

Monument Committee Information Sheet

February 2021

Note: Find Clarke Courier newspaper articles from 1900 about the Confederate Monument on the Monument Committee page at www.clarkecounty.gov/government/monument-committee.

Why did the Board of Supervisors create the Monument Committee?

Events in recent years such as the protests in Charlottesville, the creation of Black Lives Matter, and the death of George Floyd have increased the amount of discussion about race in America and led to questions about the appropriateness of Confederate monuments in parks and public squares across the country. Last summer, the intensity of media coverage grew quite high as some communities experienced civil discord and the destruction of property.

On the State level, the General Assembly responded to what it was hearing by passing HB1537 that allowed local governments to move, remove, or contextualize Confederate monuments on their property. The legislation also allowed for advisory referendums regarding the monuments. Prior to this, localities were banned from these actions.

These State actions caused citizens across the Commonwealth to raise the issue of monuments with their local elected officials and led the Clarke Board of Supervisors to begin investigating the history of its monument. It was during this investigation the Supervisors learned the County does not own the monument nor the land on which it sits.

The Supervisors also began hearing more comments from their constituents about the Confederate monument. The Board wanted to learn more from them but in a manner that encouraged both listening to and respect for opposing viewpoints.

With those goals in mind, the Board appointed the Monument Committee to investigate the issues related to its Confederate monument. The Committee is tasked with listening to the public, investigating all options, and recommending actions with the broadest level of acceptance across the County. Its first meeting was on Jan. 21, 2021.

What Has The Committee Learned?

Origins of the Monument

In 1884, survivors of the Clarke Cavalry Co. D 6th Regiment Virginia founded the *Association of the Survivors of the Clarke Cavalry*. The *Association* was formed to promote “social intercourse, furnishing mutual aid and assistance, and preserving and perpetuating the memory of our dead comrades.” Members also wanted to erect a monument to the Clarke County soldiers who died while serving in the Confederate Army. By February 1886, the *Association* selected the “Court House yard” as the preferred location for such a monument.

In March 1886, the General Assembly of Virginia “constituted” the surviving members of Company “D” (as individuals) as a corporate body. Additionally, the Assembly gave this new corporate body the right to erect a monument, hold real estate, and be tax exempt. At the same session, the Assembly authorized the Clarke County Board of Supervisors the ability to convey title to a parcel of land on the public square in Berryville, no greater than 25 feet in diameter, to the *Association* for the purpose of erecting a monument.

It took several years for the *Association* to raise the needed money to buy and erect the monument. In June 1900, the Board of Supervisors gave the *Association* title to a plot on the Courthouse green and the monument was installed the next month.

The Monument itself

The design of the granite statue on the top of the monument is based on a painting called “Appomattox” that aims to depict the sorrow of a (fictional) Confederate soldier just after Lee’s surrender at Appomattox.

The granite monument and statue are six separate stone pieces, the largest of which weighs six tons.

Monuments featuring statues of Confederate soldiers are located throughout the State, primarily on courthouse greens and in cemeteries. The Clarke County

statue is unique as it is one of only a few that survive where the Confederate soldier depicted is unarmed.

The sides and back of the monument's base bear the names of approximately 100 deceased Clarke County Confederate soldiers, listed according to their company. The front bears the inscription:

ERECTED TO THE MEMORY OF THOSE SONS OF CLARKE, WHO GAVE
THEIR LIVES IN DEFENSE OF THE RIGHTS OF STATES AND
CONSTITUTIONAL GOVERNMENTS. FORTUNE DENIED THEM SUCCESS,
BUT THEY ACHIEVED IMPERISHABLE FAME.

What were people thinking when the monument was erected?

In 1884, when the *Association* first expressed a desire to erect a monument, members discussed the possibility of locating it in one of three prominent local cemeteries as well as the courthouse green. However, by time the members went to the General Assembly in 1886 they had decided the monument should be placed in an official, public spot, not a cemetery. There is no written record as to why the *Association* made this choice, nor details as to why they settled on the ultimate design. Similarly, no document has been found regarding how Clarke's African-American community felt about the monument or its placement on the courthouse green.

We do know that in the late 1800s Civil War veterans, both North and South, were beginning to die off, and there were movements across the U.S. to erect monuments in memory of the War dead.

In the South, however, motivations of what is called the Lost Cause Movement began to be associated with those monument efforts. This movement aimed to redefine the Civil War as a heroic fight entered into for noble purposes such as protecting States' rights and the Constitution. (Two key words used in the inscription on Clarke's monument.) The movement minimized the central role that slavery played in the conflict and even suggested that the enslaved were somehow grateful for their place in life.

Newspaper accounts from the late 1800s on show that many Southern whites believed in the message of the Lost Cause Movement. Speeches at monument dedications across the South (including the one in Berryville) described the motivation for the War in the terms of “States Rights” and the “Constitution” rather than focusing on which State right the South was defending. Those speeches also condemned Reconstruction laws instituted after the Civil War that gave African-Americans equal citizenship rights.

This was an era of great change. In 1900, black men had the right to vote, something they had done since 1867, and some were elected to the General Assembly. Many whites objected to this. The Lost Cause Movement pushed for a return to the ways of earlier times. The Federal Constitution banned slavery, but the Lost Cause Movement found other ways to obtain white supremacy. A new Virginia Constitution was enacted in 1902, just two years after Clarke’s Confederate monument was erected. It restored white supremacy by disenfranchising about 90 percent of black men and nearly 50 percent of white men by installing literacy tests and a poll tax, among other things. With the loss of the vote, blacks were powerless. Segregation marginalized African-Americans further. The Jim Crow era came into full swing. The Civil War may have been lost by the South, but pre-war order was partially reinstated.

What happened to the *Association of the Survivors of the Clarke Cavalry*?

The members of the *Association* slowly died off. The last known meeting of the *Association* was in August 1916. At that meeting, members discussed asking the Stonewall Chapter of the United Daughters of the Confederacy (UDC) to take charge of the monument. However, there is no written record of the *Association* ever making such a request to the UDC, and the Stonewall Chapter of the UDC disbanded in 1932. No deeds were ever recorded to transfer the monument or the land on which it sits to any other entity.

Who owns the Monument today?

Deed records show the 25-foot circle of land and its improvements (monument) are still owned by the *Association*. As the General Assembly set up the *Association* as a corporation of individuals as opposed to a stock corporation, and as those

individuals are all dead, there is no clear chain of ownership. There is no Governing Board in existence and no clear set of owners. The regulations of the State Corporation Commission, formed in 1903, do not apply as the *Association* was incorporated directly by the General Assembly 17 years before the SCC was created.

Who has been maintaining the Monument?

Clarke County has maintained the monument and its surrounding site for as long as anyone can remember. In fact, the Board of Supervisors was surprised when it learned that the County did not own the monument and its site. This fact had long been forgotten.

What are the implications of the Monument not having clear ownership?

The ownership issue restricts the actions available to the County. For example, State law allows localities to conduct an advisory referendum regarding a Confederate monument **IF** the monument is on public land. As Clarke's monument is on private property, the Board of Supervisors is not allowed to let Clarke's citizens vote on any issue related to the monument.

The ownership issue also restricts the ability of the County to move the monument if the community were to decide that the monument would be better placed at a battlefield or cemetery.

Can the County take steps to obtain ownership of the Monument?

Yes. There are two ways the County could seek ownership of the monument. Both require approval from a Circuit Court judge. One method would transfer ownership of the monument via Condemnation. The other method would use a legal process called Adverse Possession. Both methods could be contested by citizen groups or individuals, and a judge would not be required to grant any change in ownership. The County could present a good case to a judge, but the outcome is not assured.

If the Board of Supervisors decides the County should seek ownership of the monument the legal process would likely take 6 to 12 months. The cost is unknown, but would certainly be in the thousands of dollars.

Has the Monument Committee Made Any Decisions?

No. To date, the Committee has only tried to learn the history of the County's Confederate monument, the State laws regarding monuments, and the unusual legal status of Clarke's monument.

It's time to talk about the future.

Today, some people look at the monument and see a "tombstone" to the memory of Civil War dead. Others see a symbol of repression and Jim Crow.

Some feel the monument would be better placed at a Civil War battlefield or cemetery. Others see the monument as not only artwork decorating the Courthouse green, but also a physical reminder of our country's history — both good and bad — that should not be forgotten.

Some people feel interpretive signage should be added, explaining the complete history of the monument. Others are happy with the way things are today.

Some feel the County should take steps to recognize all sides of its rich Civil War era history, not only the battles fought here but also the Clarke citizens who fought on both sides, Confederate and Union. For example, there is no monument or marker dedicated to the more than 90 African-Americans born in Clarke who served in the Union Army. Nor is there a marker for Thomas Laws, the enslaved person who secretly ran intelligence reports across enemy lines to the Union troops in Winchester. There are many other Clarke County people and events surrounding the Civil War that could be better documented and commemorated.

We have a diverse community. There must be many ideas! What is yours?