having for years been at the forefront of discussions about systemic racism.

As a member of the Charlottesville community and of the Descendant community, I urge you to support the goal of JSAAHC to participate in diversifying our public spaces, to help heal our communities, and to continue shaping our city's narrative.

Thank you,

Gayle Jessup White

Elizabeth C Birdsall
3020 Ridge Road
Charlottesville, VA 22901
ecbirdsall@gmail.com

Charlottesville City Council
605 E Main Street, 2nd Floor
Charlottesville, VA 22902

Dear City Council,

I am directly descended from the Jones family of Social Hall, built at 109 East Jefferson Street in 1814, and inhabited by the Jones family and those they enslaved until, some years later, a decline in family fortunes forced its sale. Six decades after emancipation, descendants of the many Jones children born at Social Hall were instrumental to Richmond's efforts to concretize a Lost Cause narrative by erecting statues similar to the one of Robert E Lee and Traveler that in 1924 took up residence opposite their ancestral home in Charlottesville. I am writing to thank the council for its persistence in ensuring the removal of this emblem to our nation's, and indeed my family's, shame, and also to express my enthusiastic support for the Jefferson School African American Heritage Center's "Swords Into Plowshares" proposal.

My position on this project is informed not only as a descendent of the enslaving family that built Social Hall and advanced Lost Cause narratives well in to my generation, but also as a trained art historian who has published on the topic of how identities are both shaped and represented by and in artwork. As such, I am professionally, personally as well as patriotically invested in this particular statue's removal. I also am well-qualified to trust the JSAAHC as the best organization to powerfully and productively rebuild the object's narrative. By transforming the Lee statue into an artwork that reflects Charlottesville's and my family's contemporary democratic values, "Swords into Plowshares" will take our city's (and my family's) painful history and turn it into an opportunity for both healing and meaning making.

Thank you,

Elizabeth C. Birdsall



GENTRY LOCKE
Attorneys

Gregory D. Haebob
haebob@gentrylocke.com
P: (804) 297-3702
F: (540) 983-9400

October 15, 2021

VIA EMAIL (statues@charlottesville.gov)

Charles Boyles, City Manager
Office of the City Manager
605 E. Main St.
Charlottesville, VA 22902

Re: *Confederate Statues Offer*

Dear Mr. Boyles,

This letter is in response to the City of Charlottesville's solicitation of offers for the acquisition, transport, and relocation of the historic bronze sculptures of Confederate Generals Robert E. Lee and Thomas J. "Stonewall" Jackson.

On behalf of our client, the Ratcliffe Foundation, we are honored to submit the following to express the Foundation's interest in acquiring both statues of Lee and Jackson. An organization with a deep connection to the Stuart family and their home, Historic Ellenbrook, the Foundation believes that maintaining the artifacts together presents the best opportunity to appropriately contextualize their history.

Our proposal gives the City a unique opportunity to rehome the recently-removed statues, and we believe our client has developed a creative vision that precisely aligns with what the City is looking for. The Foundation is prepared to acquire and move the monuments to a historic, museum-like setting where they can be appropriately preserved, displayed, and contextualized in perpetuity.

Our client is not interested in simply relocating the statues and rebuilding monuments to the past. Instead, they are keen on developing a series of exhibits and programming that will appropriately display the monuments as historic artifacts. Using professional historians and curators, the Foundation will not only contextualize the figures themselves, but will also accurately capture and depict how and why the statues were erected in Virginia's Postbellum culture, as well as how and why they were removed in the 21st century. In short, our client seeks to tell the full story.

In doing so, the Foundation will create a new tourism and economic development opportunity in a vulnerable region of our Commonwealth. The Southwest Virginia Historic Monuments Trail could attract up to 40,000 visitors annually, creating significant new tax revenue for the region. This is a unique opportunity to make good out of otherwise difficult and challenging circumstances.

The Foundation recognizes the challenging and difficult nature of the public discussion around the erection and removal of the monuments and are respectful of how the City and many of its citizens view these monuments. We believe that the appropriate display of these items as historic artifacts in a museum-like setting, while creating economic opportunity for Southwest Virginia is both suitable and fitting. I can imagine no better resolution to this extraordinary time in our history.

Please find the attached detailed proposed plan of acquisition, transport, and recontextualization, per your request. We look forward to discussing this offer with the City Council.

Regards,

GENTRY LOCKE

A handwritten signature in blue ink, appearing to read 'G. Habeeb', with a stylized flourish at the end.

Gregory D. Habeeb, Esq.

Enclosure

**Proposal for the Acquisition, Transport & Placement of Historical Monuments
Located in Charlottesville, Virginia**

Name of Entity: The Ratcliffe Foundation

Contact: Mr. Scott Cole
President, The Ratcliffe Foundation
(276) 964-3258

Background: The Ratcliffe Foundation, founded in 1970, is a private foundation that exists to support national research hospitals, volunteer fire departments, churches, hospitals, schools, cemeteries and historical sites. The Foundation operates the historic Ellenbrook Museum in Russell County, Virginia, an ancestral home belonging to the family of J.E.B. Stuart.

Disclosure: The Ratcliffe Foundation is a Section 501(c)(3) exempt private foundation.

Legal Representative: Gregory D. Habeeb, Esq.
Gentry Locke Attorneys
919 E. Main St., Suite 1130
Richmond, VA 23219
(804) 297-3702
habeeb@gentrylocke.com

This document represents the Ratcliffe Foundation's (hereinafter, "the Foundation") proposal to the City of Charlottesville for the acquisition, transport, and placement of the historic bronze statues of Confederate Generals Robert E. Lee and Thomas Jonathan "Stonewall" Jackson.

Founded in 1970, the Foundation continues to support a number of philanthropic causes including support for national research hospitals, volunteer fire departments, churches, hospitals, schools, cemeteries and historical sites throughout Southwest Virginia. The Foundation operates the historic Ellenbrook Museum in Russell County, Virginia, an ancestral home belonging to the family of J.E.B. Stuart.

Ellenbrook is a historic home of the Stuart family, including William Alexander Stuart, the founder of the Stuart Land & Cattle Company. Constructed in 1858, the home is now a full-time museum displaying artifacts, memorabilia, photos, and articles associated with the Stuart family. Ellenbrook is recognized by the Virginia Tourism Corporation as a historic site.

As a museum with a deep connection to the Stuart family, we are especially interested in maintaining the artifacts as a group to present the best opportunity to appropriately contextualize their history.

While we recognize the pain these pieces have caused to many in the City of Charlottesville, the Foundation and the Ellenbrook Museum intend to preserve these artifacts in a more appropriate historical setting that properly contextualizes both the figures themselves and the statues as unique artifacts important to understanding Virginia's Postbellum culture and history.

The Foundation is developing a driving tour of historic artifacts and monuments on properties around the historic Ellenbrook Museum, outlined herein. Those plans include not only Civil War monuments, but also the curation of new exhibits and artifacts related to other prominent Virginians, both from within Southwest Virginia and across the Commonwealth. The collection will be professionally curated and maintained by the Foundation.

Acquisition

The Ratcliffe Foundation is willing and more than adequately capitalized to compensate the City for the acquisition of the statues. The Foundation is also prepared to cover the entirety of the cost of securing and transporting the monuments and their pedestals. Upon selection as a preferred bidder, the Foundation is prepared to negotiate with the City to acquire the monuments.

We are committed to a fair outcome that allows Charlottesville to reinvest the proceeds from the relocation of these monuments into vulnerable communities impacted by these monuments.

Based on the Foundation's experience with historic statues and artifacts, the Foundation believes that the fair market value of the bronze statues of Confederate Generals Robert E. Lee and Thomas Jonathan "Stonewall" Jackson is \$50,000.

The Foundation is also willing to consider other partnerships of value to the City as part of this process, including but not limited to support for students, schools, and neighborhoods. While traditionally outside of our footprint, we believe in the value of strong partnerships.

Transport

The Foundation is prepared to secure and transport the statues from the City of Charlottesville to the planned site in Russell County. Ensuring the secure transport of these monuments is a top priority of the Foundation. As such, we have discussed the project with several companies experienced in transporting large, delicate, and obscure items. We have settled on a preferred partner, the Kinsey Sign Company.

The Kinsey Sign Company (“the Company”) is a private company located in Roanoke, Virginia, with extensive experience relocating items such as this, including large signage, theater marquees, and monuments.

The Kinsey Sign Company was founded in 1907. An eVA certified vendor with a dozen full-time employees and two locations in the Commonwealth, the company has been working with large and delicate objects for nearly 75 years. The Kinsey Sign Company has the expertise and equipment necessary to ensure the safe transport of these monuments.

The Company owns at least four semi-powered units, a full complement of step-deck, low-deck, and flatbed trailers, as well as 5, 10, and 25-ton truck cranes, as well as a full complement of fork trucks and full telescopic lifts. The company is a fully insured Class A & B licensed contractor.

If the Foundation is selected, the Kinsey Sign Company will conduct a detailed evaluation, analysis and inspection in order to develop a complete technical and logistical report before the transport of the statues. This will include determining the exact dimensions and weight of the units to move, the number of loads and/or trips that will be necessary, the compilation of a detailed logistical report and crew schedule, and a detailed pre- and post-trip inspection of the statues to create a cleaning and repair report for each unit.

We have secured temporary storage for the monuments near the historic Ellenbrook Museum while site work is completed at their final destinations. Below is a detailed timeline of the steps necessary to secure the transport of the artifacts.

Timeline

- Execution of Signed MOU or Contract Between Ratcliffe Foundation and City of Charlottesville
- 7-14 Days – Kinsey Sign Company conducts site evaluation to inspect, analyze, and review selected artifacts; discussions with City officials and contractors.
- 7 Days – Kinsey Sign Company produces detailed technical and logistics report.
- 14 Days – Kinsey Sign Company assembles and stages equipment and crews.
- 7 Days – Kinsey Sign Company secures and transports artifacts to temporary storage in Russell County, Virginia.

Placement, Preservation & Curation as Historic Artifacts

The Foundation believes these statues and monuments are historic artifacts that should be placed, preserved, contextualized, and curated as such.

We intend to develop an outdoor driving museum that allows visitors to understand the full story of these artifacts, including both the history and context of the figures themselves, as well as the history and context of the statues as post-Civil War monuments.

Telling the full story requires understanding the role of the individuals in the 19th century, the role of the statues in Postbellum Virginia in the 20th century, and their role in the social justice movements in the 21st century. Equally if not more important than contextualizing the figures themselves is understanding why the statues were erected in the early 20th century, and why they were removed in the early 21st century.

We intend to capture the essence of both, appropriately and accurately, in our display.

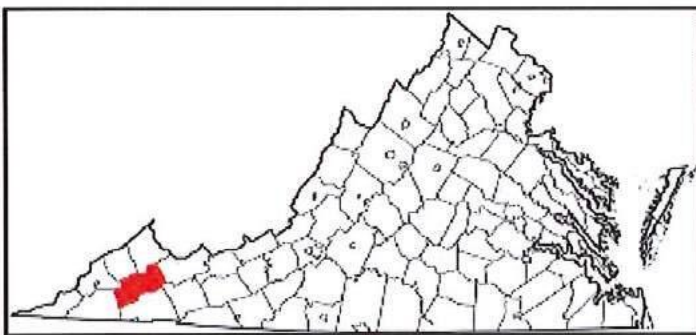
To do so, the Foundation will secure the work of a professional historian and museum curator knowledgeable in the Civil War and Postbellum culture. We intend to develop complementary exhibits, events, and programming necessary to ensuring a full and accurate experience for museum guests.

The new, expanded museum – the Southwest Virginia Historical Monuments Trail (“SWVAHMT”)– will serve as a unique destination for tourists, creating a new and expanded economic development opportunity for Russell County, Virginia. Outdoor tourism is a key component of the County’s long-term economic vision and is important to the revitalization of Southwest Virginia as a whole. The SWVAHMT will be anchored by the Foundation’s current museum, Historic Ellenbrook, sometimes known as Number 4, a historic home once owned by the Stuart family.

This museum would seek to attract up to 40,000 visitors annually, creating a significant new revenue stream for the County and the region. The SWVAHMT will work in partnership with other regional organizations, including the Southwest Virginia Cultural Heritage Foundation and Friends of Southwest Virginia to brand, market and promote itself to potential visitors.

Utilizing its endowment, the Foundation will ensure that the artifacts are appropriately preserved and maintained in perpetuity.

Russell County, Virginia



Russell County is located in the heart of Southwest Virginia. Founded in 1786, the county has a total area of 477 square miles and is primarily served by US Route 19, running northeast/southwest through the County.

Like many localities in Southwest Virginia, Russell County has experienced declining population and waning economic opportunity. Since 2000, the population has fallen from over 30,000 people to approximately 25,000 people. The median income is roughly \$26,000, and the unemployment rate was roughly 5.2% prior to the COVID-19 pandemic, which is significantly higher than the statewide average of 2.9%.

Ellenbrook Museum



The SWVAHMT will be anchored by the Foundation's current museum, Historic Ellenbrook, sometimes known as Number 4, the Stuart family once called home. Ellenbrook is owned and operated by the Ratcliffe Foundation.

Among Ellenbrook's notable residents was William Alexander Stuart, the founder of the Stuart Land & Cattle Company.

Constructed in 1858, the home is now a full-time museum displaying artifacts, memorabilia, photos, and articles associated with the Stuart family. Ellenbrook is recognized by the Virginia Tourism Corporation as a historic site.

Southwest Virginia Historical Monuments Trail



The Ratcliffe Foundation's new, expanded museum – the Southwest Virginia Historical Monuments Trail ("SWVAHMT")– will serve as a unique destination for tourists, creating a new and expanded economic development opportunity for Russell County, Virginia. Outdoor tourism is a key component of the County's long-term economic vision and is important to the revitalization of Southwest Virginia as a whole.

The Foundation has identified 21 potential monument sites on property it currently owns near Historic Ellenbrook. Figure A (below) shows the location of the 21 potential sites in relation to Historic Ellenbrook. A high quality version of this image is included as Appendix A.

The SWVAHMT will be a new, outdoor driving museum anchored by Historic Ellenbrook where these monuments may be appropriately displayed, preserved, and curated as historic artifacts worthy of study and understanding. The SWVAHMT will be designed to give visitors a full perspective of these artifacts, including both the history and context of the figures themselves but also the history and context of the statues as post-Civil War monuments. Figures B and C (below) demonstrate the Foundation's proposed site plan for the statues (high quality images of both are included as Appendix B and C, respectively).

This museum would seek to attract up to 40,000 visitors annually, creating a significant new revenue stream for the County and the region. The SWVAHMT will work in partnership with other regional organizations, including the Southwest Virginia Cultural Heritage Foundation and Friends of Southwest Virginia to brand, market, and promote itself to potential visitors.

The museum intends to tell the full story, looking at both the role of the individuals in the 19th century and the role of the statues directly in the 20th and 21st centuries.

To do so, the Foundation will secure the work of a professional historian and museum curator knowledgeable in the Civil War and Postbellum culture. We intend to develop associated exhibits, events, and programming necessary to ensuring a full and accurate experience for museum guests.

This proposal is about more than simply relocating these monuments. It is about allowing the City to move on from the public strife and division, creating an accurate and appropriate series of exhibits, uplifting Southwest Virginia's tourism economy, and creating opportunity for Charlottesville to reinvest in communities in need.

Opportunities that allow a rural county in Southwest Virginia to partner with one of the state's most culturally vibrant cities in a mutually beneficial way are few and far between, but the Ratcliffe Foundation is prepared to capitalize on that opportunity.



Figure A: The Foundation has identified 21 potential monument sites in relation to Historic Ellenbrook, labelled as **B**
A.

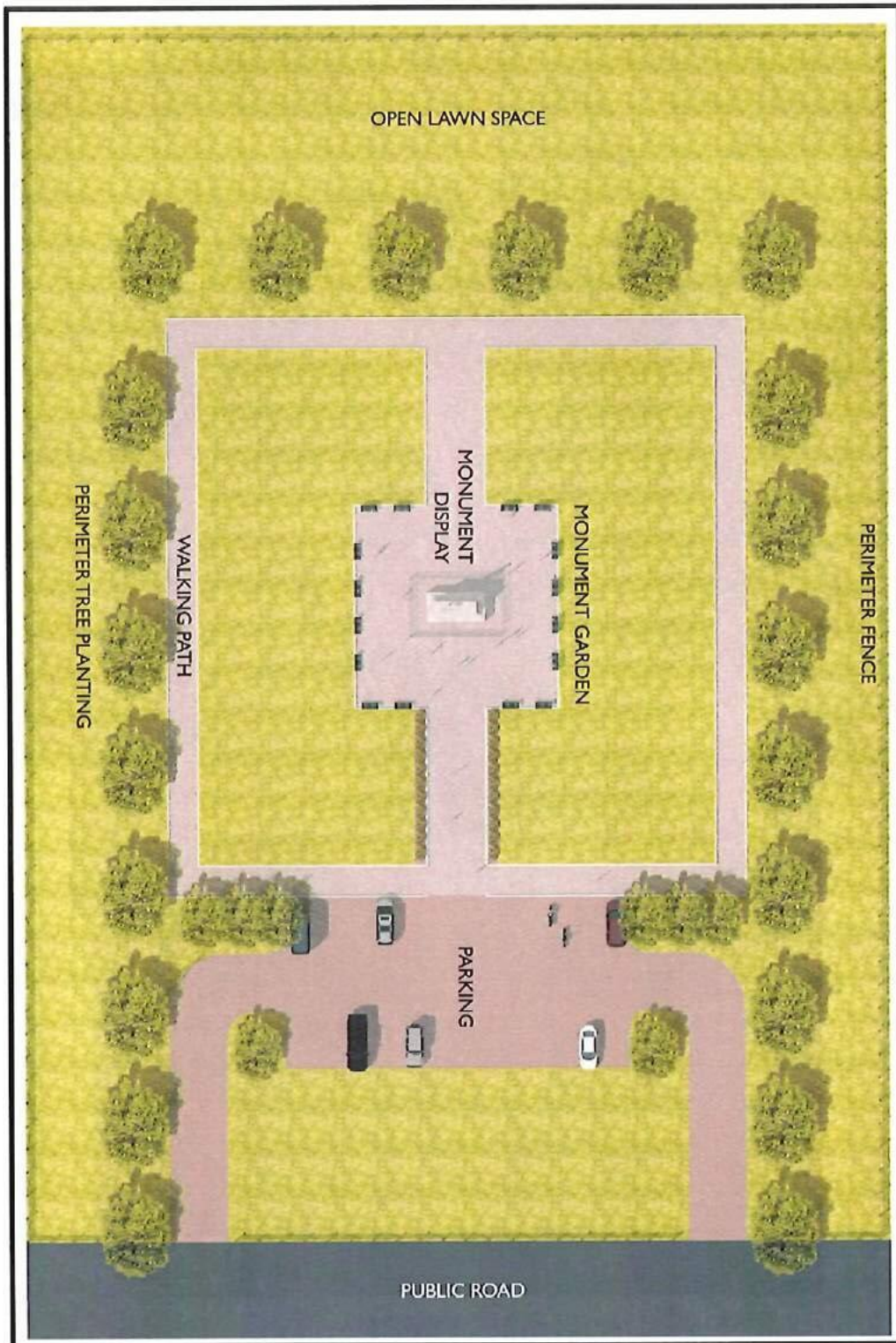


Figure B: A model site plan for one of the statues.

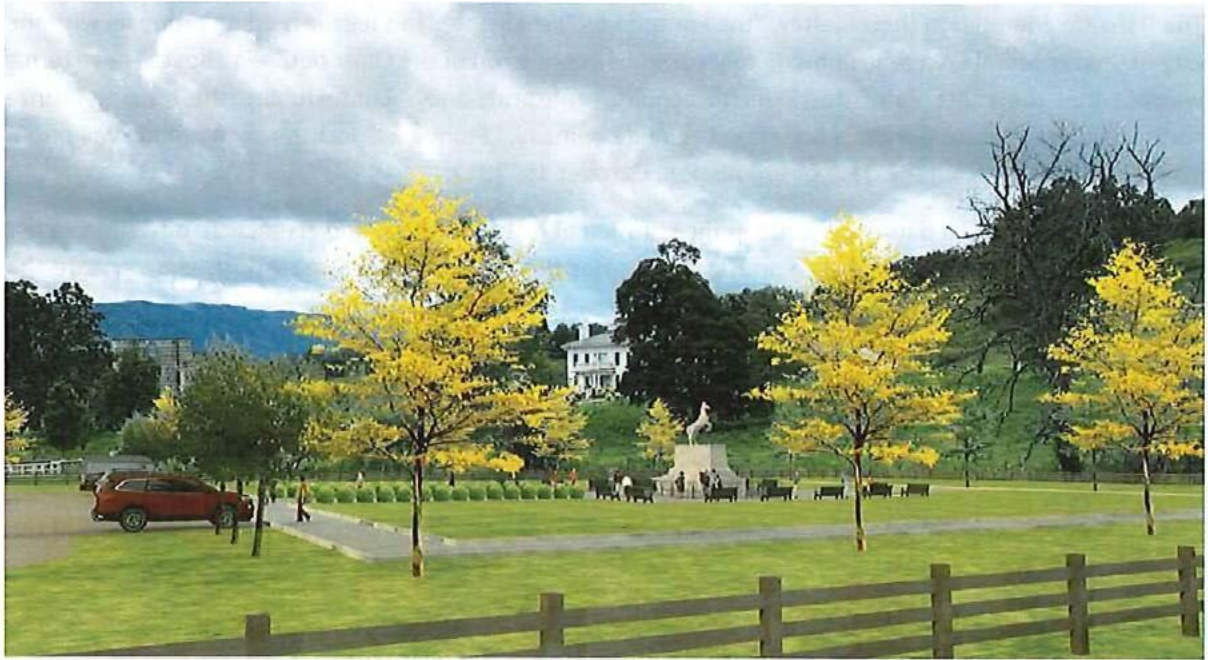


Figure C: An additional rendering of the proposed site plan.

Terms of Offer

The Ratcliffe Foundation (hereinafter, "the Foundation") shall enter this legally binding proposal with the City of Charlottesville, Virginia immediately upon the submission of the Offer outlined above. These terms warrant that the contents of this Offer to acquire, transport, and recontextualize the historic bronze statues of Confederate Generals Robert E. Lee and Thomas J. "Stonewall" Jackson shall remain valid for a period of 120 days from the date of submission, October 15, 2021.

The Foundation has used its experience in the curation of historic statues and artifacts to determine a fair market value for the statues of Lee and Jackson, after the cost to remove, transport, and relocate the statues, of \$50,000.

The Foundation is solely responsible for costs associated with the removal, relocation, and re-erection of the statues, including the cost of transporting the artifacts.

The Foundation, its officers, agents, employees, and any subcontractors, in the performance of this Offer shall comply with all applicable statutes and laws of the United States and the Commonwealth of Virginia, the Charter, and ordinances of the City of Charlottesville, and the applicable rules and regulations of the agencies of each.

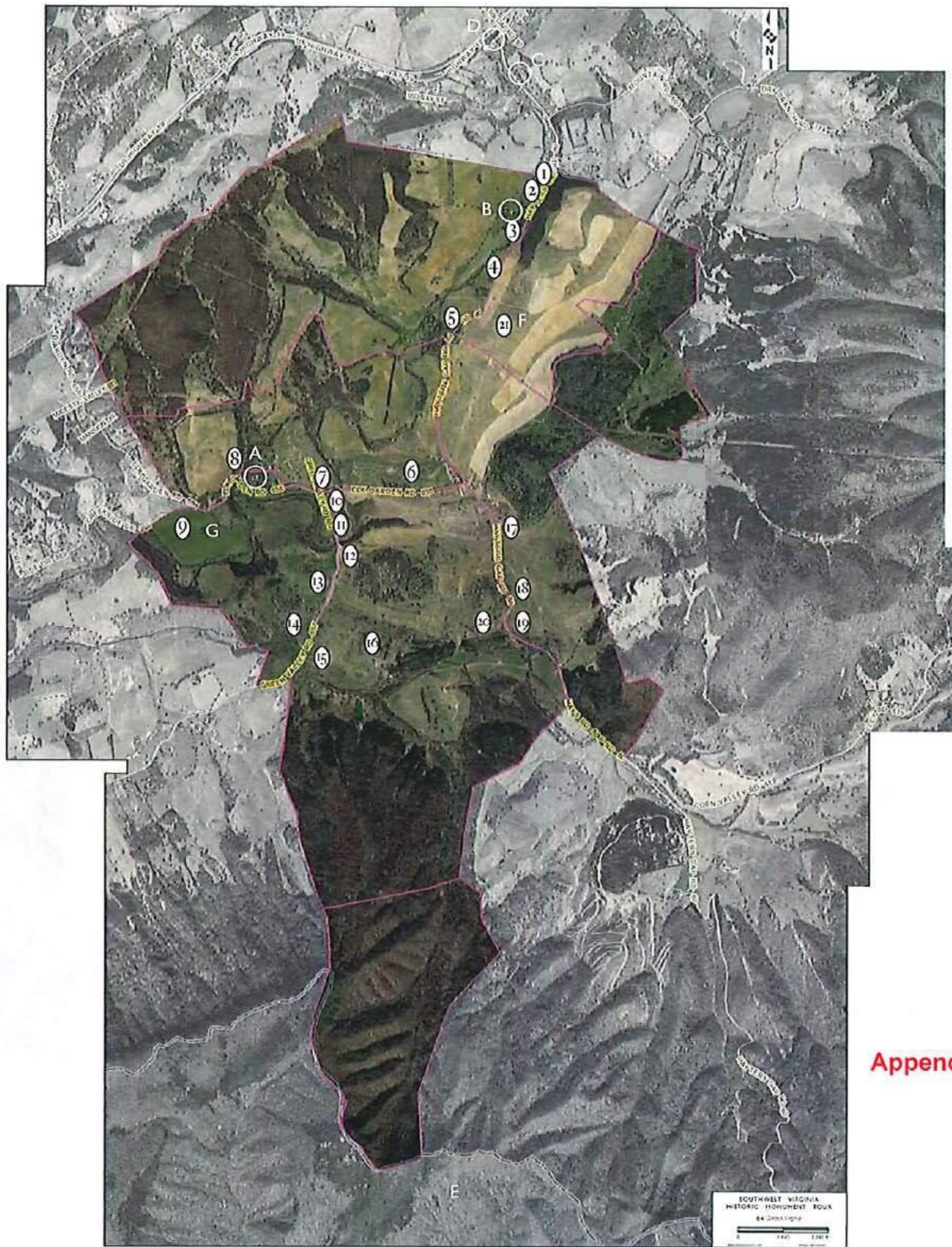
The Foundation authorizes their legal representative, Gregory D. Habeeb, Esq., to negotiate with the City of Charlottesville on behalf of the Foundation.



Gregory D. Habeeb, Esq.

Legal Representative of the Ratcliffe Foundation

Gentry Locke Attorneys
919 E. Main St., Suite 1130
Richmond, VA 23219
(804) 297-3702
habeeb@gentrylocke.com



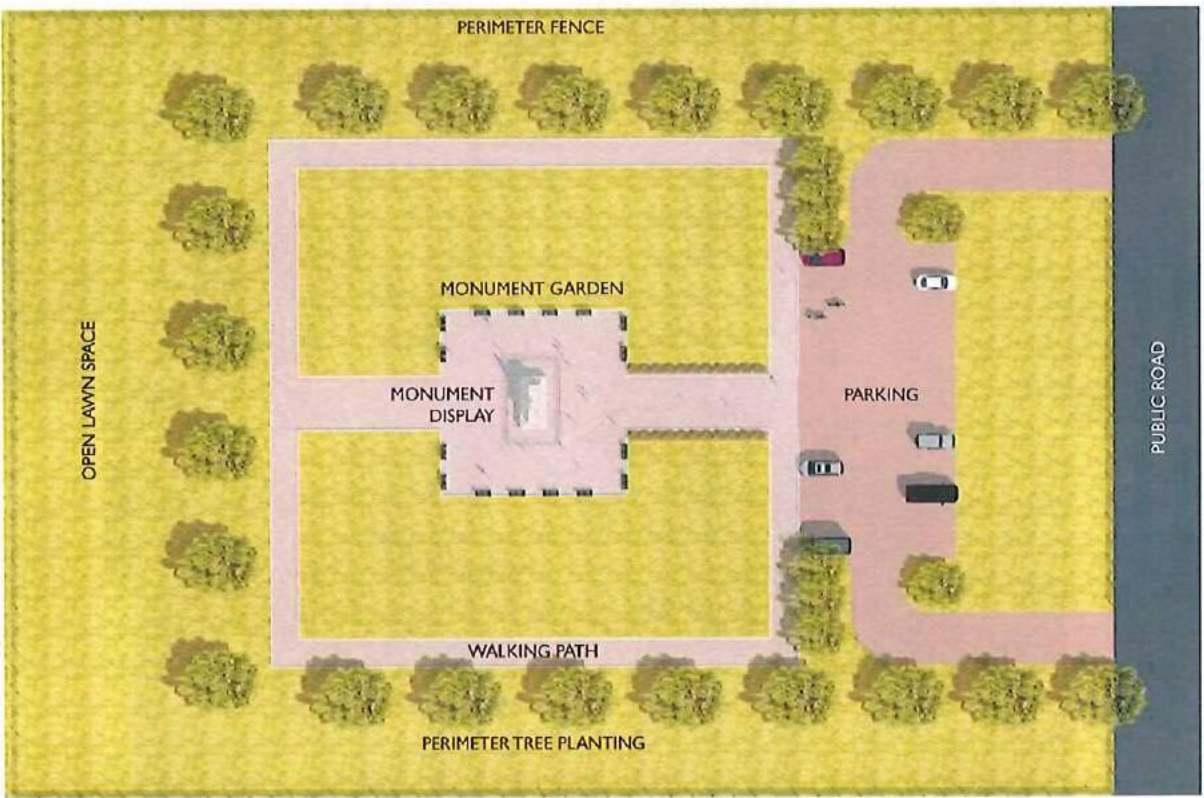
Appendix A

HISTORIC POINTS OF INTEREST:

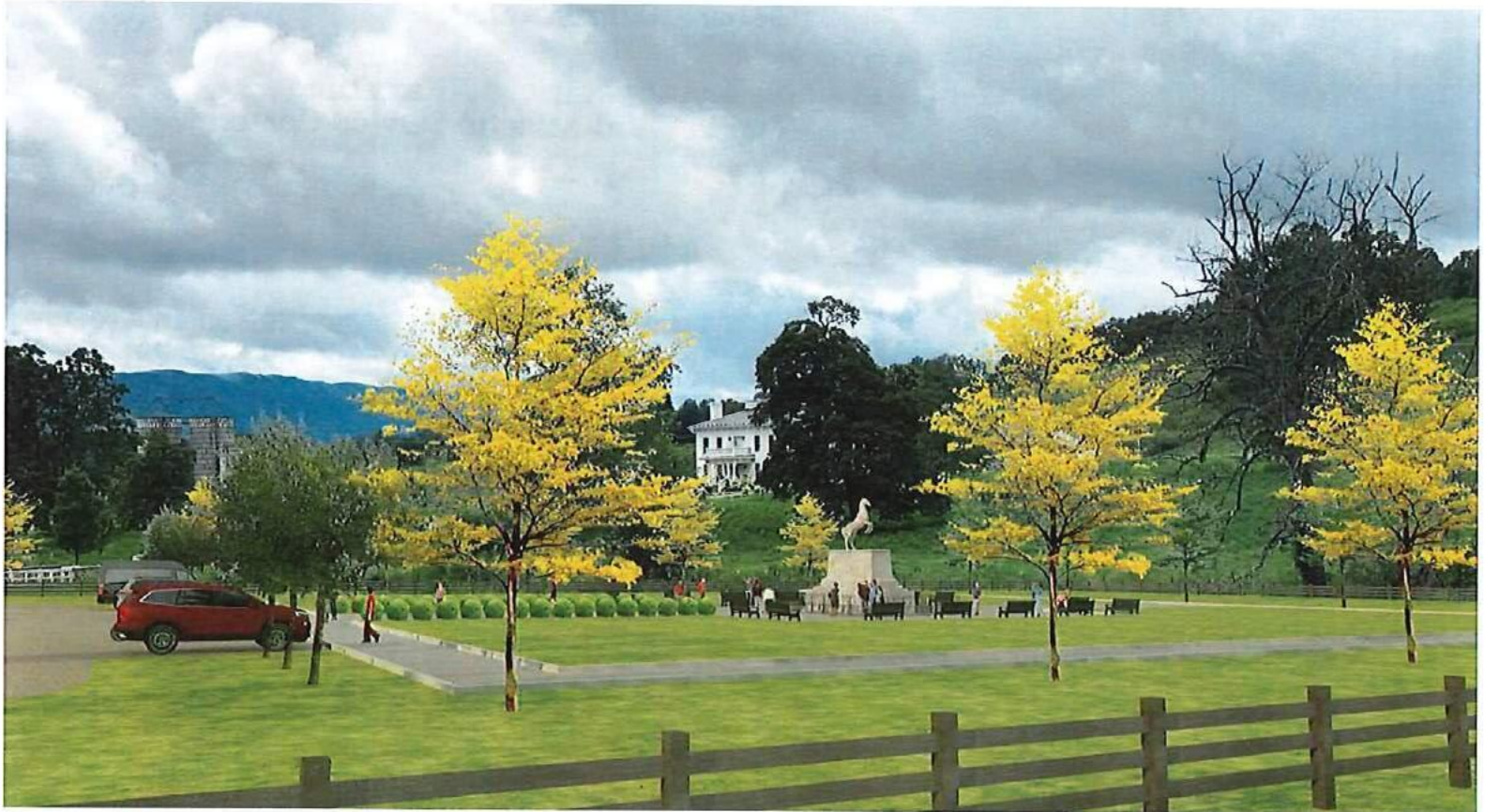
- A Governor Stuart Mansion
Historic Mill, Cemetary & Chapel
- B Ellerbrook: Mansion & Gardens
- C Elk Garden Methodist Church
- D Elk Garden Elementary School &
Community Center
- E The Channels State Park
- F Redwine Cemetary
- G Hendricks Cemetary

MONUMENT SITES:

- | | | |
|-------------|--------------|--------------|
| 1 Available | 10 Available | 19 Available |
| 2 Available | 11 Available | 20 Available |
| 3 Available | 12 Available | 21 Available |
| 4 Available | 13 Available | |
| 5 Available | 14 Available | |
| 6 Available | 15 Available | |
| 7 Available | 16 Available | |
| 8 Available | 17 Available | |
| 9 Available | 18 Available | |



REPRESENTATIVE SITE PLAN
SOUTHWEST VIRGINIA HISTORICAL MONUMENT TOUR
Elk Garden, Virginia



REPRESENTATIVE SITE PERSPECTIVE
ON THE GROUNDS OF THE
ELLENBROOK MANSION & GARDENS
SOUTHWEST VIRGINIA HISTORICAL MONUMENT TOUR
Elk Garden, Virginia

Date: MAR 28 1972

In reply refer to:
AuzFAL:1130:GEM

The Ratcliffe Foundation
231 Main Street
Grandy, Virginia 24614

Purpose:	Charitable
Address Inquiries to the District Director of Internal Revenue:	Baltimore, Maryland.
File Returns With	Mid-Atlantic Service Center
Accounting Period Ending:	May 31

Based on information supplied, we have concluded that your organization is exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code. This determination assumes your operations will be as stated in your exemption application. Any changes in operations from those described, or in your character or purposes, must be reported immediately to your District Director for consideration of their effect upon your exempt status. You must also report any change in your name or address.

We have further concluded that the organization is a private foundation as defined in Section 509(a) of the Code. In this letter we are not determining whether the organization is a private operating foundation as defined in Section 4942(j)(3).

For years beginning prior to January 1, 1970, you are not required to file the annual information return, Form 990-A. For each subsequent year, please refer to the instructions accompanying the Form 990-A for that particular year to determine whether you are required to file. If filing is required, you must file the Form 990-A by the 15th day of the fifth month after the end of your annual accounting period.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under Section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter we are not determining whether any of your present or proposed activities is unrelated trade or business as defined in Section 513 of the Code.



< [Back to Search Results](#)

Ratcliffe Foundation

EIN: 23-7126937 | Tazewell, VA, United States

> Other Names

UNITED SWISS SOCIETIES OF NORTHERN CALIFORNIA INC

Publication 78 Data ⓘ

Organizations eligible to receive tax-deductible charitable contributions. Users may rely on this list in determining deductibility of their contributions.

On Publication 78 Data List: Yes

Deductibility Code: PF

Copies of Returns (990, 990-EZ, 990-PF, 990-T) ⓘ

Electronic copies (images) of Forms 990, 990-EZ, 990-PF or 990-T returns filed with the IRS by charities and non-profits.

> [Tax Year 2017 Form 990PF](#)

> [Tax Year 2017 Form 990EO](#)

> [Tax Year 2016 Form 990PF](#)



Share



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#75



71 Asylum Drive, Weston WV 26452
Phone 304-269-5070
Fax 305-269-5071
www.talasylum.com

Confederate Statue Offer

Letter of Transmittal

Trans-Allegheny Lunatic Asylum (TALA)
Contact: Rebecca Jordan Gleason, Operations Manager
rjordan@talawv.com
71 S. Asylum Drive
Weston WV 26452
Phone 304-269-5070


October 15, 2021

Office of the City Manager of Charlottesville, VA
605 East Main Street
Charlottesville, VA 22902

Please find the official offer of the Trans-Allegheny Lunatic Asylum Museum for the Confederate Statue.

We just hope that his proposal will meet your approval.

Regards.



Rebecca Jordan-Gleason

10/15/21

Date



71 Asylum Drive, Weston WV 26452
Phone 304-269-5070
Fax 305-269-5071
www.talasylum.com

October 13, 2021

Subject: Thomas "Stonewall" Jackson / Confederate Statues Offer

To: Office of the City Manager of Charlottesville, VA
605 East Main Street
Charlottesville, VA 22902

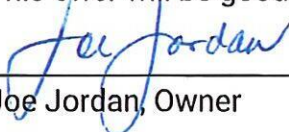
FROM: Trans-Allegheny Lunatic Asylum (TALA)
Operations Manager, Rebecca Jordan Gleason
rjordan@talawv.com
71 S. Asylum Drive
Weston WV 26452
Phone 304-269-5070

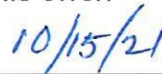
We are submitting this offer for the purpose of acquisition of the confederate monument of the Thomas "Stonewall" Jackson statue and base. The offer has been prepared in accordance with the outlined guidelines set forth by the City of Charlottesville, VA grant application.

The City of Charlottesville is the legal owner of the property from which the artifacts will be acquired and is transferring control to the Trans-Allegheny Lunatic Asylum, Museum & History department.

Please send the invoice for the accepted offer to TALA of \$1,000. Upon receipt of payment, please sign the bottom of this transmittal and return it to Rebecca Jordan-Gleason. This receipt will acknowledge payment of the associated acquisition Fees for the transferred collection.

This offer will be good for 120 days from the date of this offer.


Joe Jordan, Owner


Date

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Fax 305-269-5071
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Proposal Offer for Jonathan 'Stonewall' Jackson Monument to the City of Charlottesville, VA

The Trans-Allegheny Lunatic Asylum located in Weston, West Virginia is submitting a formal offer for the acquisition of the Stonewall Jackson monument and granite base from the City of Charlottesville, VA.

Background

The Trans-Allegheny Lunatic Asylum (TALA) is a Thomas Story Kirkbride inspired structure commissioned by the Virginia General Assembly in the year 1858 and completed in the year 1881. TALA accepted its first patients on October 22, 1864 and operated as a mental health care facility until it was closed by the state of West Virginia in 1994. The building was privately purchased by Joe Jordan in 2007. Since this date, the site has been providing various tours of the facility including the vast history of the building, the buildings significance during the Civil War, the buildings unique and progressive architecture, and the buildings paranormal activity. TALA currently holds the record for being the largest hand-cut sandstone building in the United States and welcomes on average 40,000 tourists each year.

Rationale

TALA is located in the City of Weston in Lewis County, West Virginia. The City of Weston is made up of a large historic downtown which is currently undergoing a revitalization and restoration project to save some of our most at-risk structures including one of the first catholic churches in the State of West Virginia. This effort is being sustained with successful grant writing by the active Historic Landmark Commission (HLC), among other community groups. The city HLC is comprised of various stakeholders including TALA represented by Director of Operations, Rebecca Jordan-Gleason. The HLC is currently hosting the Museum on Main Street: Crossroads in Rural America, Smithsonian exhibit, and is entrenched in the restoration of a 200-year-old cemetery that is the resting place of both confederate and union soldiers. In this cemetery, the stories of minorities and religious

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segregation, as well as lack of representation, can now be told with grants secured by Weston's HLC from the WV Humanities Council. The goal of the HLC and TALA is to share and preserve these histories while encouraging discourse allowing the public to learn from the past.

The city of Weston and Lewis County is fortunate to be home to the very well-preserved Jackson's Mill, Jackson's childhood home, which has enabled generations the learning experience and visual representation of the boyhood home of Stonewall Jackson and his family. These grounds are well preserved and have been utilized for many years for education and historic preservation projects. These sites are now well respected in our community and looked at as sites of education and learning while embroiled in difficult conversations and topics. However, these sites are primarily used by organizations within the state, whereas TALA continues to attract visitors both domestically and internationally.

TALA was pivotal during the Civil War and the statehood of West Virginia. When news came that Virginia had voted to secede in June of 1861, Union troops seized the Asylum and grounds, where they remained for four years. The property became a critical supply depot and warehouse for the North and consequently a critical target for rebel raiders. There were three major raids during the war that pillaged the Asylum and other locations in Weston. The Asylum was also used as civil court during union occupation. Funds being used to build the asylum were stolen from the West Exchange Bank and used by Restored Government of Virginia to fund the secession of the state of West Virginia.

The Trans-Allegheny Lunatic Asylum through its heritage tours already encourages controversial conversations including the hospitals history of racial segregation from its opening through the 1950s, the misconception by 19th century advocates that mental health issues only affected middle class white persons, and the hospitals disproportionate use of procedures like the Trans Orbital Lobotomy on women and patients of colour. This statue will help complement an additive approach that confronts these topics which had been institutionalized during and after the Civil War as evident in the Asylum's history. These conversations have been largely avoided in our community for years rather than brought to the forefront

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for discussion. Stonewall Jackson grew up here, who better than us to take the responsibility to teach about racism, than the community that raised him.

The Offer

- 1.1 We propose that the City of Charlottesville, Virginia donate the Stonewall Jackson statue and a granite base to the Trans-Allegheny Lunatic Asylum. We further propose that the Trans-Allegheny Lunatic Asylum be liable for all costs related to the loading, transportation, unloading, and reassembly of the statue at the home site in Weston, West Virginia. Special care will be used to transport the statue. A stone base will be built for the placement of the Statue.
- 2.1 This offer will remain in effect for 120 days from submission.
- 2.2 The Trans-Allegheny Lunatic Asylum is not eligible to receive donations under Virginia code (§)15.2.2-953 Section B. However, we are engaged in commemorating historical events through our historic tour program, museum, patient art gallery and reenactments of civil war encampments on the Asylum lawn and the local bank robbery. The Asylum's campus in thirty-eight acres consisting of twelve buildings ranging in age from 1858 to 1983. The main building, the Kirkbride Building, spans just under a quarter mile with 242,000 square foot of floor space. The funds raised through tours and events enable TALA staff to maintain the campus and restore sections of the facility to reflect late 19th century and early 20th century time periods. Asylum profits are returned to the facility to ensure its continued upkeep; however, we would like to place an offer of \$1000.00 payable upon transfer in ownership of statue. TALA Financials are available upon request.

Intended Use

- 2.3 The statue will be re-erected on the grounds at the Trans-Allegheny Lunatic Asylum Museum, a National Historic Landmark, located at 71 Asylum Dr. Weston, West Virginia. There is ample area for interpretive signage to give backstory, context, and historical narratives. We will utilize our existing Clio

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self-guided tour updated with an audio guide to support the recontextualization plan (see following section).

The statue will be located in close proximity to the oldest of the Asylum's wards and the only section completed when Weston was still part of Harrison County, Virginia when the war began in 1861.

Because this statue will be located on the grounds of TALA, it will be free and available to the public. We also plan to adapt sections of our Civil War tour and tour route to feature the statue and information alongside the recontextualization narrative.

The statue will remain the property of the Trans-Allegheny Lunatic Asylum and will remain in the perpetuity for historical education for free public access.

- 2.4 The Trans-Allegheny Lunatic Asylum is, in itself, an artifact as well as National Historic Landmark. The employees of the building consistently work to preserve the 163-year-old building and all items of historical importance located within its grounds. These include twelve standing auxiliary buildings built between 1889 and 1983, numerous medical artefacts, as well as many pieces of time appropriate antique furniture.

Recontextualization Plan

- 2.5 The heritage tours at the Trans-Allegheny Lunatic Asylum already speak about the history of the area in regards to the Civil War including the aforementioned role the Asylum held in the secession of the state of West Virginia to the Union.

Considering Jackson was a native to the area and spent time in Weston, WV, Trans-Allegheny Lunatic Asylum, through both the heritage tours as well as the Clio self-guided tour, will introduce a deeper history of Jackson including the disdain that he ultimately held to the area.

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West Virginia became a state during the Civil War in 1863, making its residents primarily Union supporters and placing its veterans as Union soldiers. This is in direct contrast with Jackson himself who prioritized slavery over his country. Further, many residents of the state of West Virginia believe the state was part of the confederacy during the war. Part of our education efforts have been and will remain to clarify and unpack the turbulent history of this area of West Virginia.

The very first laborers brought in to clear the site where the Asylum stands were African American convicts sent by Governor Wise from Richmond in October of 1858. Following the Civil War, the Asylum hired stonemasons to finish the rest of the structure, but the narrative that this asylum was a place to be restrained or exploited was pervasive through its history until its closing.

Using the monument as an anchor, we hope to recontextualize histories in the following ways:

- Clarify the racial motivations involved in the Civil War emphasizing the different geographies of Virginia, which fostered slave labor, and West Virginia, which benefited from slave labor
- Educate both locals and otherwise about West Virginia's role in the Union during the Civil War, and the complicated relationship the area had in regards to both the Union and the Confederacy
- Discuss the ways racial segregation were pervasive throughout the history of mental health primarily having been institutionalized through the history of the United States with the Civil War fighting for this very division
- Discuss the role statues like this held in the furthering of White Supremacy following racial integration efforts, including the history of such at the Asylum as well as the movement to erect Confederate statues during the Jim Crow era
- Conclude with the history of this particular monument including its sculpture by Charles Keck, installation in Charlottesville, the

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reclamation of narratives by people of colour and indigenous Americans leading to the its removal, and the importance of confronting these historical narratives in the hope of leading to peacebuilding and equality

Erection Plan

2.6 We propose to handle the statues relocation through Kiddy Monument company based in Weston, WV. The Trans-Allegheny Lunatic Asylum will negotiate with the City of Charlottesville any costs to be incurred in the retrieval of the monument before agreement.

When the monument is on the asylum grounds, the granite base will be secured and then the monument secured on top of a poured base. We will cover all costs of this process including consultation with professionals in the erection of the monument.

Following its installation, the Trans-Allegheny Lunatic Asylum will incur all costs involved in preparation of appropriate signage, landscaping, preparation and recording of audio for the Clio Self-guided tour, preparation of QR codes and other necessary items for the public use of the self-guided tour, and maintenance of internet to ensure visitors have access to these materials. Further, the Trans-Allegheny Lunatic Asylum will incur all costs involved in the preparation of tour scripts and the training of tour guides to support the recontextualization plan.

Authorization

2.7 This offer has been prepared by the Trans-Allegheny Lunatic Asylum and carries support by the City of Weston and the city's Historic Landmark Commission. This offer is submitted on behalf of the Trans-Allegheny Lunatic Asylum by Rebecca Jordan-Gleason, Director of Operations at 71 Asylum Dr. Weston, West Virginia.


Joe Jordan, Owner


Date:

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Painting of TALA grounds during the Civil War as described by Rutherford B. Hayes and William McKinley.



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Letter of Transmission

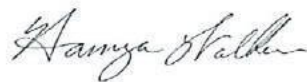
Please accept the accompanying documents as an official offer of acquisition for the sculptures and accompanying pedestals of Confederate Generals Robert E. Lee by Henry Shrady and Leo Lentelli and Jonathan "Stonewall" Jackson by Charles Keck owned by the City of Charlottesville on behalf of LAXART. LAXART is eligible to receive donations of property under Virginia Code 15.2-953, Article B, Section ix as a 501(c)3 non profit recreational organization. This offer shall be valid for one hundred and twenty (120) days from the date of receipt. The following individuals are authorized to negotiate on behalf of LAXART:

Hamza Walker - Executive Director - hamza@laxart.org - (323) 871-4140

Margaret Morgan - Board Chair - margaret.morgan@gmail.com - (213) 880-5601

Also attached are proof of LAXART's 501(c)3 status and the bylaws which document both the Board Chair and Executive Director's authority in matters such as these.

Sincerely,



Hamza Walker

LAXART

15 October 2021

Dear Mr. Boyles,

I write as director of [LAXART](#), a Los Angeles-based non-profit visual arts organization. We respectfully submit this proposal to secure ownership of both the Robert E. Lee and Stonewall Jackson statues and their granite bases. The statues will each be given to an artist to use as the basis for a new work of art. These newly commissioned works will be part of an exhibition whose working title is MONUMENTS. This exhibition is being co-curated by myself and the internationally renowned artist [Kara Walker](#) (no relation). Slated to take place in the Fall of 2023, MONUMENTS is a joint venture between LAXART and the Los Angeles [Museum of Contemporary Art](#) (MOCA) which will host the exhibition at the Geffen gallery, the larger of its two downtown locations. The exhibition will feature a selection of decommissioned Confederate monuments shown alongside works of contemporary art. As its name suggests, MONUMENTS will be a monumental undertaking. The two newly commissioned works fashioned from the Charlottesville Lee and Stonewall Jackson monuments will be the centerpiece of the exhibition.

After the events of August 11 and 12, 2017, the Charlottesville monuments became infamous. Wittingly or not, those who rallied around them exposed these statues for what they are, namely symbols of white supremacy. As a major museum exhibition mounted under the auspices of two contemporary art institutions, MONUMENTS will de- and re-contextualize the Confederate monument from the perspective of the present moment, which is to say in the wake of recent white supremacist extremeism. In addition to contextualizing the monuments socially, historically and art historically, the exhibition will squarely critique and confront the Lost Cause, framing it as the intentional rewriting of history which has acted as a highly effective propaganda campaign. Recognizing this exhibition as a robust educational and outreach opportunity, MOCA's staff will prepare an abundance of on-site educational

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materials for a general public including K-12 and college students. The exhibition will also be accompanied by a substantial scholarly publication and a year-long series of public programs including panels, screenings, lectures, and readings.

The decommissioning of Confederate monuments is an historic moment and the citizens of Charlottesville have been made painfully aware of the depths to which this terrain is contested. Confederate monuments such as the Robert E. Lee and Stonewall Jackson statues that the City of Charlottesville bravely removed, represent the Lost Cause, a mythology portraying Confederate soldiers as having fought for timeless ideals transcending the true cause of the Civil War, namely slavery. Crafted immediately after the war, the Lost Cause narrative had already supplanted history before its agents were cast in bronze. While the statues portraying Confederate soldiers as solemn heroes also served to obscure history further, as bronze monuments, they would continue to do so implacably, publicly, and in perpetuity. Generations later, many Americans, unable to see Confederate statues for the myths they truly portray, instead refer to them as "history."

This is a serious problem for they are anything but history. The legacy of slavery and Jim Crow is reflected in a myriad of statistics; voting rights struggles continue; and white supremacy is alive and well. Accordingly, the past can hardly be said to be past. At worst, Confederate statues are openly enshrined by white supremacists. At their most benign, they are a form of denial. In any case, under their auspices, we are unable to move past history because we are unable to acknowledge the facts of the matter. And the facts are simple: 1) the system of slavery was an inhumane and morally repugnant practice; 2) the Civil War was fought over slavery; 3) the Confederacy and its army fought to maintain a system that was inhumane and morally repugnant. Our social and moral progress as a country will continue to be hindered as long as individuals can avoid acknowledging facts. Again, out of sight, out of mind is not enough.

LAXART applauds the actions taken by the Charlottesville City Council and wants to further support them through this offer. While other municipalities are simply

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putting their statues in storage, Charlottesville is taking a more bold and proactive stance. Having been deposed, they need to be “recontextualized” and understood in no uncertain terms as relics of the Lost Cause. These statues, however, have been on view for upward of a century. During that time, the Lost Cause has made major inroads into the collective imagination and discourse. Rather than a means of merely understanding the Lost Cause, we believe these statues need to be transformed wholesale as a means of combating and actively dismantling Lost Cause ideology. While there are plenty of statues suited for understanding the Lost Cause, there are no statues better suited for a symbolic transformation than Charlottesville’s Lee and Jackson bronzes. As a response to an unprecedented situation of historical magnitude, transformation is the most definitive way to “clearly and unambiguously” reject Jim Crow era narratives associated with these statues. Toward that end, this offer entails giving the statues, one each to two nationally recognized artists, Kara Walker and William Pope.L both of whom were selected for the manner their work engages history and its legacies.

We ask that the Charlottesville City Council consider donating the Robert E. Lee and Stonewall Jackson to LAXART for nominal consideration. LAXART is a charitable, non-profit entity with tax exempt 501 C3 status, eligible to receive donations of property under the provisions of Virginia Code 15.2-953. We are a non-commercial art gallery whose mission is to promote developments in contemporary culture through exhibitions, publications, and public programs. Founded in 2005 as an alternative platform for emerging and under-recognized talent, LAXART has expanded its mission to encompass thematic group exhibitions with the belief that contemporary art is a means of understanding key issues of our time.

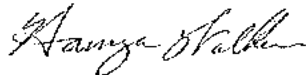
We have secured major funding from the [Emily Hall Tremain Foundation](#), the [Andy Warhol Foundation](#), and the [Getty Foundation](#). We likewise anticipate equally significant funding from the [Ford](#) and [Mellon Foundations](#). A portion of our funding has been earmarked for municipalities who, while wishing to participate, might need

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financial assistance dismantling their monument. **Toward that end, LAXART is willing to reimburse the City of Charlottesville \$100,000 against its dismantling costs.** This is in addition to paying transportation and storage costs we would incur between the time of the monuments' deposition and their display in Los Angeles.

The remainder of the proposal includes more background on the context of Charlottesville's monuments, the exhibition and recontextualization plan, and logistics. Should you have questions or need more information, we are at the City Council's disposal. I cannot underscore enough how important the Charlottesville monuments are to the success of the exhibition. Thank you for your consideration of this request. I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Hamza Walker".

Hamza Walker

Director, LAXART

LAXART

LAXART Official Offer

Please accept the following document as an official offer of acquisition for the sculptures and accompanying pedestals of Confederate Generals Robert E. Lee by Henry Shrady and Leo Lentelli and Jonathan "Stonewall" Jackson by Charles Keck owned by the City of Charlottesville on behalf of LAXART. LAXART is eligible to receive donations of property under Virginia Code 15.2-953, Article B, Section ix as a 501(c)3 non profit recreational organization (see documentation attached). This offer shall be valid for one hundred and twenty (120) days from the date of receipt. The following individuals are authorized to negotiate on behalf of LAXART:

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Margaret Morgan - Board Chair - margaret.morgan@gmail.com - (213) 880-5601

Historical Background

The Lost Cause

The Confederate monuments in front of courthouses and capitol buildings are physical manifestations of the Lost Cause mythology. Formed in the wake of the Civil War, the Lost Cause contends that the South's secession from the Union and the ensuing bloodshed was not about slavery. Rather, the "War Between the States" or "War of Northern Aggression" was courageously fought to defend states' rights from a tyrannical federal government in spite of the overwhelming odds. Though they were outnumbered, the Southern armies were led by the most honorable and brilliant generals and consisted of valiant men protecting their wives, children, property, and the Southern way of life. In this ideology, chattel slavery was a civilizing force through which Africans and their descendents were provided with everything they needed thanks to the benevolence of their enslaver. The Lost Cause willfully ignores the brutality of slavery and the dehumanization inherent in the institution, regardless of the personality or predilections of the enslaver, and posits white southerners as victims.

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Predicated on the fallacy of white supremacy and inferiority of African Americans, this view of the antebellum South, Civil War and Reconstruction calcified in the decades following the war and justified Jim Crow era policies which maintained that Black people were unfit to govern or vote. These falsehoods were passed down from generation to generation of white southerners through an intentional and wildly successful propaganda campaign carried out by mothers, educators, legislators, and heritage groups. Despite the words of Confederate leaders themselves and decades of historical scholarship refuting all major claims of the Lost Cause, it continues to maintain a tight grip on many Americans' understanding of the past. The Lost Cause is anything but an historical phenomenon. The impact of chattel slavery and Black disenfranchisement on contemporary society has resulted in a chasm of racial disparity between white and Black Americans in nearly every facet of life, including but not limited to housing, health care, economic opportunity, life expectancy, political representation, and education. Without being able to properly identify and address the roots of these disparities, they will continue to grow. The current battle over how American history is taught exemplifies the urgency with which the Lost Cause must be confronted, disrupted, and replaced with a more inclusive, thorough, and complete understanding of American history.

Monumental impulse

As the Reconstruction era came to a close in the 1870's with the withdrawal of federal troops and the "redemption" of the southern states, Confederate monuments began to rise. The earliest monuments were erected in cemeteries in the years immediately following the war and embraced Victorian-era mourning iconography such as laurel wreaths, urns, and drapery. They could be interpreted as an attempt to cope with the devastation wrought by the war through a funerary impulse; an estimated 20% of the white southern male population had died in the course of four years.

In the 1890's, Jim Crow laws were being codified in state constitutions across the

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South, lynchings were horrifyingly commonplace, and Confederate monuments were being built in more public spaces such as courthouses, town squares, and state capitol grounds. In this period, the monument builders were the daughters of Confederate veterans who often did not have personal recollections of the war and many felt robbed of their birthright - the "Old South" way of life as romanticized in countless novels and films like *Gone With the Wind*. These later monuments included inscriptions with language that was laudatory rather than mournful, praising the righteousness of the Confederate cause, omitting any reference to slavery. A far cry from the somber obelisk form, these late 19th and 20th century monuments depicted citizen soldiers doing their civic duty, stately generals gallantly leading the charge, and faithful wives and mothers sacrificing their husbands and sons to the war effort. Monument building offered a political outlet for elite white women to lay claim to public space, providing clear examples of (white) Southern manhood, femininity, and citizenship.

Paul Goodloe McIntire

Paul Goodloe McIntire is the archetypal Confederate monument funder - he was born in 1860 and experienced the war and Reconstruction as a child. His family had owned both land and enslaved people but by 1870 they had lost $\frac{3}{4}$ of their wealth. After leaving the South and amassing his own fortune in the North, he returned to his hometown of Charlottesville. In 20th century progressive fashion, McIntire was a proponent of the City Beautiful movement which inscribed civic values on public space, often imposing paternalistic ideas about citizenship and culture onto an increasingly diverse population. He donated land, money, and art, including the Robert E. Lee and Stonewall Jackson monuments, to the city. Reflected in these gifts are his ideas about the proper social order. In 1918, McIntire deeded land for two parks to house commissioned statues of Robert E. Lee and Stonewall Jackson; Black residents implicitly understood these parks to be "whites only". In 1926, McIntire gave land for three additional parks which included specific racial covenants in their deeds - two of

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these parks were for white residents and one was for Black residents. Segregation was intrinsic in these gifts.

Lee and Jackson are literally placed on pedestals, unquestioningly presented as heroic figures worthy of reverence. There is no mention that both men enslaved other human beings nor is it clear that the nation for which they fought was one that permanently inscribed chattel slavery in its founding document. They were commissioned and erected during a period of nationwide growth of the Ku Klux Klan and the Eugenics movement and amidst local events including minstrel shows, cross burnings, and attempted lynchings.

Stonewall Jackson

Confederate General Thomas "Stonewall" Jackson had attended West Point and served in the Mexican-American war before working as a decidedly unpopular professor at the Virginia Military Institute. During the Civil War, he became an instant celebrity in the South due to his successes in early battles, most notably at Manassas. When Jackson died at the Battle of Chancellorsville in 1863, he immediately became a martyr to the Confederacy and some proponents of the Lost Cause posit that if Jackson had not died, the South would have won the war.

Charles Keck was a well known artist at the time of McIntire's commission who trained at the National Academy of Design and the American Academy in Rome and worked as a studio assistant for Augustus Saint Gauden. As was the case for most 19th century classically trained sculptors, many of the commissions available to him were for large scale public monuments. Keck completed monuments of both Union and Confederate figures but his depiction of Jackson is considered one of the finest equestrian monuments of the period. In his depiction in Charlottesville, Jackson is shown charging into battle with a look of determination and his horse's musculature is finely articulated. The base of the monument includes allegorical figures of "Faith" and

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“Valor”, alluding to the Lost Cause tenets often attributed to Confederate soldiers. The monument was commissioned specifically for Jackson park, which was built on land adjacent to the courthouse that was seized by the County government from Black home and business owners, claiming that the area was blighted. This park and accompanying monument literally commemorate the Lost Cause at the expense of Black progress.

Robert E. Lee

Though Lee was a competent tactician in many ways, his reputation was inflated in the years following the war, thanks to the efforts of men who served under him in the Army of Northern Virginia. Organizations like the Southern Historical Society and the United Confederate Veterans published recollections of the war that glorified Lee's actions and repudiated any criticisms of him as biased and unfair. They also downplayed his participation in and reliance on chattel slavery, despite his stated belief that slavery was necessary to civilize Black people. By the early 20th century, Lee had been elevated to mythical status as a righteous Christian warrior who hated slavery and whose brilliance could not overcome the resources and manpower of the Union army. This transformation from traitor to national treasure can be seen in President Franklin Delano Roosevelt's remarks at the unveiling of a Lee statue in Dallas in 1936 - "All over the United States of America we regard him as a great leader of men and a great General, but also... something even more important than that. We recognize Robert E. Lee as one of the greatest American Christians and one of our greatest American gentlemen."¹

The Charlottesville monument of Robert E. Lee is much more static in composition and tone than that of Jackson, due in part to the turbulent nature of the work's creation. Henry Mervin Shrady was a self-taught member of the National

¹ Dallas Morning News, June 13, 1936, p. 8.

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Sculpture Society who had been recommended to McIntire by the preeminent artist Daniel Chester French. Shrady would be best known, ironically, for his monument to Ulysses S. Grant on the Capitol grounds. However, upon receiving McIntire's commission, Northern born Shrady stated "I am going to make this the best thing I ever did, as I am a great admirer of Gen. Lee". Shrady was chronically ill and died before he was able to complete the Lee statue. Leo Lentelli, an Italian sculptor working in New York and San Francisco, was hired to complete the monument. However, Shrady's clay model had dried out and Lentelli had to start from scratch, giving Lee and his horse a much more solemn and stern appearance. The master of ceremonies for the monument unveiling in 1924 wrote "In afternoon walked with Mary to look at the Lee Statue, which has just been set up. I do not like it all".²

In the months leading up to the unveiling of the Lee monument in 1924, the Jefferson Theater screened Lost Cause paragon *Birth of a Nation*, The Racial Integrity Act and the Eugenical Sterilization Act were signed into law, and the Klan held lectures and burned crosses.

The Statues in the 21st Century

The more recent events in the lifespan of the Statues provide a typical, though perhaps extreme and highly publicized case study of the various stakeholders invested in the future of Confederate and other racist monuments.

Since Confederate monuments have been built, Black communities have understood the implicit message in their placement in public space. Zayahna Bryant's petition and subsequent organizing beginning in the Spring of 2016 exemplifies how the political mobilization of Black activists are often the catalysts for removal. After inspiring larger communities of people to put pressure on municipal governments to respond, their stories often fade into the background, with public congratulations often going

² Blue Ribbon Commission. Appendix C(a), p. 50.

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solely to city officials. It is imperative that people like Bryant in Charlottesville, [Tami Sawyer](#) in Memphis, [Quess](#) and [Sue Mobely](#) in New Orleans, and [Camille Bennett](#) in Florence, are given their full due.

The events during the “Summer of Hate” and the continued presence of armed neo-Confederates in the parks where the statues stood are evidence of the power these inanimate objects continue to have. The backlash to City Council’s 2017 decision to remove the statues is nothing new. It is the same confluence of fear, anger, and resentment towards Black progress, construed as white victimization, that was seen following Reconstruction with the establishment of Jim Crow and during the Civil Rights era with the Massive Resistance movement. The impulse to rally around Robert E. Lee with tiki torches is the same impulse that saw Confederate monuments proliferate across the nation. Confederate monuments act as vessels where battles over abstract concepts like race and power can manifest in a physical landscape. In protecting the statues, they are protecting white people’s prominence, claim to public space, and control of historical memory.

The silver lining to the violence of the Unite the Right rally is that Confederate monuments have been unmasked. The national discussion about these objects has shifted from a debate about culture and heritage to one about white supremacy and anti-Blackness. They have been further connected to the legacies of slavery embedded in contemporary American society and specifically identified as a form of social control. While it is upsetting that it takes such a deadly shock to the system to bring these complex and painful conversations to the forefront, the pervasiveness of white supremacy is blinding.

Removal

After legislators amended Virginia’s monument protection law and the state supreme court dissolved the injunction keeping Charlottesville’s monuments in place,

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City Council's immediate action to remove the monuments completes a circuit. Municipal action to remove racist monuments provides a state sanctioned refusal of white supremacy. Though the removal of symbols is not a panacea for racial disparity, this intentional process of disposition ensures that the Lost Cause cannot regain lost ground. It is an opportunity for Charlottesville to act as the model for how municipalities can engage with their painful history and transform a source of shame into a source for healing. We hope that LAXART and MONUMENTS can help facilitate this process.

Recontextualization Plan

The Exhibition

Following the actions of white supremacist terrorists in Charleston in 2015 and in Charlottesville in 2017 as well as Bree Newsome's defiant climb to the top of a flagpole at the South Carolina Statehouse to remove the Confederate battle flag, dozens of monuments were removed and schools and streets were renamed across the South. By 2018, the debate sparked by the removal of these Confederate symbols led to the conception of MONUMENTS. The murder of George Floyd has people further questioning the meaning of these symbols. In a [June 2020 poll](#) by Quinnipiac University, 52% of voters support removing Confederate monuments from public spaces, up 19 points from August 2017. This shift in the national discourse has enabled us to greatly expand the scope of the exhibition to encompass reparations and national healing.

We have selected a group of decommissioned Civil War monuments from throughout the United States that we will put on display alongside works of contemporary art. To date, we have confirmed loans from the municipalities of Baltimore, Manatee County, Florida, Pittsburgh, and Charleston, South Carolina, as well as institutions including Randolph College and the Houston Museum of African American Culture. Through a selection of new commissions and existing works by artists such as [Ja'Tovia Gary](#), [Torkwase Dyson](#), [Abigail Deville](#), [Natalie Ball](#), [Devóne](#)

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[Tines](#), and [Leonardo Drew](#), MONUMENTS will confront and challenge long held beliefs about the real people behind these inanimate objects and the ways in which we can build a roadmap forward.

In exhibiting a variety of monuments in an indoor gallery space, we will question the geographically specific context for these statues as well as the role they play in discussions about race, gender, and American history. How does collective memory differ from history and how should we decide who and what is worth celebrating, especially as public values change over time? What could "Reconstruction 2.0" look like, and how would it avoid the failures of the first? What would a true reckoning with history look like in America?

Though Los Angeles may seem an odd location for an exhibition about a largely Southern phenomenon, we are in a unique position to host this important conversation. California has its own history with the Confederacy and its memorialization. The Los Angeles Mounted Rifles were raised as a militia group to travel east and fight for the Confederacy, Confederate heritage groups were active due a great number of Southerners settled here following the war, and perhaps the most influential of all Confederate monuments, *Birth of a Nation*, was made just miles from LAXART's front door. More recently, members of the Southern California based white supremacist group, the Rise Above Movement, attended the Unite the Right Rally in 2017 and the final Confederate monument in the state was removed from a Santa Ana cemetery in 2019. While nowhere in America is truly exempt from the legacy of the Civil War, we have geographic distance from the *epicenter* of these metaphorical and physical battlegrounds that allow us to provide an aerial view of an issue that is simultaneously national and hyper local in nature.

Our goal is to show that each of these objects has its own life, specific to the community in which it is situated. The framing provided by a museum setting will acknowledge the real power inherent in Confederate monuments while also removing them from their intended context, rendering them as objects worthy of study rather than

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reverence. A frequent argument against removing monuments from public space claims that doing so is “erasing history”; we intend to do quite the opposite. By examining these objects in their entirety, with historical depth and nuance, we can focus on how they impact our lives today.

The Venue

MOCA is a natural partner for LAXART in MONUMENTS. Throughout its over forty year history, MOCA has consistently staged exhibitions that challenge the limits of contemporary art and critically engage with relevant topics of our time, often doing both simultaneously. As an institution that specializes in art made after 1940, it not only works to preserve the existing collection and provide new scholarship in the field. MOCA also focuses on the future, fostering emerging and mid-career artists through support for new works and partnerships with other arts institutions such as [The Underground Museum](#).

Though the art world can feel frivolous and elitist to many, MOCA has widened the scope of what is valued as “art” by including a vast array of media and types of creators in its collection and exhibitions. MOCA’s allocation of significant resources to interpretation, programming, and education for visitors of all ages engenders a sense of belonging for non-traditional museum audiences; the recent shift to free admission evidences this dedication to accessibility for all. This environment is crucial for the presentation of difficult works and topics such as those to be included in MONUMENTS. Additionally, the Geffen gallery space, formerly a hardware store and police car warehouse, can physically accommodate the weight and size of large scale objects in a climate controlled environment.

The conversation about memorialization and historical memory is national. Current debates in state legislatures and school board meetings across the country about how history is taught highlight the relevance of MONUMENTS. As such,

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MONUMENTS will travel to other institutions strategically located throughout the country. These include the Nasher Sculpture Center in Dallas; the Crystal Bridges Museum of American Art in Bentonville, Arkansas; MASS MoCA in North Adams Massachusetts; and the Baltimore Museum of Art to name a few. The exhibition can be reconfigured to fit a variety of audiences, spaces, and localities. However, the Charlottesville monuments would remain central. Should the City Council transfer ownership of these monuments to LAXART, Charlottesville will again find itself on the national stage, this time under the auspices of transformation rather than tragedy.

Programming & Publication

The questions addressed in the galleries will serve as the basis for a robust series of public programming featuring contributions from art historians, politicians, journalists, poets, historians, artists, and activists. These talks, performances, and workshops will provide opportunities to explore the themes of the exhibition in all their complexities and nuance. Experts from a variety of disciplines beyond art and history - philosophers, political scientists, archeologists, geographers, and sociologists - can offer new and additional frameworks through which we can build greater understanding of the historical and contemporary context for these objects.

Because MONUMENTS as a physical exhibition is ultimately temporary, it is paramount that it is documented and archived in a meaningful, lasting, and accessible way. Part scholarly text, part 'zine, the MONUMENTS publication will provide even deeper engagement with the history and context of monuments, white supremacy, American legacies of slavery, and the current political moment. Case studies of individual monuments written from the perspective of activists, politicians, and historians will showcase the local specificity of these objects and how the communities in which they are situated affect their creation, protest, and removal. Photo spreads documenting events like the Black Lives Matter protests of the summer of 2020, pop cultural uses of

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the Confederate battle flag, and the presence of Confederate iconography at the January 6 attempted coup will provide insight into the cultural space the Lost Cause and anti-Black racism occupies. Academic essays from art historians will critically situate both the monuments and the contemporary works in the exhibition into a larger framework of an American art tradition.

Acquisition of the Statues

LAXART taking ownership of Charlottesville's statues will offer a unique opportunity to engage with the themes of the exhibition. Other municipalities and institutions are temporarily loaning statues that will have to be returned in their original state. Under those circumstances, artists cannot physically engage with the objects. In the case of the Charlottesville Lee and Jackson, we will give them to contemporary artists who will use these monuments as material to create a new work. Rather than reinstalling Lee and Jackson on a battlefield or golf course where they will retain their power as symbols of the Lost Cause, they can be examined in full, within their historical and art historical context. As such, they will be wholly reinterpreted and recast into symbols of our current moment. In their new form, they can embody the change that has occurred since their creation in the early 20th century as well as a vision for a more just future.

While it is tempting to entertain the notion of destroying these works entirely, it is crucial that the Lost Cause be discredited but never forgotten. To do so would discount the lived experiences of generations of African Americans who have endured the legacy of slavery and the continued impact of white supremacy. It cannot and should not be swept under the rug. Charlottesville's participation in MONUMENTS offers an opportunity for a restorative approach that simultaneously confronts the past and embraces the future. The simultaneous expansiveness and immediacy of visual art holds a power that words alone cannot. We breathe individual meaning into a work

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based upon our lived experiences and knowledge base, teasing out comparisons and associations that may require us to confront our beliefs and ask ourselves "why do I think that?". Art draws connections, encourages creative thinking, and brings hope and joy into our lives. It is a severely underutilized tool in answering challenging questions. These monuments speak a visual language and therefore must also be confronted in that same language.

Inviting artists, Kara Walker and William Pope.L, to transform two of the Lost Cause narrative's most potent symbols addresses that challenge head on. Taking ownership of the Charlottesville monuments is therefore integral to the goals of the exhibition. Having artists transform Lee and Jackson into new works to be featured in a major exhibition would place the city of Charlottesville at the forefront of a discussion in sore need of examples of how we might constructively engage these objects so as to heal and grow as a nation.

Kara Walker

Kara Walker gained notoriety in the mid 1990s with her life-sized, paper silhouette vignettes. As black paper cut outs adhered directly to the white walls of the gallery, the work is put forth in no uncertain terms. Her world was quite frankly black and white. Shameless in fact. The work's refusal to acknowledge shame when dealing with issues of race and desire set within the context of slavery, allowed Walker to challenge, indeed taunt, our individual and collective historical imaginations. From successive generations of African Americans, the issue as to how to come to terms with a painful past persists. How does one write oneself into a painful history without first inquiring into the human capacity for lust, disgust, and violence? And if one is African-American, as is Walker, where does one begin this task amidst the pickaninnies, sambos, mammies, mandingos and mulatto slave mistresses depicted on sought after flotsam and jetsam hiding in the back of antique stores, bric-a-brac that goes by the name of bygone Americana? As bizarre, beautiful, or violent as her imagery may be, Walker understands

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that an historical imagination is a prerequisite for genuine ownership of the past. And if the task of writing oneself into history is conducted at the level of what it means to be human, then this task must take into account pain, parody, pleasure, poetry and ultimately the perverse.

Although her cut-outs have been likened to the literature of Toni Morrison and Alice Walker, Kara Walker's work actually shares more in common with dime-store historical romances that use the ante-bellum as a backdrop. With human chattel as part of the historical mise-en-scene, it begs to be asked to what extent a romance could follow conventions of decency before the specter of perverse power relations would come into play. For Walker, this extent certainly is not great. Her vignettes are designed to upstage the entire genre. Her vision is a skewed triad of race, history and desire, that when it avails itself to a reading, avails itself to one of such surreal and psychological dimension that perhaps it is better to call it a diagnosis à la Sigmund Freud. Walker's work is shameless three times over. In her choice of imagery, she has abandoned the bodily shame regarding sex, historical shame surrounding slavery, and the social shame surrounding stereotypes.

During the spring of 2014, Walker's first large scale public project, a monumental installation entitled *A Subtlety: Or... the Marvelous Sugar Baby an Homage to the unpaid and overworked Artisans who have refined our Sweet tastes from the cane fields to the Kitchens of the New World on the Occasion of the demolition of the Domino Sugar Refining Plant*, was on view at the abandoned Domino Sugar refinery in Williamsburg, Brooklyn. Commissioned and presented by Creative Time, the project – a massive sugar covered sphinx-like sculpture – responded to and reflected on the troubled history of sugar. In 2018, Walker completed a large-scale public commission for Prospect 4 in New Orleans. The *Katastwóf Karavan* is a calliope, a steam-powered pipe organ housed in a parade wagon. Drawing on the calliope's associations with nineteenth-century New Orleans riverboats as well as the steam engine and other Industrial Revolution-era inventions like the cotton gin, the work's layered references

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reveal connections between the history of the city's cultural landscape and slavery in the American South. She conceived the caravan, with her signature silhouette imagery, in response to the inadequacy of a memorial plaque at Algiers Point, identifying a former holding site on the Mississippi River where enslaved Africans were abused and quarantined before transportation to slave markets across the river. Titled to incorporate the Haitian Creole word that in English translates to "catastrophe," *Katastwóf Karavan* interrogates the way in which these dehumanizing and violent experiences have been historicized and under examined.

William.Pope.L

William Pope.L forged an artistic practice that has nothing yet everything to do with race. It is best to say that Pope.L's work has to do with figuration in an attempt to understand the self, a crucial part of which, for better or worse, is the concept of race. For over fifteen years, the artist has proclaimed to be "The Friendliest Black Artist in America," and has worked in all media, (performance, video, painting, sculpture, drawing, assemblage, installation). Despite what this title implies, Pope.L's work does anything but address audiences on comfortable or comforting terms. A quizzical mixture of anger, abjection, humor, and urgency, the work uses binaries, contraries and preconceived notions embedded within contemporary culture to create art works in various formats, for example, writing, painting, performance, installation, video and sculpture. Building upon his long history of enacting arduous, provocative, absurdist performances and interventions in public spaces, Pope.L applies some of the same social, formal and performative strategies to his interests in language, system, gender, race and community.

For Black artists engaged with performance, this presence marked the appearance of a Black subject with a sense of identity secured through Black nationalism and an attendant sense of cultural self-determination. "Say it loud. I'm Black and I'm proud!" But under postmodern auspices, the assertion of identity was to be met

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with a countervailing critique whose immediate goal was twofold: first, the deconstruction of stereotypes both old and new, which involved critiquing representations of Blacks; and second, to resist the collapsing of history into biology or culture into nature, a collapse synonymous with constructing essentialist notions of self. For Black artists already stricken with a Du Boisian double consciousness (“the sense of always looking at one’s self through the eyes of others”), the simultaneous assertion and critique of identity amounted to a double consciousness squared. If Pope.L’s work is any indication, this space is far less rational than it sounds, one comprised of requisite negotiations and negation, reprisals and reappraisals, cancellations and collapse.

Pope.L took up performance as an under-graduate. Part of the reason was simple: “I wanted to extend my practice into arenas where I would have more contact with people.” Dating between 1978 and 1980, his earliest performances took place on New York City streets. These include the now iconic *Crawl* works, for which the artist drags himself belly-down up the Bowery and across the city, and *Thunderbird Immolation*, in which Pope.L, after dousing himself with a pint of Thunderbird wine, sits in lotus position on a yellow blanket surrounded by a circle of stick matches. The latter act would have looked to passersby like a protest modeled on that of Thich Quang Duc, the Vietnamese Buddhist monk who, in 1963, set himself aflame in protest of religious persecution at the hands of the U.S.-backed Diem regime. But the Vietnam War having come to a close, what and on whose behalf was Pope.L protesting? A show of solidarity with winos perhaps? In any case, *Thunderbird Immolation* exemplifies Pope.L’s logic, which relates less to reason and much more to the riddle, making it a sensibility perfectly suited to take up that most challenging of topics: race.

Pope.L is also no stranger to the large scale physical work. *Choir* (2019-2020), presented at the Whitney Museum of American Art, was a continuation of the artist’s exploration of water. Specifically referencing the political (Flint’s water crisis), the historical (Jim Crow era segregated water fountains), and the art historical (Duchamp’s

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Fountain), *Choir* circulates water through its contraption such that it meditates on the lack of access to a basic necessity for Black Americans. According to Pope.L, "Race is a puzzle. And this puzzle is dependent upon a figuration that cannot be 'seen' but only responded to and instrumentalized against for it is felt more than understood." Indeed, psychologically speaking, race is a colored affair. But insofar as race may be reduced to a visual phenomenon, the body signifies through its mere appearance. It is always already spoken for.

After the Exhibition

The significance of the two works created by Kara Walker and Pope.L from the disposed Lee and Jackson statues cannot be understated. Not only will they be noteworthy as the first disposed monuments to be reused in an innovative way, they will be seminal works of art by two of the most prominent contemporary artists of this moment. Following the run of MONUMENTS, including the duration of travel to other locations, the transformed statues will be acquired by a major American museum. We are currently in talks with the Smithsonian National Museum of African American History and Culture (NMAAHC) in Washington, D.C. and Crystal Bridges in Bentonville, Arkansas. Both of these institutions are well equipped, financially and intellectually, to interpret these new works of art in regards to race, American history, and art.

Logistics

Donation Eligibility and Fair Market Value

In our understanding, LAXART is eligible to receive donations of property under Virginia Code 15.2-953, Article B, Section ix as a 501(c)3 non profit recreational organization (see documentation attached). Despite this, we would like to help alleviate the costs incurred from the removal of the monuments from public view in July 2021. As such, LAXART is prepared to reimburse the City of Charlottesville \$100,000.

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Monetary value is assigned to a fine art object based, in part, upon the artist, subject matter, medium, and quality. We could look at recent sales of works by Keck, Shradý, and Lentelli at auction, however there is nothing of the same scale as the monuments to which they can be compared. In 2016, the director of Conner-Rosenkranz, a Manhattan art gallery specializing in sculpture, was quoted as saying "As public sculptures [monumental sculptures] never trade and there is no consistent market". Their size and weight necessitate highly specialized facilities that can house such objects and as the city is aware, the cost of moving them is prohibitively expensive. Even if the artistic quality of the monuments is high, which for the Shradý/Lentelli Lee is arguably not, or the prominence and skill of the artist is great, the unwieldiness of such large scale sculptures makes them difficult to consistently sell.

Further, because these statues take Confederate generals as their subject and were created to be site specific public works, they exist in a liminal space; part art object, part historical artifact. Because they are so thoroughly associated with white supremacy and the marginalization of Black Americans, they no longer hold the same value in a fine art market, regardless of the prominence of their makers. Though there will always be a market for historical artifacts, selling Lee and Jackson to the highest bidder seems antithetical to the City Council's stated and commendable intention of finding a home for these objects that do not continue to glorify the Lost Cause. The same individuals and organizations who believe that Lee and Jackson are men of high esteem worthy of being enshrined in bronze, despite their views of Black people and slavery, are likely proponents of the Lost Cause and unlikely to put these objects in their proper context. This gets to the heart of the issue of Confederate monuments and why they are so contentious - who do we as a society deem important and worth honoring?

The \$100,000 offered to the city by LAXART is expressly for the removal costs. Paying for such objects is tantamount to assigning them value which we do not believe they have.

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Funds

All costs for the monuments transfer and transformation will be paid for by LAXART with funds from significant private donations as well as grants we have received from the Emily Hall Tremaine Foundation, the Getty Foundation, and the Warhol Foundation. We anticipate additional funding from the Mellon Foundation, the Ford Foundation, the National Endowment for the Arts, and other arts funding foundations. MOCA and other institutions that will host MONUMENTS will also dedicate a portion of their budgets to the transport, installation, interpretation, and security of the Walker and Pope.L works made from Charlottesville's statues.

Transfer of Ownership

All shipping and transport costs associated with moving the monuments from Charlottesville to Los Angeles will be covered entirely by LAXART. We have contracted with [Methods & Materials, Inc.](#), a professional art handling company based out of Chicago that specializes in rigging, transport, installation, and de-installation of large sculptural works. Upon acceptance of our proposal, we would arrange for a contact from Methods & Materials to coordinate pick up of the monuments via truck with city employees as soon as is logistically feasible. Walker and Pope.L will be provided with secure and appropriate space in which to work with the statues as material in New York and Chicago respectively. Upon completion of the new works, Methods & Materials will store the Walker and Pope.L works in a secure facility until they are shipped to Los Angeles for installation at MOCA in 2023.

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INTERNAL REVENUE SERVICE
P. O. BOX 3508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: NOV 07 2005

LAXART
C/O ARTHUR RISHMAN
4144 SHADYGLADE AVE
STUDIO CITY, CA 91604 0000

Employer Identification Number:
20-2911916
DIN:
17063209007045
Contact Person:
BERRY Q WAN ID# 21052
Contact Telephone Number:
1877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
May 20, 2005
Contribution Deductibility:
Yes
Advance Ruling Ending Date:
December 31, 2009

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

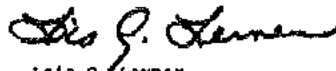
Please see enclosed information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Letter 1045 (06/CG)

LAKART

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,



Lola G. Lerner
Director, Exempt Organizations
Rulings and Agreements

enclosures: information for organizations exempt under section 501(c)(3)

Letter 1045 (00/00)

**Amended and Restated Bylaws of
LAXART
a California Nonprofit Public Benefit Corporation**

**ARTICLE 1
NAME**

1.1. NAME

The name of this corporation is LAXART.

**ARTICLE 2
OFFICES**

2.1. PRINCIPAL OFFICE

The corporation shall have a principal office at which it shall maintain its official records and transact other business. The principal office shall be located at a place as determined by the Board of Directors in the State of California.

2.2. OTHER OFFICES

The corporation may also have other offices in and outside of California as the board of directors may determine.

**ARTICLE 3
PURPOSES; DEDICATION OF ASSETS**

3.1. PURPOSES

The primary purposes of this corporation shall be to promote and support the production and exhibition of, discussion about, and interaction with, international, interdisciplinary, and intergenerational artistic practices, and to carry on other education activities associated with this purpose as allowed by law. This corporation is organized exclusively for charitable and educational purposes within the meaning of Internal Revenue Code §501(c)(3).

3.2. DEDICATION OF ASSETS

The properties and assets of this nonprofit Corporation are irrevocably dedicated to the purposes set forth in Section 3.1 of this Article 3. No part of the net earnings, properties, or assets of this Corporation, on dissolution or otherwise, shall inure to the benefit of any private person or individual, or any Director or Officer of this Corporation. On liquidation or dissolution, all properties and assets remaining after payment, or provision for payment, of all debts and liabilities of this Corporation shall be distributed to one or more nonprofit funds, foundations, or corporations which are organized and operated exclusively for charitable or educational purposes and which have established their tax-exempt status under Internal Revenue Code §501(c)(3), and to the extent feasible, and to the extent required for any assets held in trust for such purpose, to such an organization or organizations organized and operated exclusively for educational purposes within the meaning of Internal Revenue Code §501(c)(3).

**ARTICLE 4
DIRECTORS**

4.1. POWERS

The corporation shall have a Board of Directors (referred to, in these Bylaws, as the "board"). All of the activities and affairs of the corporation shall be exercised by the board or under its direction. The board, acting collectively, shall exercise responsibility for conducting the activities and affairs of the corporation.

4.2. NUMBER

The board shall have no fewer than five (5) directors nor more than thirty (30) directors. The precise number of authorized directors shall be set within these limits by an affirmative vote of a majority of the directors then in office. Until changed by resolution of the board, the authorized number of directors shall be twenty (20).

4.3. QUALIFICATION

Any artist or other person who has a substantial presence in the art community and who is over eighteen (18) years of age shall be eligible to be a director of this corporation.

4.4. DUTY OF CARE AND LOYALTY

It is the obligation of each director of the corporation to perform his or her duties in good faith, in a manner such director believes to be in the best interests of the corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. This obligation extends to all activities a director performs in that capacity including, without limitation, duties as a member of any committee of the board on which a director may serve.

4.5. GENERAL DUTIES

It shall be the duty of the directors to:

- (a) Perform any and all duties imposed on them collectively or individually by law, by the Articles of Incorporation of this corporation, or by these Bylaws;
- (b) Appoint and remove, employ and discharge, and, except as otherwise provided in these Bylaws, prescribe and supervise the duties and fix the compensation, if any, of all officers, agents and employees of the corporation;
- (c) Meet at such times and places as required by these Bylaws; and
- (d) Register their addresses, phone and facsimile numbers, and electronic mail ("e-mail") addresses with the Secretary of the corporation. .

4.6. RESTRICTION REGARDING INTERESTED DIRECTORS

Notwithstanding any other provision of these Bylaws, not more than 49 percent of the persons serving on the board may be interested persons. An "interested person" is:

- (a) any person compensated by the Corporation for services rendered to it within the previous twelve (12) months, whether as a full-time or part-time employee, independent contractor, or otherwise;

(b) any shareholder, employee or officer of any corporation, or partner or employee of any partnership, which has rendered compensated services to the Corporation within the previous twelve (12) months; and

(c) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, mother-in-law, or father-in-law of any person described in (a) or (b) of these Bylaws.

Any violation of the provisions of this Section 4.6 shall not, however, affect the validity or enforceability of any transaction entered into by the Corporation.

4.7. SELF-DEALING

(a). The corporation shall not enter into any contract or transaction with any (1) director of the corporation, (2) officer of the corporation, or (3) corporation, firm, association, or other entity in which one or more of this corporation's directors or officers are directors, directors or have a material financial interest, or in which any of these parties shall be directly or indirectly interested, unless:

(i) The material facts regarding that director's or officer's financial interest in such contract or transaction, or regarding such common directorship, officership, or financial interest, are fully disclosed in good faith and noted in the minutes, or are known to all members of the board, prior to consideration by the board of such contract or transaction; and

(ii) Such contract or transaction is authorized in good faith by a vote of the majority of the board without counting the votes of the interested directors;

(iii) Before authorizing or approving the transaction, the board considers and in good faith decides, after reasonable investigation, that the corporation could not obtain a more advantageous arrangement with reasonable effort under the circumstances; and

(iv) At the time the transaction is entered into (1) the transaction is fair and reasonable to the corporation and (2) the corporation entered into it for its own benefit.

(b) If it is not reasonably practicable to obtain the determination of the board as to the foregoing prior to any such contract being entered into, and such contract is for the benefit of the corporation and in the ordinary course of its business (such as contracts for locations or services for events sponsored by the Corporation), then the Executive Committee, not counting the vote of any interested director, may make the determinations set forth above prior to the contract being entered into, subject to ratification by the board, including a specific finding made in good faith that the standards set forth in clauses (i) – (iv) above were met and that obtaining prior approval by the board was not reasonably practicable, by vote of a majority of the directors then in office, not counting the vote of any interested director, at its next meeting, but in any event prior to consummation of the transaction.)

(c) The provisions of this Section 4.7 do not apply to a transaction which is part of an educational or charitable program of the Corporation if it: (i) is approved or authorized by the Corporation in good faith and without unjustified favoritism; and (ii) results in a benefit to one or more directors or officers or their families because they are in the class of persons intended to be benefited by the educational or charitable program of this Corporation.

(d) The Corporation shall not make any loan of money or property to or guarantee the obligation of any director or officer; provided, however, that the Corporation may advance money to a director or officer of the Corporation for expenses reasonably anticipated to be incurred in the performance of

the duties of such director or officer, provided that in the absence of such advance such director or officer would be entitled to be reimbursed for such expenses by the Corporation.

4.8. COMPENSATION

Directors shall serve without compensation, although they shall be allowed reasonable advancement or reimbursement of expenses incurred in the performance of their regular duties as specified in Section 4.5 of this Article. Directors may be compensated for rendering services to the corporation in any capacity other than director only if such other compensation is reasonable, allowable and has been authorized under the provisions of Section 4.6 and 4.7 of this Article.

4.9. PROHIBITION AGAINST SHARING CORPORATE PROFITS AND ASSETS

No director, officer, employee, or other person connected with this corporation, or any private individual, shall receive at any time any of the net earnings or pecuniary profit from the operations of the corporation, provided, however, that this provision shall not prevent payment to any such person for reasonable compensation for services performed for the corporation in effecting any of its public or charitable purposes, provided that such compensation is otherwise permitted by these Bylaws and is fixed by resolution of the board; and no such person or persons shall be entitled to share in the distribution of, and shall not receive, any of the corporate assets on dissolution of the corporation.

**ARTICLE 5
MEETINGS OF THE BOARD**

5.1. REGULAR AND ANNUAL MEETINGS

Regular meetings of the directors shall be held a minimum of four (4) times per year at a date and time to be determined by the board. The board will determine by resolution, which may be amended from time to time, which meeting shall be the annual meeting.

At the annual meeting, the board shall undertake the election of directors and officers, as required pursuant to Articles 6 and 8 respectively, and the transaction of other business. Whenever there shall be an election to fill a seat on the board of directors, each director shall cast one vote for each director to be elected. Cumulative voting by directors for the election of directors shall not be permitted. The candidates receiving the highest number of votes up to the number of directors to be elected shall be elected.

5.2. SPECIAL MEETINGS

Special meetings of the board may be called by the Chair of the Board, a Vice Chair of the Board, the Chief Executive Officer or the Secretary, or by any three directors, and such meetings shall be held at the place, within or outside the State of California, designated by the person or persons calling the meeting, or in the absence of such designation, at the principal office of the corporation.

5.3. MINUTES

The Secretary, if present at the meeting, and if not, then another person appointed by the Chair of the Board, or chair of the committee, as applicable, at the meeting for that purpose, shall be responsible for recording and maintaining minutes of the proceedings of the meeting of the board and of committees of the board.

5.4. PLACE OF MEETINGS; ELECTRONIC PARTICIPATION

(a) Meetings of the board shall be held at any place within or outside California that has been designated by resolution of the board or in the notice of the meeting, or if not so designated, at the principal office of the corporation.

(b) Directors may participate in a meeting through use of conference telephone, electronic video screen communication, or similar communications equipment, so long as all of the following apply: (a) each Board member participating in the meeting can communicate with all the other members concurrently; (b) each member is provided the means of participating in all matters before the board, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the corporation; and (c) the corporation adopts and implements means of verifying both of the following: (i) a person communicating by telephone, electronic video equipment, or other communications equipment is a director entitled to participate in the board meeting; and (ii) all statements, questions, actions, or votes were made by that director and not by another person not permitted to participate as a director. Participation in a meeting pursuant to this bylaw shall constitute presence in person at such meeting.

5.5. NOTICE OF MEETINGS

(a) Notices of board meetings are valid if made by:

(1) First-class mail, postage prepaid;

(2) Personal delivery of a written notice;

(3) Delivery by overnight courier or private delivery service that can be and is confirmed;

(4) Telephone, including a voice messaging system or other technology designed to record and communicate messages, either directly to the director or to a person at the director's office or home who would reasonably be expected to communicate that notice promptly to the director;

(5) Subject to Section 16.2 of Article 16, electronic mail (e-mail) or other electronic means.

(b) Notice of regular meetings need not be given if fixed by a resolution of the board that is noted in minutes distributed to all directors. Otherwise, notice of regular meetings shall be valid if made no less than fourteen (14) days prior to the date of the meeting. Notice of special meetings shall be valid if made at least forty-eight (48) hours prior to the date and time of the meeting except for notice by mail, which is not valid unless made four (4) days prior to the date of the meetings.

(c) All notices of board meetings shall be given or sent to the director's address, telephone number, fax number or e-mail address as shown on the corporation's records.

(d) Notice of the time and place of holding an adjourned meeting need not be given to absent directors if the time and place of the adjourned meeting are fixed at the meeting adjourned and if such adjourned meeting is held no more than twenty-four (24) hours from the time of the original meeting. Notice shall be given of any adjourned regular or special meeting to directors absent from the original meeting if the adjourned meeting is held more than twenty-four (24) hours from the time of the original meeting.

(e) Notice shall not be given by electronic transmission if the corporation is unable to deliver two consecutive notices to a director by that means, or if the inability to deliver the notice becomes known to the Secretary or other person responsible for giving such notice.

5.6. CONTENTS OF NOTICE

Notice of meetings not herein dispensed with shall specify the place (if other than the corporation's principal office), day and hour of the meeting. The purpose of any meeting of the board need not be specified in the notice.

5.7. WAIVER OF NOTICE AND CONSENT TO HOLDING MEETINGS

(a) Notice of a meeting of the board need not be given to any director who:

(1) Either before or after the meeting, signs

- (i) A waiver of notice,
- (ii) A written consent to the holding of the meeting, or
- (iii) An approval of the minutes of the meeting, or

(2) Attends the meeting and who, before or at the beginning of the meeting, does not protest the lack of proper notice to him or her.

(b) The waiver of notice or consent need not specify the purpose of the meeting. All such waivers, consents, and approvals shall be filed with the corporate records or made a part of the minutes of the meetings.

5.8. QUORUM FOR MEETINGS

(a) A majority of the directors then in office shall constitute a quorum for the transaction of any business except adjournment.

(b) If during a meeting at which a quorum was initially present some directors leave, rendering the meeting without a quorum, the board or committee may continue to transact business so long as any action taken or decision made is approved by at least the number of directors required to take action if a quorum were present.

(c) Except as otherwise provided in these Bylaws (including, without limitation, sub-section (b) of this Section), in the corporation's Articles of Incorporation, or by law, no business shall be considered by the board at any meeting at which a quorum, as defined above, is not present. The only motion which is permitted at a meeting at which a quorum is not initially present is a motion to adjourn. A majority of the directors present at such meeting may adjourn from time to time until the time fixed for the next regular meeting of the board.

(d) Regardless of any other provision of these Bylaws, a quorum must consist of no less than one-fifth of the then authorized number of directors.

5.9. MAJORITY ACTION AS BOARD ACTION

The board may take action or make a decision (e.g., pass a resolution) by the affirmative vote of a majority of the directors present at a duly held meeting at which a quorum is present (subject to the more stringent provisions of

these Bylaws or the California Nonprofit Corporation Law including, without limitation, provisions relating to (i) approval of contracts or transactions in which a director has a direct or indirect material financial interest, (ii) approval of certain transactions between corporations having common directorships, (iii) creation of an appointment to committees of the board, and (iv) indemnification of directors).

5.10. CONDUCT OF MEETINGS

Meetings of the board shall be presided over by the Chair of the Board or, in his or her absence, by the Vice Chair of the Board or, in the absence of each of these persons, by a person chosen by a majority of the directors present at the meeting. The Secretary of the corporation shall act as secretary of all meetings of the board, provided that, in his or her absence, the presiding officer shall appoint another person to act as secretary of the meeting.

5.11. ACTION BY UNANIMOUS WRITTEN CONSENT WITHOUT MEETING

Any action required or permitted to be taken by the board may be taken without a meeting if all members of the board individually or collectively (i.e., in one or more identically worded documents) consent in writing to such action and, if subject to Corporations Code §5224(a), the number of directors then in office constitutes a quorum; provided, however, that the consent of any director who has a material financial interest in a transaction to which the corporation is a party and who is an "interested director" as defined in Section 5233 of the Nonprofit Corporation Law (California Corporations Code section 5000 *et seq.*) and Section 4.7 of Article 4 of these Bylaws shall not be required for approval of that transaction. Such action by written consent shall have the same force and effect as any other validly approved action of the board. All such consents shall be filed with the minutes of the proceedings of the board.

**ARTICLE 6
ELECTION AND REMOVAL OF DIRECTORS**

6.1. ELECTION AND TERM OF OFFICE OF DIRECTORS

The terms of all directors appointed or elected prior to the annual meeting of this corporation shall expire at the time of the next annual meeting. At the annual meeting, the board shall provide for terms of its directors, by designating one (1)- and three (3)-year renewable terms. The initial term (excluding any partial year after the director's appointment or election ((if not at an annual meeting)) and prior to the first annual meeting at which the director is elected) for any director shall be for one year. Following the expiration of the initial designated term, the term of directors subsequently re-elected shall be three (3) years. Directors may thereafter be re-elected for terms of three (3) years without any limit as to the number of terms a director may serve. Directors shall be elected at each annual meeting to fill those terms that expire at that annual meeting. If any directors are not elected at any annual meeting, they may be elected at any other regular meeting or at a special meeting held for that purpose (which need not be the exclusive purpose of that meeting).

Each director, including a director elected to fill a vacancy or elected at a special meeting, shall hold office until expiration of the term for which elected and until a successor has been elected and qualified.

6.2. REMOVAL OF DIRECTORS

(a) The board may declare vacant the office of a director who has been declared of unsound mind by a final order of court, or convicted of a felony, or been found by a final order or judgment of any court to have breached any duty under Section 5230 and following of the California Nonprofit Corporation Law.

(b) A director may be removed without cause by the vote of a majority of the directors then in office.

(c) A director who, for a period of one (1) year, has not attended any board or committee meetings or communicated with the board, the Chair of the Board or Vice-Chair of the Board in their official capacities, and has failed to pay then applicable board dues, as determined by the Executive Committee or the board, may be deemed to have resigned. The determination shall be noted in the minutes of the board or Executive Committee, as applicable and notice of such deemed resignation shall be given to the affected director promptly following such determination.

6.3. VACANCIES

(a) Vacancies on the board shall exist

(i) on the death, resignation or removal of any director or

(ii) whenever the number of authorized directors is increased.

(b) Any director may resign effective upon giving written notice to the Chair of the Board, the Secretary, or the board. Any such resignation shall take effect at the date of receipt of such notice or at any later date specified therein. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. No director may resign if such resignation will leave the corporation without at least one duly elected director in charge of its affairs.

(c) A reduction of the number of authorized directors shall be effective only upon the expiration of the then-current directors' terms of office or upon the occurrence of any other vacancy in the board. That is, a reduction in the number of authorized directors will not terminate or shorten the terms of any directors in office at the time that the resolution to reduce the number of authorized directors is approved.

(d) Vacancies on the board may be filled by approval of the board or, if the number of directors then in office is less than a quorum, by:

(1) The unanimous written consent of the directors then in office,

(2) The affirmative vote of a majority of the directors then in office at a meeting held pursuant to notice or a waiver of notice complying with this Article of these Bylaws, or

(3) A sole remaining director.

(e) A person elected to fill a vacancy as provided by this Section shall hold office until the next election of the board or until his or her death, resignation or removal from office.

ARTICLE 7 LIABILITY OF DIRECTORS

7.1. NON-LIABILITY OF DIRECTORS

The directors shall not be personally liable for the debts, liabilities, or other obligations of the corporation.

7.2. INSURANCE FOR CORPORATE AGENTS

This corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its officers, directors, employees, and other agents to cover any liability asserted against or incurred by any officer,

director, employee, or agent in such capacity or arising from the officer's, director's, employee's, or agent's status as such.

7.3. INDEMNIFICATION BY CORPORATION OF DIRECTORS, OFFICERS, EMPLOYEES AND OTHER AGENTS

(a) To the fullest extent permitted by law, this corporation may indemnify its directors, officers, employees, and other persons described in Nonprofit Corporation Law section 5238(a) (including persons formerly occupying any such positions) against all expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred by them in connection with any "proceeding," as that term is used in that section, and including an action by or in the right of the corporation, by reason of the fact that the person is or was a person described in that section. ("Expenses" as used in this Bylaw shall have the same meaning as in that section of the Nonprofit Corporation Law.)

(b) On written request to the board by any person seeking indemnification under Nonprofit Corporation Law section 5238(b) or section 5238(c), the board shall promptly decide pursuant to Nonprofit Corporation Law section 5238(e) whether the applicable standard of conduct set forth in Nonprofit Corporation Law section 5238(b) or section 5238(c) has been met and, if so, the board shall authorize indemnification. In determining whether indemnification is available to the director, officer, or agent of this Corporation under California law, the determination as to whether the applicable standard of conduct set forth in Corporations Code §5238 has been met shall be made by a majority vote of a quorum of directors who are not parties to the proceeding. If the number of directors who are not parties to the proceeding is less than two-thirds of the total number of directors in office at the time the determination is to be made, the determination as to whether the applicable standard of conduct has been met shall be made by the court in which the proceeding is or was pending.

(c) To the fullest extent permitted by law and except as otherwise determined by the board in a specific instance, expenses incurred by a person seeking indemnification under this Section in defending any proceeding covered by this Section shall be advanced by the corporation before final disposition of the proceeding on receipt by the corporation of an undertaking by or on behalf of that person that the advance will be repaid unless it is ultimately found that the person is entitled to be indemnified by the corporation for those expenses.

(d) The indemnification provided herein shall not be deemed exclusive of any other rights to which those indemnified may be entitled, and shall continue as to a person who has ceased to be an agent and shall inure to the benefit of the heirs, executors, and administrators of such a person.

ARTICLE 8 OFFICERS

8.1. NUMBER OF OFFICERS

The officers of the corporation shall be a Chair of the Board, a Chief Executive Officer who shall be designated the Executive Director, a Secretary, and a Chief Financial Officer who shall be designated the Treasurer. The corporation may also have, as determined by the board, one or more Vice Chairs of the Board, Assistant Executive Directors, Assistant Secretaries, Assistant Treasurers, or other officers. Any number of offices may be held by the same person except that neither the Secretary nor the Treasurer may serve as the Executive Director or Chair of the Board.

8.2. QUALIFICATIONS

Any natural person over the age of eighteen (18) may serve as an officer of this corporation.

8.3. ELECTION, AND TERM OF OFFICE

Except those officers appointed in accordance with the provisions of Section 4 of this Article, officers shall be elected by the board at the annual meeting, and shall serve at the pleasure of the board, subject to the rights of any officer under any employment contract. Each officer shall hold office for renewable terms of one year.

8.4. SUBORDINATE OFFICERS

The board may appoint, and may authorize the Chair of the Board or the Executive Director to appoint such other officers or agents as it may deem desirable, and such officers shall serve such terms, have such authority, and perform such duties as may be prescribed from time to time by the board.

8.5. REMOVAL AND RESIGNATION

Subject to the rights, if any, of an officer under any contract of employment, any officer may be removed, either with or without cause, by the board, at any regular or special meeting of the board, or, except in case of an officer chosen by the board, by an officer on whom such power of removal may be conferred by the board.

Any officer may resign at any time by giving written notice to the board, the Chair of the Board or the Executive Director. Any such resignation shall take effect at the date of receipt of such notice or at any later date specified therein. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. The above provisions of this Section shall be superseded by any conflicting terms of a contract which has been approved or ratified by the board relating to the employment of any officer of the corporation.

8.6. VACANCIES

Any vacancy caused by the death, resignation, removal, disqualification, or otherwise of any officer shall be filled by the board. In the event of a vacancy in any office other than that of Chair of the Board, such vacancy may be filled temporarily by appointment by the Chair of the Board until such time as the board shall fill the vacancy. A person so appointed to a vacant office (whether appointed by the Chair of the Board or elected by the board) shall hold that office until the next annual meeting of the board or until his or her death, resignation or removal from office. Vacancies occurring in offices appointed at the discretion of the board may or may not be filled as the board shall determine.

8.7. DUTIES OF CHAIR OF THE BOARD

The Chair of the Board shall:

- (a) Be a member of the board and shall preside at all meetings of the board.
- (b) Except as otherwise expressly provided by law, by the Articles of Incorporation, or by these Bylaws, in the name of the corporation execute such deeds, mortgages, bonds, contracts, checks, or other instruments which may from time to time be authorized by the board.
- (c) Perform all other duties incident to his or her office and such other duties as may be required by law, by the Articles of Incorporation of this corporation, or by these Bylaws, or which may be prescribed from time to time by the board.

8.8. DUTIES OF VICE-CHAIRS OF THE BOARD

In the absence or disability of the Chair of the Board, the Vice-Chairs of the Board, if any, in order of their rank as fixed by the board or, if not ranked, a Vice-Chair of the Board designated by the board, shall perform all powers of, and be subject to all the restrictions upon, the Chair of the Board. The Vice Chairs of the Board shall have such other powers and perform such other duties as from time to time may be prescribed by the board or the Chair of the Board.

8.9. DUTIES OF SECRETARY

The Secretary shall:

- (a) Certify and keep, or cause to be kept, at the principal office of the corporation the original, or a copy, of the Articles of Incorporation and of these Bylaws, as amended or otherwise altered to date.
- (b) Keep, or cause to be kept, at the principal office of the corporation or at such other place as the board may direct, a book of minutes of all meetings, proceedings and actions of the board and of committees of the board. The minutes of meetings shall include the time and place that the meeting was held; whether the meetings was annual, general, or special, and, if special, how authorized; how notice was given and to whom; the names of the persons present at the board and committee meetings; the actions taken and decisions made by the board at that meeting, including the votes for, against and in abstention of each such action or decision (and may include how each director voted on such action or decision).
- (c) See that all notices are duly given in accordance with the provisions of these Bylaws or as required by law.
- (d) Be custodian of the records and of the seal of the corporation, if there is a seal, and see that the seal is affixed to all duly executed documents, the execution of which on behalf of the corporation under its seal is authorized by law or these Bylaws and by the board.
- (e) Exhibit at all reasonable times to any director of the corporation, or to his or her agent or attorney, on request therefor, these Bylaws, the minutes of the proceedings of the directors of the corporation, and the corporation's applications for tax exemption.
- (f) In general, perform all duties incident to the office of Secretary and such other duties as may be required by law, by the Articles of Incorporation of this corporation, or by these Bylaws, or which may be assigned to him or her from time to time by the board.

8.10. DUTIES OF TREASURER

The Treasurer shall:

- (a) Keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the corporation's properties and business transactions, including accounts of its assets, liabilities, receipts, disbursements, gains and losses. Books of account shall be maintained in accordance with sound accounting principles, consistently applied.
- (b) Send or cause to be given to the directors such financial statements and reports as are required to be given by law, by these Bylaws, or by the board. The books of account shall be open to inspection by any director at all reasonable times.

(c) Have charge and custody of, and be responsible for, all funds and securities of the corporation, and (1) deposit, or cause to be deposited, all money and other valuables in the name and to the credit of corporation with such depositories as the board may designate and (2) disburse, or cause to be disbursed, the corporation's funds as the board may order.

(d) Render to the Chair of the Board and directors, whenever requested, an account of any or all of his or her transactions as Treasurer, and of the financial condition of the corporation.

(e) Prepare, or cause to be prepared, and certify, or cause to be certified, the financial statements to be included in any required reports.

(f) In general, perform all duties incident to the office of Treasurer and such other duties as may be required by law, by the Articles of Incorporation of the corporation, or by these Bylaws, or which may be assigned to him or her from time to time by the board.

(g) If required by the board, give the corporation a bond in the amount and with the surety or sureties specified by the board for faithful performance of the duties of the office and for restoration to the corporation of all of its books, papers, vouchers, money, and other property of every kind in the possession or under the control of the Treasurer on his or her death, resignation, retirement, or removal from office.

(h) Provide, or cause to be provided, to the public, all Internal Revenue Service filings required to be disclosed and made generally available to the public in the form or forms required by the Internal Revenue Service or by statute.

8.11. EXECUTIVE DIRECTOR

The Executive Director shall be the chief executive officer of the corporation and shall generally supervise, direct and control the corporation's activities and affairs, subject to the authority of the board. He or she shall perform all duties incident to his or her office and such other duties as may be required by law, by the Articles of Incorporation of this corporation, or by these Bylaws, or which may be prescribed from time to time by the board.

The Executive Director shall be permitted to attend all meetings of the board and the Executive Committee, except those held in executive session. Unless otherwise elected to the board as provided in this Section 8.11 and Article 4 of these Bylaws, the Executive Director shall not be considered a director or member of the Board for any purpose, including without limitation for purposes of voting, counting the total authorized number of directors as set forth in Section 4.2 of Article 4 of these Bylaws, or constituting a quorum, nor shall he or she have any of the duties or liabilities of a director or member of the board. So long as the Executive Director is a paid employee of the Corporation, he or she shall not be eligible to serve as a director of the Corporation.

8.12. COMPENSATION

The salaries, if any, of the officers shall be fixed from time to time by resolution of the board. The salary received by any officer of this corporation shall be reasonable and given in return for services actually rendered to the corporation that relate to the performance of the charitable or public purposes of this corporation. No officer shall be prevented from receiving such salary by reason of the fact that he or she is also a director of the corporation, provided, however, that such compensation paid a director for serving as an officer of this corporation shall only be allowed if permitted under the provisions of Article 4

**ARTICLE 9
COMMITTEES**

9.1. COMMITTEES

(a) The board may, by a vote of a majority of the directors then in office, designate three (3) or more of its members, one of whom must be the Chair of the Board, to constitute an Executive Committee and delegate to such Committee any of the powers and authority of the board in the management of the business and affairs of the corporation, except as limited in this Section 1.

(b) Notwithstanding the existence or lack thereof of an Executive Committee, the board may, by resolution adopted by a majority of the number of directors then in office, provided that a quorum is present, create one or more committees, each consisting of two or more directors, to serve at the pleasure of the board and have such authority as is delegated by the board.

(c) Only committees consisting wholly of directors may take action or make decisions on behalf of the corporation.

(d) The following powers are reserved to the board of directors as a whole and may not be delegated to any committees thereof:

(1) The filling of vacancies on the board or on any committee that has the authority of the board;

(2) The appointment of committees of the board or the members thereof.

(3) The fixing of compensation of the directors for serving on the board or on any committee.

(4) The amendment or repeal of Bylaws or Articles of Incorporation, or the adoption of new Bylaws or Articles of Incorporation.

(5) The amendment or repeal or any resolution of the board which by its express terms is not so amendable or repealable.

(6) The expenditure of corporate funds to support a nominee for director after there are more people nominated for director than can be elected.

(7) The approval of any transaction to which this corporation is a party and in which one or more of the directors is a party or has a material financial interest, except as expressly provided in Section 5233(d)(3) of the Nonprofit Corporation Law.

(e) By a majority vote of the directors then in office, the board may at any time revoke or modify any or all of the authority so delegated, increase or decrease but not below two (2), the number of its members, and fill vacancies therein from the members of the board. Each Committee shall keep regular minutes of its proceedings, cause them to be filed with the corporate records, and report the same to the board from time to time as the board may require.

9.2. COMPENSATION COMMITTEE AND COMPENSATION REVIEW

At any time this Corporation compensates its Chief Executive Officer or Chief Financial Officer, the Corporation shall have a Compensation Committee consisting of at least three Directors and exclusively of Directors.

Directors who are also employees of the Corporation may not serve on the Compensation Committee. The Compensation Committee shall review the compensation of the Chief Executive Officer, Chief Financial Officer as well as of such other officers of the Corporation as the Compensation Committee determines appropriate. This review shall occur when such officer is hired, when the term of employment of such officer is renewed or extended, and when the compensation of such officer is modified, unless the modification applies to substantially all of the employees of this corporation. Based on its review, the Compensation Committee shall recommend just and reasonable compensation amounts to the board. At the request of the Chief Executive Officer or the board, the Compensation Committee shall review any issue involving staff compensation and benefits, including but not limited to housing, health, and retirement plans. In the absence of a separate Compensation Committee, the Executive Committee shall serve as the Compensation Committee.

9.3. AUDIT COMMITTEE

If this corporation is required to register with the Office of the Attorney General, in any fiscal year in which the corporation has gross revenues of \$2 million or more this corporation shall have an audit committee. Notwithstanding the other provisions of this Article, the audit committee shall have the following duties and composition:

- (a) It shall be the duty of the audit committee to:
 - (1) Recommend to the board of directors the retention and termination of the independent auditor;
 - (2) Confer with the auditor to satisfy the committee members that the financial affairs of the charitable organization are in order;
 - (3) Review and determine whether to accept the audit; and
 - (4) Approve performance of any non-audit services to be provided by the auditing firm. In addition, the audit committee may negotiate the compensation of the auditor on behalf of the board.
- (b) The audit committee shall be composed of at least one person. Audit committee members need not be directors of the corporation. In addition, the composition of the audit committee shall be restricted as follows:
 - (1) The corporation's Chair of the Board, chief executive officer, chief financial officer (treasurer), any paid staff, and anyone who does business or has any financial interest in any entity that does business with the nonprofit may not be on the audit committee.
 - (2) If the corporation has a finance committee, its members must comprise less than 50% of the audit committee and the chair of the finance committee may not serve on the audit committee.
- (c) Audit committee members may receive no more compensation than directors receive for their service to the corporation as directors.

9.4. ADVISORY COMMITTEES

The corporation shall have such other committees as may from time to time be designated by resolution of the board. Such other committees may consist of persons who are not also members of the board. These additional

committees shall act in an advisory capacity only and shall be clearly titled as "advisory" committees. The following provisions apply to the following advisory committees, if and when formed by the board:

(a) **Governance Committee.** The Board may appoint a Governance Committee consisting of at least two (2) board members and such other persons, if any, as it shall appoint, to recommend nominees for vacant and expiring Board positions, board engagement policies and practices, and other matters concerning corporate governance. Recommendations of the Governance Committee are not binding. Without limiting the foregoing, the board may consider any other nominees whose names are duly submitted to the board before or at the meeting at which the election or appointment of one or more board members is to take place.

(b) **Finance Committee.** The Board may designate a Finance Committee consisting of at least two board members and such other persons, if any, as it shall appoint, to review the budgets, statements of account and financial practices of the Corporation.

(c) **Development Committee.** The Board may designate a Development Committee consisting of at least two Board members and such other persons, if any, as it shall appoint, to work with the staff in developing events and fundraising programs and activities, subject to adoption by the Board.

9.5. MEETINGS AND ACTION OF COMMITTEES

Meetings and actions of all committees shall be governed by, noticed, held and taken in accordance with the provisions of these Bylaws concerning meetings of the board, with such changes in the context of such Bylaw provisions as are necessary to substitute the committee and its members for the board and its members; excepting, however, that the time for regular meetings of committees may be fixed by resolution of the board or by the committee. The time for special meetings of committees may also be fixed by the board. The board may also adopt rules and regulations pertaining to the conduct of meetings of committees to the extent that such rules and regulations are not inconsistent with the provisions of

ARTICLE 10 EXECUTION OF INSTRUMENTS DEPOSITS AND FUNDS

10.1. EXECUTION OF INSTRUMENTS

Except as otherwise provided in these Bylaws, the board may by resolution authorize any officer or agent of the corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances. Unless so authorized, no officer, agent, or employee shall have any power or authority to bind the corporation by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount if that contract exceeds one year in duration, or if that contract is not within the budget approved by the Board or otherwise is not in the ordinary course of business.

10.2. CHECKS AND NOTES

The board shall determine who shall be authorized from time to time on the corporation's behalf to sign checks, drafts and other orders for payment of money. Such authority may be general or confined to specific instances.

10.3. DEPOSITS

All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the board may select.

10.4. GIFTS

The board may accept on behalf of the corporation any contribution, gift, bequest, or devise for the charitable or public purposes of this corporation.

**ARTICLE 11
CORPORATE RECORDS, REPORTS AND SEAL**

11.1. MAINTENANCE OF CORPORATE RECORDS

The corporation shall keep at its principal office in the State of California:

- (a) Minutes of all meetings of directors and committees of the board, indicating the time and place of holding such meetings, whether regular or special, how called, the notice given, and the names of those present and the proceedings thereof;
- (b) Adequate and correct books and records of account, including accounts of its properties and business transactions and accounts of its assets, liabilities, receipts, disbursements, gains and losses;
- (c) A copy of the corporation's Articles of Incorporation and these Bylaws as amended to date; and
- (d) Copies of all filings made to the Internal Revenue Service, the California Franchise Tax Board, California Secretary of State, and California Attorney General that the corporation is required, by statute or regulation, to make generally available to the public.

11.2. CORPORATE SEAL

The board may adopt, use, and at will alter, a corporate seal. Such seal shall be kept at the principal office of the corporation. Failure to affix the seal to corporate instruments, however, shall not affect the validity of any such instrument.

11.3. DIRECTORS' INSPECTION RIGHTS

Every director shall have the absolute right at any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the corporation.

11.4. RIGHT TO COPY AND MAKE EXTRACTS

Any inspection under the provisions of this Article may be made in person or by agent or attorney and the right to inspection includes the right to copy and make extracts.

11.5. ANNUAL REPORT

The board shall cause an annual report to be furnished not later than 120 days after the close of the corporation's fiscal year to all directors of the corporation, which report shall contain the following information in appropriate detail:

- (a) The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year;

- (b) The principal changes in assets and liabilities, including trust funds, during the fiscal year;
- (c) The revenue or receipts of the corporation, both unrestricted and restricted to particular purposes, for the fiscal year; and
- (d) The expenses or disbursements of the corporation, for both general and restricted purposes, during the fiscal year.

The annual report shall be accompanied by any report thereon of independent accountants, or, if there is no such report, the certificate of an authorized officer of the corporation that such statements were prepared without an audit from the books and records of the corporation.

This requirement of an annual report shall not apply if the corporation receives less than \$25,000 in gross receipts during the fiscal year, provided, however, that the information specified above for inclusion in an annual report must be furnished annually to all directors.

11.6. ANNUAL STATEMENT OF CERTAIN TRANSACTIONS AND INDEMNIFICATIONS

As part of the annual report to all directors, or as a separate document if no annual report is issued, the corporation shall, within 120 days after the end of the corporation's fiscal year, annually prepare and furnish to each director a statement of any transactions or indemnifications of the following kind:

- (a) Any transaction (i) to which the corporation, or its parent or subsidiary, was a party, (ii) in which an "interested person" had a direct or indirect material financial interest, and (iii) which involved more than \$50,000 or was one of several transactions with the same interested person involving, in the aggregate, more than \$50,000. For these purposes, an "interested person" is either:
 - (1) Any director or officer of the corporation, its parent, or subsidiary (but mere common directorship shall not be considered such an interest); or
 - (2) Any holder of more than ten percent (10%) of the voting power of the corporation, its parent, or its subsidiary.

The statement shall include a brief description of the transaction, the names of interested persons involved, their relationship to the corporation, the nature of their interest in the transaction and, if practicable, the amount of that interest, provided that if the transaction was with a partnership in which the interest person is a partner, only the interest of the partnership need be stated.

- (b) Any indemnification or advances aggregating more than \$10,000 paid during the fiscal year to any officer or director of the corporation under Section 3 of Article 7 of these Bylaws.

11.7. FINANCIAL AUDIT

The Corporation shall obtain a financial audit for any tax year in which it receives or accrues gross revenue of \$2 million or more, excluding grant or contract income from any governmental entity for which the governmental entity requires an accounting. Any audited financial statements obtained by the Corporation, whether or not required by law, shall be made available for inspection by the Attorney General and by the general public within 9 months after the close of the fiscal year to which the statements relate. For three (3) years, such statements (a) shall be available at the Corporation's principal, regional, and district offices during regular business hours and (b) shall be made available either by mailing a copy to any person who so requests in person or in writing, or by posting them on the Corporation's website.

**ARTICLE 12
FISCAL YEAR**

12.1. FISCAL YEAR OF THE CORPORATION

The fiscal year of the corporation shall begin on the first (1st) day of January in each calendar year and end on the last day of December of the same calendar year.

**ARTICLE 13
AMENDMENT OF BYLAWS**

13.1. AMENDMENT

Subject to any provision of law applicable to the amendment of Bylaws of a Nonprofit Corporation, these Bylaws, or any of them, may be altered, amended, or repealed and new Bylaws adopted by approval of a majority of the directors then currently in office.

**ARTICLE 14
AMENDMENT OF ARTICLES**

14.1. AMENDMENT OF ARTICLES

Any amendment of the Articles of Incorporation may be adopted by approval of a majority of the directors then currently in office.

14.2. CERTAIN AMENDMENTS

Notwithstanding Section 14.1 of this Article, this corporation shall not amend its Articles of Incorporation to alter any statement which appears in the original Articles of Incorporation regarding the names and addresses of the first directors of this corporation nor the name and address of its initial agent, except to correct an error in such statement or to delete either statement if the corporation has filed a "Statement by a Domestic Non-Profit Corporation" pursuant to Section 6210 of the Nonprofit Corporation Law.

**ARTICLE 15
MEMBERS**

15.1. DETERMINATION OF MEMBERS

This corporation shall have no voting members within the meaning of the Nonprofit Corporation Law. At its sole discretion, the board may admit individuals to one or more classes of nonvoting members. The class or classes of nonvoting members shall have such rights and obligations as the board finds appropriate.

**ARTICLE 16
CONSTRUCTION AND DEFINITIONS**

16.1. CONSTRUCTION AND DEFINITION

Unless the context requires otherwise, the general provisions, rules of construction, and definitions in the Nonprofit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of the above, the masculine gender includes the feminine and neuter, the singular number includes the plural, the plural number includes the singular, the term "person", unless otherwise specified, includes both the corporation and a natural person, and vice versa.

16.2. ELECTRONIC TRANSMISSION

Subject to any guidelines and procedures that the board may adopt from time to time, the terms "written" and "in writing" as used in these Bylaws include any form of recorded message in the English language capable of comprehension by ordinary visual means and may include electronic transmissions, such as facsimile or e-mail, provided (i) for electronic transmissions from the Corporation, the Corporation has obtained an unrevoked written consent from the recipient to the use of such means of communication; (ii) for electronic transmissions to the Corporation, the Corporation has in effect reasonable measures to verify that the sender is the individual purporting to have sent such transmission; and (iii) the transmission creates a record that can be retained, retrieved, reviewed, and rendered into clearly legible tangible form.

CERTIFICATE OF SECRETARY

I, the undersigned, the duly elected Secretary of LAXART, a California nonprofit public benefit corporation, do hereby certify:

That the foregoing Bylaws consisting of 19 pages were adopted as the Bylaws of the Corporation by the Directors of the Corporation on _____, 2019, and the same do now constitute the Bylaws of said Corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name on _____, 2019.

_____, Secretary



ABOUT MOCA

WE ARE A MUSEUM.

We present, collect, preserve, and interpret the art of our time.

WE ARE CONTEMPORARY.

We question and adapt to the changing definitions of art.

WE CARE.

We make the experience of art accessible.

We embrace the inevitability of change.

We support the multiplicity of perspectives.

We encourage the urgency of contemporary expression.

Established in 1979, we are the only artist-founded museum in Los Angeles. We are dedicated to collecting and exhibiting contemporary art. We house one of the most compelling collections of contemporary art in the world, comprising roughly 7000 objects, and have a diverse history of ground-breaking, historically-significant exhibitions.

We are committed to the collection, presentation, and interpretation of art created after 1940, in all media, and to preserving that work for future generations. We provide leadership in the field by identifying and presenting the most significant and challenging art of our time, actively supporting the creation of new work, and producing original scholarship.

With two distinct venues in Los Angeles—MOCA Grand Avenue, and The Geffen Contemporary at MOCA—and Michael Heizer's seminal artwork *Double Negative* (1969-70) in the Nevada desert, we engage audiences through an ambitious program of exhibitions, educational programs, and publishing.

ABOUT THE GEFFEN

A former police car warehouse in L.A.'s Little Tokyo Historic District, renovated by the noted California architect Frank Gehry, The Geffen Contemporary at MOCA (formerly The Temporary Contemporary) opened in 1983. This location offers 40,000 square feet of exhibition space.

WAREHOUSE Programming is open with an expanded bookstore, a reading nook, rest, meet, and workspaces with free WiFi, a coffee cart featuring drinks and food by Cafe Dulce, and several video installations. The current video works on view are by artists Fischli & Weiss and Mark Leckey. Over the course of the coming months, MOCA will be actively transitioning this space into a vibrant, multi-use anchor under the umbrella of WAREHOUSE Programs.



SELECTED PAST GEFFEN EXHIBITIONS

- (2021) [*abolitionist pod \(prototype\)*](#) Crenshaw Dairy Mart
- (2019/20) [*The Foundation of the Museum*](#)
- (2018/9) [*Laura Owens*](#)
- (2018/9) [*Survey*](#) Zoe Leonard
- (2017/8) [*The Theater of Disappearance*](#) Adrián Villar Rojas
- (2017) [*Love Is The Message, The Message Is Death*](#) Arthur Jafa (Geffen)
- (2016/7) [*Electric Earth*](#) Doug Aitken
- (2015/6) [*RIVER OF FUNDAMENT*](#) Matthew Barney

SELECTED PAST PROGRAMS

- (2021) [*Creating the Compassionate City*](#)
- (2021) [*Uncommon Commons: What Can Public Art Do for Environmental Activism?*](#)
- (2020) [*Uncommon Commons: Who is the Public in Public Art*](#)
- (2020) [*Black Spring: Return from Exile*](#)
- (2020) [*For Freedoms Congress*](#)
- (2019) [*Earl Sweatshirt x MOCA*](#)
- (2019) [*LACMDS presents Slightly Guided Dance Party*](#)
- (2019) [*The Creative Thinking Project*](#)
- (2018) [*Vote For Your Lives Rally*](#)
- (2018) [*SCREEN: Community Cinema from Karachi to Los Angeles*](#)
- (2018) [*MOCA Community Day*](#)
- (2018) [*Architecture 101: Beyond Buildings*](#)
- (2017) [*MOCA Music: Bana Haffar & Stephanie Cheng Smith*](#)
- (2017) [*Anna Chave on Biography: Carl Andre*](#)
- (2017) [*The Idea of Sound with Terry Riley*](#)
- (2016) [*The Idea of the Oceans*](#)
- (2016) [*What is Contemporary? Black Lives Matter*](#)



ABOUT METHODS & MATERIALS

Established in Chicago in 1990, Methods & Materials, Inc., is dedicated to fine art rigging, assembly, installation, re-location, and de-installation of large-scale sculptures and objects, and to the careful handling of valuable artifacts. Our expertise and experience, along with our complete design, fabrication, and storage facilities, ensures that Methods & Materials will customize a safe, efficient, and economical solution specific to our clients' needs. We are proud to be a certified Women's Business Enterprise (WBE)

SERVICES

Rigging & Specialized Handling

No project is too large, heavy, or unwieldy for us. We have an extensive background in rigging, hoisting, and maneuvering large-scale objects both in-and outdoors. Our team will:

- Provide and operate the necessary equipment
- Source and rig alongside local crane companies
- Orchestrate lifting and installation plans
- Meet engineering specifications
- Execute complex installations safely and efficiency

Storage

Our M&M's heated warehouse provides safe and cost-effective storage for sculpture and artifacts. When de-installing an art piece, we can offer on-site crate fabrication and transportation to our facility.

Installation

Methods & Materials, Inc. has been installing permanent collections for galleries, museums, municipalities, corporations, and private collectors since 1990. We have the knowledge, experience, and professionalism necessary to oversee all aspects of your project including streamline communication between artists, museum staff, engineers, fabricators, architects, and installation team, specification and fabrication of mounts and installation methods, logistics and shipping arrangements, sourcing and/or fabricating hardware, and project management.

Temporary Our services provide venues with safe and efficient installation and de-installation of temporary exhibits. We offer either a full crew to expertly handle all facets of a project, or an Installation Supervisor to work with your perpetrators. We also provide consulting services in the early phases of exhibition/collection design, logistics and project planning, and transportation.

Traveling Exhibitions From fossils to locomotives, sarcophagi to totem poles, we have the know-how to handle the most challenging traveling exhibitions. We provide project management for traveling exhibitions and supply exhibit support services, including administration, and trucking; as well as rigging and installation/de-installation services.



Fabrication

Crates Large-scale, custom crates and pallets can be hard to come by. We can assist in a turn-key operation when de-installing by crating and palletizing your sculptures, artifacts, etc. for storage and shipping.

Mounts When it comes to engineered solutions or custom-design substrates and hanging solutions, we can fabricate what your project may require. With fully operational metal and wood shops, we can build to your specifications.

SELECTED CLIENTS

Art Institute of Chicago
The British Museum
Citibank NY
City of Chicago
Dietl International
Driehaus Museum
Eskenazi Museum of Art, Indiana University
The Field Museum
Frederik Meijer Garden & Sculpture Park
Kimbell Museum of Art
National Museum of Mexican Art
Montgomery Museum of Fine Arts
Museum of Modern Art
Russell Bowman Art Advisory
SculptureMilwaukee
Smart Museum of Art
Smithsonian institution
Transportation Consultants International Inc.
Zolla/Lieberman Gallery

SELECTED PROJECTS

(2020) [Atmospheric Wave Wall](#) Olafur Eliasson at Willis Tower, Chicago
(2020) [Constellation](#) Santiago Calatrava at River Point, Chicago
(2020) [Chazen Mural](#) James Watrous at University of Wisconsin, Madison
(2019) [All Equations Are Wave Equations](#) Alyson Shotz at Hunter Museum of Art, Chattanooga
(2018) [Field Lines](#) Rob Ley at O'Hare International Airport, Chicago
(2017) [Relocation of Museum Dioramas](#) at University of Minnesota, Falcon Heights