

Monument Committee  
March 4, 2021, Public Forum Minutes

A meeting of the Monument Committee held in the Clarke County High School Auditorium located at 627 Mosby Blvd., Berryville, Virginia, on Thursday, March 4, 2021, at 6:30 pm.

Board: John Burns, Gwendolyn Malone, Lee McGuigan, Daniel Nelson, Will Nelson, Meg Roque, John Staelin, and Robert Stieg

Absent: None

Staff: Chris Boies

Press: Mickey Powell – The Winchester Star

Also Present: Charles Maurer, Ben Sims, Wayne Webb, G. Philip Hughes, Lionel Chisholm, R. Duncan, Charles Snead, George Archibald, Jason N. Floyd, Andrew Surface, Neil Russell, Mary Veilleux, Barbara J. Byrd, Carol Tomlin, David Williams, Scott Worm Rutherford, Dolores R. Cossruve, Richard A. Grubb, Kenny Liggins, Paul Clark, Mary Ivie, Clay Brumback, Stan Daywalt, Wendy Gooditis, Gloryanne McGlynn, Robina Bouffault, Carol Coffelt, Jesse Evans, Mark Griffin, Dave Clarke, David Burns, Ed Jeep, John Westevelt, Paul Little, Ross Oldham, and other citizens

**1. Call to Order**

At 6:30 pm, Chairman John Staelin called the meeting to order.

**2. Presentation by Maral Kalbian**

Highlights Include:

- A Monument Committee Information Sheet was provided to all in attendance and is included as *Attachment A* at the end of these minutes.
- In 1884 The Association for the Survivors of the Clarke Calvary was formed, herein referred to as "The Association." The General Assembly then incorporated The Association. The purpose was to promote the memory of the dead from the Civil War of Clarke County men and to erect a monument in their memory in three (3) possible locations, Old Chapel, Green Hill Cemetery, and the Court House. In 1886, it was decided to be located at the Court House, which a small piece of land was given by the Board of Supervisors, tax-free.
- The design and erection of the monument took 16 years, completed in the summer of 1900.
- The monument's design was based on the painting "Appomattox," which aims to depict the sorrow of a (fictional) Confederate soldier just after Lee's surrender at Appomattox.
- Clarke County's statue is unique because most of the monuments erected show a soldier holding a gun; this is the only one found in Virginia, which shows an unarmed soldier.

- Since the last meeting held on February 4, 2021, Jay Corbalis has been investigating and seeing how it was put together and if it could come apart safely. He will be providing the committee his findings in the coming days.
- The minute books of the Association, held at the Clarke County Historical Association archives, indicate the group's desire to erect a monument to the Clarke County dead as early as 1884.
- In 1900 black men had the right to vote, and some were elected to the General assembly. Many white people objected to this, and the "lost cause movement" mentioned in the handout provided was an interpretation of the Civil War from the Confederate perspective. Promoted the idea of states' rights and the constitution, words that are on the monument. While slavery was banned in the 1880s and the 1890s, there were movements to go back to the way things had been.
- Newspaper publishing shows, we think, what the white people were thinking. It is unknown how the African American people felt, through Josephine City published The People's Journal; unfortunately, there are only 10-12 different issues, and none are from this period.
- The Association's last recorded minutes was from August 1916, which discussed asking someone to take over the monument after they all died off. The men at this time would be in their mid-70s with a life expectancy of only 58 years; life expectancy was shortened even further at this time due to the Spanish Flu. A newspaper article was published in 1919 mentioning The Association. No Deeds or records were ever found transferring the monument or the land to another entity.

### 3. Ownership of the Monument

#### Highlights by Chairman John Staelin

- When The Association was conceived, it was done by the General Assembly, and the individual members were incorporated.
- As the Association's founders died off, typically, the land is passed down to their children, the great-grandchildren of those people who own the monument today; it is very difficult to do anything now, as The Association is no longer around.
- The County has maintained the monument because they believed they owned it, and it is on the courthouse grounds. Only recently has the County been told they do not own the monument.
- The monument has been on the County's insurance, but now that they know they do not own it, it cannot be covered and will now need to be self-insured.
- The County can take ownership by condemning the monument and its grounds, or there is adverse possession, also known as squatter's rights. Both would have to go through the courts and could be contested by citizens. It would take six months to one year to go through the process.
- The committee has not made any decisions, wanting to hear the public's comments.

### 4. Citizen Comment Period

The following citizens presented their comments in person.

Charles Maurer of Bluemont, VA

- I am a board member of the Historical Association and am from the camp of educate do not eradicate. The monument is the biggest thing to ever happen to Clarke County. There is a lot of ugliness to it in many respects. Glad to have heard the "lost cause" covered in the description. I believe it is an opportunity to learn. If you cannot move it, you need to contextualize it, but I do not want to see it destroyed.

#### Ben Sims of Bluemont, VA

- I'm in support of keeping the monument in its current location. The Association of the Survivors of the Clarke Calvary erected the monument in remembrance of their fallen comrades who gave all in defense of Clarke County and the Commonwealth of Virginia, not as a monument to the Confederacy itself. This is the only headstone many of them have; some were buried on very far away battlefields, possibly mass graves. My own family, my great-great-grandfather William Franklin Sims was a soldier in the 13<sup>th</sup> Virginia Infantry. One of his fellow soldiers was killed at Gettysburg and buried *{inaudible}*. This soldier was the fiancé of Willie Frank's younger sister, Olivia Martha Sims. So traumatic was his death that Olivia died of a broken heart three months later at the age of 21. The South did not erect monuments fifteen, twenty, or thirty years after the war end date. It took that long for them to be able to get back on their feet and have enough disposable income to be able to afford it. Many donations were nickels and dimes. I say let's let history be history, "cancel culture" has no place in Clarke County; I think we are better.

#### Wayne Webb of Berryville, VA

- Our elected officials have the burden; any decision they make will be like by some people, but not by others. In the current climate, we've opened a can of worms that will have no end. For example, locally, Senator Byrd's name was removed from a building in Shenandoah University because he was a segregationist. Lord Fairfax's name was removed from Lord Fairfax Community College because he owned slaves. The logical extension to this is we're going to take down the Washington Monument and level Mount Vernon because they owned slaves. I would submit to you that we should if we're concerned with bad marks on people's records, we should think about Lord Fairfax. History shows Fairfax depended on hundreds of slaves to work among the thirty plantations. He was actively trading slaves before he participated in a little talked about activity called "Getting Down with a Negro Wench," for which Lord Fairfax would pay a fee for the person who supplied the "wench." Records continue in February 27, 1777, received a *{inaudible}* quoting 10-shillings" on the Lordships account for bringing a "negro wench" to bed. So, there is not a human being here or anybody else that doesn't have a black mark on their record, and so, we need to have a policy in place for the County and the Town.
- The second point, the excellent write-up by Maral, made it clear that this is a monument to local people who died serving Confederacy. These were the brothers, husbands, sons of the local people, built by local people, for local people and we need to do is, if the County does take possession of the monument, we need to have a vote as to what we do about it. If the vote is to go, then the committee needs to find a recommended where. If it is to stay, then they should have a suggestion as to whether a plaque would be appropriate. Thank you for your time.

#### G. Philip Hughes of Millwood, VA

- I would like to associate myself with the remarks of Mr. Sims; I don't think anyone could express it any more eloquently. I know Virginia, I know history, I am an adopted Virginian for 45-years, a resident of Clarke County for eight. My appreciation of the predicament that we face over the monument is that if in the South, which is, after all, a quarter of our County geographically, we set for ourselves a modern standard of expunging from public view or public record, anything that has to do with the sad institution of slavery. A quarter of our Country is going to end up erasing much of its history. That, it seems to me, is more relevant than character. It is to forget the past, erase the past, and we like history. To me, that is a very dangerous path to go down. Except for I believe a minority of objectors, I don't believe there is a problem with reminding and retaining their ideas. Contextualize perhaps with a plaque or further explanation or maybe, recognition else ware, of the sacrifices of other – black soldiers, for example, of the Civil War that might be a reasonable compromise.

#### Lionel Chisholm of Boyce, VA

- Would like to register my agreement with some of the recent commenters in that my Association with Clarke County goes back to 1993, Canadian originally. We have certain sensitivity as to what happened in the United States from a Canadian perspective. I think that history is history, and you can't get rid of it; you can't forget it. It is relevant to how we think today. By getting rid of it, by cancelling it, you are accomplishing nothing thanks to the negative approach. I very strongly feel that we should not cancel this statue. Should be recognized, should continue to be recognized, because of reasons stated already. That's from my perspective, which is slightly different. That's what I feel; other individuals need to be recognized, that can be done. People can raise money and recognize other groups as well, but I don't see any purpose at all in getting rid of this statue. I think it should stay put.

#### R. Duncan of Boyce, VA

- Some thoughts have been running through my mind as I listen to this. First off, we have a history in this County, as every County has a history, and in every Country's history has an hour there is the good, the bad, the ugly. If we are going to declare war on our history and try to erase the past, it's not going to get us very far.
- We have a problem in the County, and that's the reason we are here talking about this, which is a minuscule problem compared to the big problem. The big problem is that we have a division that is getting a lot wider in this County than it should be.
- We're all American's, and we've got to learn to get along. The actions that we take here might set an example for the rest of the Country. What we have to do, instead of declaring war on the past, is work together to get along, and that means we've got to understand each other.
- I'm white, obvious – was born that way; black people were born black. And I understand there is not a thing any of us can do about that. But we have to learn to get along and so if we learn to live and let live and understand each other then that is the most important thing to do, and so I am for letting well enough along in this.
- Black people and any other people can put up what they want, they have a right to do that, and they have a right to their opinion. And I just feel that we've got to look at the big picture

here. Tearing any statue down, no matter which one it is or what it is about is the wrong thing to do. The German Peiper had books burned in Germany before the war, and you see where the Taliban has destroyed important monuments to the past. We shouldn't be part of that type of thing. And so, my vote would be to let well enough alone understand and try to get along.

#### Charles Snead of Boyce, VA

- My grandmother's grandfather came to this country from Germany at the age of 12. At the age of 18, he joined the militia in Richmond, Virginia, the German militia. They eventually joined the 1<sup>st</sup> Virginia Infantry. He fought the entire war was through here a couple of times.
- He was captured at Fire Force, went to Camp Lookout in Maryland. Spent five nights there, nearly died. Spent the rest of his life heavily involved in veterans affairs. Spent the rest of his life waking up screaming. That monument is for him, for his fellow confederates that protected their homes and protected their families. And if anyone thinks that the North sent 360,000 men to their death to defend slavery or to eradicate slavery in the South, it just wasn't so. It was about succession and their desire to remit that. Why would they do that? They wanted the South's grain, they wanted their resources, and as importantly, they wanted access to their southern forts.
- Further, I would say that how the slaves were ended in this country has more to do with the bigotry and hatred as anything else. That monument there is for the memory of the men that died, that was 250,000 soldiers.

#### George Archibald of Berryville, VA

- There are a couple of things that happened which I would like to provide minor remarks on. One thing that hasn't been mentioned by anybody is that there is only one (1) person in all of Clarke County who has asked this memorial to be removed. His name is Ross Oldham, and he lives in Paris, VA. The thing that I am concerned about is that I live right across from the monument, my residence; I see the monument out my window. I would like to let you know that my sister Valerie, who lives just down the street from me, also was responsible for working strenuously with Senator Harry Byrd, who generously gave money for the school of business at Shenandoah University. Which they, of course, deemed his name to be taken off. Now, this is what they are talking about, this "cancel culture" business. It's not good, it's not right, and it's not legal. Now, Mr. Robert T. Mitchell Jr., who is the attorney for Clarke County retained, to look at this legal issue, which you've talked about Mr. Staelin, about there being private ownership, and no right to the County to do anything with this property. It was the County that encircled this private property by building the courthouses that is built. So, that was encroaching on the monument, which was there before any of the buildings that the County has.
- The other thing is that Mr. Mitchell's advisory opinion, which is under the Freedom of Information Act, I asked for that, am entitled to it – a public document, and was denied the document on the grounds that it was lawyer/client privilege. Well, who is the client? It's the Board of Supervisors, and you are an appendage of the Board of Supervisors. Well, I'm one of the residents and voter here, and so I am the client as well. And I believe, and I have said in my statement, which I have given to you beforehand, Mr. Staelin, which I would like to be made part of the record. I would like it to be known that I was denied access to Mr. Mitchell's

advisory opinion. Have you been given that opinion? I imagine you have. The wonderful reporter, Mickey Powell, here has written some wonderful stories, which indicate he has seen it or knows what the content of that advisory are... *At this point, Mr. Archibald's 3-minutes speaking period expired.*

Andrew Surface of Berryville, VA

- As a descendent of Revolutionary soldiers and Confederate soldiers, and a young man who has always been interested in United States history, I also want my children to be able to enjoy the same ways to learn as I do. So, this "cancel culture" that is happening, tearing down these monuments and stuff, that is depriving a whole next generation from learning from the mistakes of the past. If you leave them and let people learn from their history, I think the world would be a better place. So, in my opinion, I think it should stay and let everybody enjoy it as a monument to good men from Clarke County that gave their lives for their County as veterans of, now, the United States. To me, moving that monument or tearing it down would be no different than any other war vet. So, every time I see that monument, I think of my third great-grandfather and his two brothers that are laying in a field somewhere; nobody knows where. And that allows me to be able to mourn my ancestors. Cuz, when I learned US history, I always look to see how my ancestors were a part of that. Like, I said, I see that monument three times a week, maybe more, and every time I see it, it makes me think of where I came from and the sacrifices my ancestors went through.

Neil Russell of Delaplane, VA

- As a descendent of two confederate army soldiers, I feel the monument should stay in its present location, courthouse location, where most monuments are placed in the South. It was chosen because that is where the men came to volunteer for service. I do not believe, nor do I feel; it is the responsibility of the monument committee to suggest in an announcement before this meeting the location of the monument was chosen for a "lost cause movement" or that the two keywords *{inaudible}* is an unbiased opinion, not to mention the description on the monument itself *{inaudible}*.
- After the surrender of Appomattox, he is not holding a weapon; he has been defeated in a horrific war to defend his homeland. Of course, he is showing sorrow. These soldiers served their Country, which a state they call home. They were called to service by their states in gave their all. They were American citizens, and they deserve our respect for their sacrifices. This is hard to do now in a county that has lost respect for our history and differences that make us the country we claim to be. This division, talked about endlessly by politicians and the press, and let's not forget about social media that could sway public opinion with a keyboard, is *{inaudible}* no end until preceding generations are dead and gone. So how can we judge can change history to satisfy anyone and everyone.
- I know for a fact no one in this room today would be able to stand up in a hayfield behind a wooden fence or out in the open and shoot a half-inch or three-quarter-inch piece of lead, fifty-to-seventy-five feet at another man after walking days or weeks at various degrees of bad weather, with little or no food on the way. That man, black, white, short, tall, Yankee or Confederate reserve and will definitely receive my full respect and admiration. And if he is not around anymore, I will donate or help build a monument to honor him or her. That is why to answer the question, in the monument was erected at the courthouse; it is where

they volunteered to fight and defense of that State or Country. My two relatives are *{inaudible}* Virginia militia *{inaudible}* and his name is on the Clarke County monument. With all due respect to this committee, but your fellow officials are similar to the ones who send guys like me and my grandfather and great-grandfather to war. I didn't know where Vietnam was; I doubt my grandfather knew much about France and Germany. Or my great-grandfather knew much about Clarke and Frederick County, but we did our duty to our Country.

#### Mary Veilleux of Berryville, VA

- I would like to make three points "Who is the Authority who deems himself/herself the Moral Judge to determine whether a statue in any city or town in America is vile and offensive and should be removed? I'd like to know, since it leads to my second question, "What happens when a new Moral Authority becomes popular and changes the rules? What happens if this Judge determines that anyone who cheated on the spouse is no longer worthy? Or if this person did not pay taxes for several decades? Or this former hero fought in Vietnam? Or in Korea? Or in Europe? The list of "wrongdoings," as you can see, is endless depending on the "Judge." In today's cancel culture with its own list of heinous "sins," I doubt if removing statues will be enough to redeem oneself, or one's Town, State, or Country. There will just be more and more demands. So I encourage you to stand up against this ugly, destructive trend and that people take courage and resolve. I would like to quote Anthony Esolen on this topic, "Every statue of an old and all-too-human benefactor or hero that comes tumbling down is a memorial raised to our intolerance, our unwillingness to forgive. We find fault where there is fault to find, and we are glad to find it because we have so little that is virtuous and beautiful to show on our own account."
- My second point is America's history is filled with great statesmen who sought the best for the new Union. There were many mistakes made, with the greatest blot in our history being the continuation of slavery from the foundation. However, we changed it, and the beauty of our republic, which boasts of such high and lofty standards, is that we have the freedom and the ability to change. Do we still have problems? Of course. Will race relations be an issue in the future? Yes. As long as the earth remains, there will be this troubling reality called human nature.
- Lastly, there is the wonder and power of forgiveness- what raises human beings above our animal counterparts and allows us to deal with hurts and pains from the past, present, and all in between. If for no other reason than this, we let the statue stay. There are ways to improve upon it, which is also in your report, which I applaud, including making a memorial for all those African Americans who fought for the Union. A creative mind will be happy to add that. So I encourage you to let this statue stay and thank you for caring enough to hear our opinions.

#### Barbara Byrd of Berryville, VA

- I want to thank the committee for working so hard to find some answers to the statue.
- One of the worst parts of war, if not the worst part, is that there are some who are not able to return to their homes and to their loved ones. The front of the monument and *{inaudible}* states that "to the memory of the sons of Clarke who gave their lives and defense of the rights of the State and of constitutional government." The monument committee reports

that the statue is unique, and it is one of the only few that survived in the State for the Confederate soldier depicted unarmed. It is clear that this statue's purpose does not celebrate war; instead, it honors the lives of soldiers of Clarke County who died in the war. Over 100 names are listed. Many of the descendants of the men listed on the monument reside in Clarke County. The thoughts and wishes of those descendants should be considered. I would encourage the County to conduct more research about the origin of the monument and its eventual erection. This is an opportunity to educate our community about the statue's history and the men listed on it. Rather than taking down or moving, I would encourage our County to add a marker adjacent that explains its history and the men appearing on it.

#### Carl Tomlin of Fredericksburg, VA

- Although I am out of Fredericksburg, most of my family is here in Clarke County back in the 50s and 60s. I've got family that fought in the 2<sup>nd</sup>; first of all, I'm a SEV Member. Belong to *{inaudible}* 1722 *{inaudible}* camp. Not ashamed of it at all. I have family that fought in the 2<sup>nd</sup> Virginia Infantry, 11<sup>th</sup> Virginia Cavalry, Mosby's Rangers, and through marriage in the family under General Turner Ashby.
- In my opinion, on these monuments to Confederate soldiers, the ones that you all got is specific. Doesn't have a gun because it's not to remember the war. It's a memory of those who fought and died, which is probably a good thing because then it's not related to a slavery issue because everyone relates the Confederate soldier as fought for slavery. For the most part, most of the Confederate soldiers were dirt poor, and in some cases, granted slavery is not good, but a lot of the slave people probably had a better life than the white people at the time. Because a lot of them were considered "white trash" and had hardly anything. The plantation owners and social elites pretty much had control of everything. A lot of the soldiers were pretty much manipulated to go to war for the simple fact that they had nothing. They were either going to be conscripted or thought that if they went to war, they were guaranteed a paycheck, which likely didn't happen. But at the same time, in my opinion, and it comes down to associating a confederate soldier with slavery, and sometimes, in my mind, if you had an ancestor that was a slave, sometimes you should relish that. Enlighten on it; enlighten people on it; be proud of who you were from. Have that as part of the history too.
- I really oppose any monument being taken down because they do represent family history. For the most part, if it comes down to decide whether to take a monument down or not, look for alternative ways. The little things you can set up to *{inaudible}* the history. Always good ways to get it. That way, you are sharing it with everyone. Not everyone is going to like it; some people are going to like it, but it's a way of communication. Today we don't communicate much at all; it's all selfies. But, it can bring conversation. The best thing is conversation.

#### David Williams of Berryville, VA

- I've lived in Berryville for the last 16 years. It is my opinion that the courthouse statue remain untouched in its present location. The men represented upon it were willing to make the ultimate sacrifice to defend their State, their County, and their homes. Their bravery



deserves to be recognized, as intended. Nothing gives us the right to alter history, whether we agree with it or not.

- Just a few years ago, the State of Virginia proudly *{inaudible}* the Sesquicentennial of the American Civil War. We were encouraged to embrace our past and our common future. Well, I say let's embrace the fact that these American men from Clarke County were willing to defend it. Their legacy deserves to remain on this statue.

#### Scott Rutherford of Berryville, VA

- I am the great-grandson of John C. Rutherford. I've come here to claim his part on the monument on the Clarke County courthouse grounds. My great-grandfather carried the flag of the South into many battles. He was a member of the JEB P. Stuart camp. Here is a picture of him at Devil's Den in 1915. JEB Stuart Camp because they were dying off. In 1916, he went up here to the Turner Asby camp, where he helped them erect that monument as he did to help erect the monument in Clarke County in 1900.
- What I would like to do is talk to the lawyer that you all have. Is he in here tonight? How can I arrange a meeting with him, cuz I got boxes of stuff pertaining to all this. In the 80s, my uncle, my aunt, and my father gave the Historical Society two boxes of stuff that they had collected. Now, I don't know if it's down there or not cuz with this COVID and stuff, you can't get in anywhere.
- When the Civil War broke out, Mr. Rutherford was a man of 18-years old; was too young for the military service. Over the course of a year, he managed to get into the Confederacy and was attached to the company 52<sup>nd</sup> Virginia Infantry. He was color baring and carried the flag of the regiment during a number of important confines. He was in *{inaudible}* Prison in upstate New York for 18-months, then released. He returned to Virginia as soon as he could. One last word, there is a time-capsule in that statue.

#### Dolores R. Cossroue of Berryville, VA

- I am a fourth generation of Rutherfords within this community and also a descendent of John *{inaudible}*. Basically, I am here to support my brother, who has a lot of history. I grew up in this town and to be honest with you; I can't believe that in today's society, on what's going on, that our friendly town is affected by this.
- I think the monument should stay, and when I listen to everything that is going on *{inaudible}*, it's probably a good thing that monument is sitting on property that is not owned by the government. So that's another thing, and I know you guys are wrestling with that. So that is another fact. And also, I don't think we should be wiping history out. This is something that has been in Clarke County; it was you know the Sons of Clarke County, and anybody else, even the wives, the women, everybody. So I do not think we should take the statue down. Thank you.

#### Richard Grubb of Berryville, VA

- I guess I'm a native now since I've been here since June of 1970. I can place my family history at wars all the way back to the Civil War. We've been in every war the United States has been in, and I will tell you, going through all these small towns and stuff, when you see a statue of a WW2 veteran, WW1 where my grandfather was at, my great-grandfather was a

Confederate, my great-uncle died at age 20 he was a Confederate; 1965 he died. My great-grandfather lived until 1916. So every time you look at a statue, you have the memory of your family. And when I look at that statue, we have here in Berryville when I first seen it when I first moved here, that could have been a statue of my 20-year old uncle that died. Or it could have been a statue of a mother's young son that never came home.

- So my thought is, when are they going to stop learning history instead of destroying history. Are we going to go to Winchester and tear down every monument in the graveyard that belongs to the Confederate? Are we going to dig up the coffins? Are we going to start another {inaudible} field cemetery to put all these bodies in? We need to learn our history. If we don't, we're going to repeat it.

#### Kenny Liggins of Berryville, VA

- I'm a descendent of slaves. I am also a military veteran, and I am in favor of moving the statue to the cemetery where all the other brothers that have served in the military reside. Thank you.

#### Paul Clark of Falls Church, VA

- I'm actually from Arlington, Virginia, but my family is from Southwest Virginia and the Shenandoah Valley for many generations. I'm a direct descendent of Fontane Height. He was a private in Company D6 Virginia Calvary, a soldier whose name appears as F. Height on the statue. He was killed in action about three months before the war ended. Other Height cousins are W.M. Height, who is also on that statue; died in service among others who served in Company D.
- Joe {inaudible} was our shared grandfather who settled in Frederick Town, later Winchester, and his grandson lived in Rand Bell Grove. I'm not a racist, and these times this word is frequently used for the sole purpose to stop discussion. So I want to make that clear for the committee. At some times, I lived in a black neighborhood, and I was beaten up almost every day; my brother and I from a black neighborhood because we were white. I didn't know what that meant. So I certainly don't; I didn't get any money from Bell Grove, I'll tell you that.
- I am in complete support of keeping this statue right where it is. The statue is a memorial to Clarke's war dead; confederate soldiers. They are afforded the same level of honor, respect, and distinction as their fellow soldiers who did in 1861-65 and in all American wars. Most importantly, they share another honor; they are all American veterans, just like the soldiers who lie in rest in Arlington. This memorial was built to help Clarke citizens know their legacy. To commemorate the sacrifice of these American veterans. That is why 3,000 people showed up for its dedication in 1900. The statue was not built to honor or commemorate racism or for some ridiculous Jim Crow law. Will someone please point out the evidence that this statue was placed for some purpose, symbolic purpose of slavery or repressing? No, of course not, because it doesn't exist. The record is clear as to why and for what reason this statue was erected. Many citizens and groups spent years raising money for its cost. That hard work was a labor of love in classical measure. Of those soldiers just trying to remember their fallen comrades before they too died. A tribute to the people of Clarke County and a gift to history. It was mean to last in perpetuity, not to be torn down and removed or replaced at the whim of a political minority by the sheer utterance of the word

racism. It was also erected according to law. The land was recognized by the Virginia Assembly. Should the men on this statue need a steward or need someone to stand and defend them, I'm here tonight to say that the Turner Asby camp 1567 stands ready to take over the stewardship of this property. As its commander and direct descendent, I believe we have the legal, rightful, and proper guardians.

#### Mary Ivie of Berryville, VA

- A lot of what I had planned to say has already been said, and rather than keep beating a dead horse, I'll just bring up the highlights of what I wanted to say.
- I am opposed to moving the statue. It, again as everybody has said, this is a memorial to the lost soldiers of Clarke County. The other point is if we start moving the statues, will we, as Mr. Grubb said, start going through cemeteries and taking down tombstones because they offend somebody? Again, this is another part of it.
- The maintenance of the statue has come up in some of the previous meetings, and I know I, for one, am happy to volunteer to maintain the grounds around the statue if that becomes an issue.
- The other thing I would like to say is if it does have to be moved, my suggestion, as has already been mentioned, is moving it to the cemetery. Thank you for doing this.

#### Clay Brumback of White Post, VA

- I'm blessed to be from *{inaudible}* Clarke, a lifelong resident of Clarke County. I was also blessed to have very good history teachers growing up. Not to mention a good science teacher. Anyway, from that experience growing up, loved history. And, so my feelings about this monument, and all monuments everywhere, stem from my view of the importance of history. Not only is it extremely interesting to know *{inaudible}* but you need to reflect on what happened on the ground we live on, and without items of history, it's hard to learn from the past. That makes it very difficult.
- Pretty much agree with a lot of things that have been spoken here. Obviously, I'm in favor of keeping the monument. Sad to see all the different monuments being torn down; this doesn't seem right. And of all our rights granted to us by our constitution, by the declaration of independence, by God, nowhere does it say that we have the right to not be offended. In fact, a lot of what makes up my character is how we deal with the things that are offensive. And so, my worry is, if precedence is set, that we remove whatever offends us, I think we're in a world of hurt. Because that can be carried on to all kinds of differences, whether it's somebody's outfit that offends us, a store sign, I think we need to be careful with that.
- I wish the committee luck; thank you all for taking time to listen.

#### Stan Daywalt of Winchester, VA

- I am a US military veteran. First, I want to thank the Board of Supervisors and this committee for taking a measured approach to this. Rather than a knee-jerk reaction by a few vocal persons and a community tears down monuments. So I congratulate you for your pragmatic, measured approach and your willingness to hear all sides.
- I have done programs on Civil War battlefields for the National Parks Service for 60-years. I'm older than I look. I have done national, televised programs to schools. My forte is the private

soldier. I know what he went through. The monuments that were erected were not only erected in the South by Southern Veterans, but they were also the ceremonies were attended by Union Veterans, and in some cases, Union organizations contributed money to the erection of those Confederate monuments. My point is, those veterans gave their acquiescence to erect these monuments. They are the ones who made the decision that these monuments should be erected; those veterans that fought.

- Should there be an African American monument? No, there should be a lot of African American monuments. Understanding needs to be addressed. Shelby Foot said it, "the great stain in the south was slavery." Lastly, move it to the Old Chapel Cemetary if you read James Taylor's catch book; Old Chapel is very historic. The Stonewell Brigade is buried there. The dead at Old Chapel Cemetary are waiting for that monument to the dead to join them. Thank you.

#### Wendy Gooditis of Boyce, VA

- Thank you, Mr. Chairman, and thank you very much for *{inaudible}* I so appreciate your service. Obviously, this is an important issue for a community. I am happy to say that if that statue no longer stands in that spot, the history of the Civil War will not be wiped out. We have our very own *{inaudible}* who has done a beautiful job, along with many others and provided a museum right down the street. I, myself, have a bookshelf this wide of tomes of history of the Civil War. The Civil War history won't disappear.
- The other thing is, symbols are important. It is a symbol. To some, it is a symbol of their ancestors who fought in the Civil War. To others, it is; however, some of us might not understand; to others, it is a symbol of a great wrong. We can't tell people how to perceive a symbol. So, I put it to you, member of the committee, that what I heard tonight, and what I hope you heard tonight, is that this, by obviously a majority of people in this room, this is seen as a memorial; a memorial, almost a grave marker. In which case, in my opinion, it belongs in a cemetery. Not, on a courthouse lawn, in a place where justice is disseminated. The concept of justice is a very difficult one when you look at the issue of the Confederacy vs. the Union. And, to have that symbol on a lawn, where people of all races, and all backgrounds, and all beliefs can be a very difficult *{inaudible}* for some of the people walking by there. So I put it to you, members of the committee, that this belongs in a cemetery and not on the courthouse lawn. And again, thank you so much for what you do, and by the way, I am Wendy Gooditis; I live in Boyce. Thank you.

#### Gloryanne McGlynn of Berryville, VA

- Hi, thanks for the opportunity to speak. I am of the opinion that the monument should stay where it is. It was placed to remember the soldiers from Clarke County who fought and died for the Civil War. These men are not traitors. Long before 1900, when that statue was erected, our Country pardoned all of those who had fought for the Confederacy, viewing them as restored citizens of the United States.
- President Lincoln laid the groundwork for pardoning in 1863, followed by President Johnson, granting full amnesty in 1868 - long before the statue was dedicated. Reconstruction, pardons, amnesty, and its *{inaudible}* policies all played a vital role in reuniting our Country after such a devastating war.

- The statue is not just a memorial to fallen sons of Clarke County or a symbol of reconciliation. It serves as a reminder of just how fragile our republic is. And how close we came to destroying it. The statue reminds us that there is a hefty price to pay if we dehumanize one another and allow destructive narratives to divide us. It also reminds us that though we are flawed and our Country isn't perfect, progress can be made toward equal opportunities for all and can be achieved when we are united. I urge the committee, don't capitulate or take part in this destructive course in which identity politics determines the fate of our nation. Instead, pursue unifying resolutions that preserve the historical aspects of Clarke County.

Robina Bouffault of Boyce, VA

- Good evening; Clarke's courthouse monument, that is the focus of this forum, was erected over 128 years ago in memory of the Sons of Clarke that gave their lives in defense of the rights of the states and the constitutional government. Last June of 2020, one resident, only one resident, only recently arrived in Clarke, told the Supervisors that he was offended by the monument and wanted it removed even though he doesn't even live in Berryville and can't see it from his Paris home.
- The startling result of his comment was the creation of this monument committee with the County website stating that "The Board desires a recommendation that has broad community support and will move the community forward in a united manner." Sidestepping the fact that this subject remains highly controversial and divisive all over the country and especially here in Virginia. Although in your two prior meetings, you did not provide the names of the fallen soldiers listed on the monument, I did. You will all have received copies of it, and you now know that your descendants of those fallen and are still numerous in this County, some are here tonight. Many of whom would likely be highly offended if you publically disrespected their forefathers.
- My recommendation to you would be leave the monument where it stands. Don't waste any more time or money on what it would take to remove it, alienating many longtime Clarke residents in the process. If power over your ultimate recommendation is to remove it, and if you truly want to have that broad community support and do it in a united manner, there is only one legitimate way to do it; put the question on the November ballot as a public referendum and abide by the results. Given that a referendum cannot be done for private property, you already know that the County would need either to condemn the property or obtain it through adverse possession, a lengthy and expensive process which requires going through the courts, in both cases, using much-needed tax dollars. The referendum question to be put on the November ballot would then be a very simple one; should the Clarke County Board of Supervisors proceed to obtain the County courthouse monument land through either condemnation or adverse possession, with the intent of subsequently moving the monument to X, Y, or Z location. That question has a very simple yes, or no answer.
- Again, my recommendation is to leave the monument where it now stands and put our taxpayer dollars to more worthy uses. Thank you.

Carol Coffelt of Boyce, VA

- Hi, thank you for allowing me to speak. Let me begin with the County should be considering more important issues at this time. There are businesses, livelihoods, and lives that are

struggling or have been ruined because of the pandemic lockdowns. If the County is insistent upon addressing this issue, I have a few comments.

- The introduction of the committee information sheet discusses the recent events in our country as a catalyst for this committee. The civil unrest in the rest of the Country was far removed from our little community. But recent events have brought these issues to our front door. I believe that we, here in Clarke County, are in a little bubble. We have different views, and we can still be friends. We can ask questions, agree to disagree, and everyone believes in live and let live. There is no doubt our County has suffered during Civil War; there is no doubt that racism ran rampant in our little corner of the world. There is no doubt that we, too, have a checkered past. But it is important to consider the times we live in. Things were very different in the late 1800s; we cannot judge history by today's standards. What the men did in those times was what they did, whether we feel it was right or wrong today.
- I see this monument for what it is, for why it was built, and in the time that it was built. As said before, it was built to commemorate the sons of Clarke County that gave their lives in the Civil War for a cause that they believed in. It does not glorify the South or slavery. The soldier on the top is a depiction of an idea, a feeling of sadness for losing the war. The monument does not include all Clarke County men because they did not do that back then. I would never say I am offended by this monument because I was raised in third-world countries where speaking out against the government could literally get you killed. I saw it. The United States is not like that. Our system of government was created so we can fix these problems. This is why we are here today discussing this issue, instead of having a mob of people tearing down our history. Thank you for your time here.
- So what do we do? Do we tear it down? Do we pretend that the Civil War never happened? The Battle of Berryville never happened. That these men did not live and fight and die for what they believed in. Now, we must remember our past as we are doomed to repeat it. Everyone knows that. Removing a confederate monument is an act of revenge, a denial of the past, and a waste of money. Let us rise above the division in our Country and bring both sides together. The information sheet discusses the Africa Americans during the Civil War, their sacrifices. Let us commemorate and honor those African American sons of Clarke County who also lived and fought and died for a cause, for a life they believed in. Let us honor Thomas Laws, just as we are in General Jubal Early. If we cannot just leave the monument where it is and address it at another time when we have better funds, I recommend the monument committee try to gain ownership of the property and the monument. That they do this with a clear and stated intention of creating a new monument, a Clarke County Civil War monument commemorating both sides of the Civil War; let this be a Civil War monument representing our shared history. Let Clarke County be a haven and an example for the way America should and can be. The time for revenge is over. The time for community is now. Thank you.

#### Jesse Evans of Winchester, VA

- I, too, thought I was signing up to say I was here. I am from Winchester, Virginia.
- My family has been in Virginia since the 1680s. We fought in the revolution, and yes, we were in the Confederate army. I had two great-grandfathers and a great-great-grandfather. The reason I came here tonight is to hear people's opinions on removing these monuments because the monuments in Virginia are being destroyed. I've learned quite a bit, but I do believe this monument should stay because these men died for a cause, and that was their

State, and their State had been invaded. That was a time in history; you can't change it. You should embrace it. Thank you.

#### Mark Griffin of Berryville, VA

- I would like to thank the Members of the Committee for taking time out of their personal lives to do this public service. My name is Mark Griffin; I live in the Town of Berryville. In August of 2020, I accepted the Republican nomination to run for Clarke County Board of Supervisors representing the Berryville District. I ran to win the seat. I knocked on nearly every door within the Berryville District and talked to voters. My campaign did not lead to victory. On November 4th, I reached out to Matt Bass and congratulated him on running a good campaign on the issues.
- I went face to face with the voters; I had the unique opportunity to find out what was on their minds. Although not scientific, here is what was on people's minds from most important to least important: High water bills, opening Schools, and supporting first responders.
- From there, we moved on to issues that might affect a particular neighborhood, such as water drainage from low spots, sidewalks needing repair, and new traffic and speeding around the new Shenandoah Crossing subdivision.
- What is missing from my canvassing? Discussion of the statue! I had lengthy conversations of local politics with many voters, only two mentioned the statue, and both were in favor of keeping it as-is. The statue was not a top-of-mind issue with any Berryville voter.
- History is worth remembering. The statue is not a glorious image of a confederate soldier. It is rather ordinary. The inscription reads: "Fortune denied them success, but they achieved imperishable fame." No person with modern sensibilities would agree they achieved 'imperishable fame.' Their fame is dubious, having lost a civil war that pitted brother against brother and family against family.
- History also tells us that African-Americans were not allowed through the front door of the courthouse and had to use a side door. Once inside, they were also relegated to the balcony or back rows, often not able to sit on the main floor of the courthouse. Let's not forget this history either.
- I am in favor of leaving the statue as-is. Context needs to be provided. Jim Crow laws are a thing of the past, people who think these soldiers have "Imperishable Fame" are a thing of the past. The statue, like the courthouse, can be used to teach us and future generations history. Thank you.

#### Dave Clarke of Berryville, VA

- Thank you for allowing me the opportunity to speak. I have three minutes' worth of flowery rhetoric here, but I would just be repeating what most people have already said.
- So, I guess what I would have to say to you, just to add my name to the list of people that would like to keep the statue where it is, to see it remain where it is. And, I encourage this committee to recommend keeping the existing monument and adding to it. You know, knowledge is not some zero-sum game. We don't have to erase things from the past in order to know more; in fact, we wouldn't know anymore. We can add it. We can keep that statue. We can add some signage nearby to describe who raised the money and erected the statue and why. We can recognize other Clarke County citizens from the past who've been

forgotten or *{inaudible}* and perhaps raise a statue for one of them. Like I said, I would just encourage you to keep our monument, to recommend to keep our monument, and explore any way we can to add to it. To give a fuller picture of the diverse history of Clarke County. That's all I got; thank you.

#### David Burns of Boyce, VA

- Thank you for letting us speak tonight and for being here. It's interesting to me that I think this was open to the entire Clarke County community to come speak their piece; I've only heard one person, one politician, speak out against the statue, so I think the constituency is speaking. I think it's really important what the statue says because each of us in the room in this community look at that statue and decides what it represents to us. We have a choice in what we think it represents. It says it's erected to the memory of the sons of Clarke who gave their lives. My family has been in Clarke and Jefferson Counties for a long time. My *{inaudible}* Valley Forge, I had ancestors in the Civil War, my grandfather fought in WWI and WWII, Owen *{inaudible}* died in WWII, my dad fought in Vietnam.
- You may disagree with the Vietnam War and our being there. Does that mean you would tear down a statue in DC to the Vietnam Veterans? Those were our boys who died. Sons, and uncles, and fathers, and grandfathers who gave their lives fighting for what they believed in. That is what that statue is to. Every time I go to the Post Office or the Courthouse, I think about Owen Childs from *{inaudible}* here in Clarke County. And my grandmother, Catherine, who was making a cake for him the Sunday morning that the navy officer showed up knocking on the door telling her that her favorite sibling, Owen, had died in Norfolk, Virginia, in a munitions explosion. That is what that statue represents to us. That is our community, all of our community. They died for what they believed in. It is not a statue to racism; it is not a statue to a "lost cause"; it is a statue to families and communities and doing your duty. Thank you.

#### Edward Jeep of Berryville, VA

- A lot has been said that if I had this to write over again, I would do it differently, but frankly, I'm not that smart to do it on the run, so I'll read parts of this, and I appreciate it.
- I came here to live 2 ½ years ago, before that I for 25-years a marine corp. I served in Afghanistan, Iraq; I got more than one friend whose name is on granite someplace. So I understand that. I am reminded of that every time I walk past our monument. I think the men on the monument were good and honorable men, and I don't see any need to erase them or their sacrifices, and I don't accept or by into "cancel culture" either. But that doesn't mean I believe the courthouse lawn is the correct place for this monument.
- Now Ms. Rich, Robina Rich, mailed out a list of the surnames cross-referenced with the property records of that era. These are important names in Clarke all the way back 1700s, but despite 50% of the population being of African origin at that time, only a handful will appear on any property list. Few, if any, African burial sites or headstones can be found. Most of their names, their work, their faith, and their history simply cannot be found. Why? Because it was cancelled. It's not random that they owned almost no property. It was a matter of policy and of law. They were enslaved. And it was not by chance that the only monuments on our courthouse green commemorate Confederates. It was a matter of policy



that white Virginia would celebrate the Confederacy and not the African culture that had been kept.

- I believe our Confederates were honorable men, but they fought to continue the slavery of Africans. It's just that simple. Now, I'm a descendent of colonial Virginia slaveholders. And I'm a descendent of several confederate families. Regardless of the justifiable pride that I and we descendants feel that their military skill and their sacrifice as soldiers, I simply cannot agree that a monument to their cause should exist on County property. And that is the only objection I have to it. The courthouse is a property that represents the law and policy of our government. It should inspire mutual confidence in these laws and in justice that protects us equally. A monument to slavery, or those who protected and sought to extend slavery, calls that confidence into question. I'm not speaking today to help African Americans feel better about this County or about this Country; they have spoken across the country last summer, and I support them. I am speaking as a white American to his government and his community. We do not bear responsibility for the enslavement of Africans in the past. We do not owe a payment on the debts of our forefathers, and we should not be asked to cancel or erase them, but make no mistake, we cannot and should not hide behind history. We must bear responsibility for the policies enacted today, and we proudly will answer for continuing the privileged position of one history instead of another, and we will eventually answer for commemorating not the victims of oppression but the perpetrators of it.
- This is difficult to say, and even difficult for me to say publically, but this is a heartfelt expression, and I want to join Mr. Oldham in saying that there is not just one person in Clarke County who feels this way; I do too. I sincerely believe that if we allow ourselves to consider all these facets, and I really respect everybody that is involved in this and everything that was said today. I've learned a lot, and I think there are some better suggestions in mind, but it's most important to me that this statue not be destroyed, but be moved to the Old Chapel cemetery right near where I live, or perhaps a future site at the Battle of Berryville commemoration, where it might even do better at commemorating those brave men. I thank you for your time.

#### John Westevelt of White Post, VA

- Good evening, my family has lived in White Post for half a century. Most of you that know me know I have opinions on things I haven't even heard of yet. So I'm not going to share those with you, but I have two quotations that I would like to give you.
- One of them is from Dwight Eisenhower on the liberation of the victims of the holocaust and Auschwitz, and he said, "Get it all on record now. Get the films. Get the witnesses. Because somewhere down the road of history, some bastard will come up and say that it never happened." The other one is my mother, who, when I was much younger, said to me, "Johnny, if it's not yours, keep your hands off of it. Thank you."

#### Paul Little of White Post, VA

- *{inaudible}* I think the committee ought to consult them and take their recommendations. Thank you.

#### Unknown Speaker did not provide name or location on audio recording

- Thank you all for actually listening to us. I was intrigued because, as an engineer, I was concerned when I saw the photos and talking about the iron core, the bronze caps. I am concerned that, and I want this statue to stay where it is because I am concerned that trying to move it for any reason will damage it and destroy it, and you won't be able to repair it to the extent that it would. I would recommend that the committee fully investigate the consequences of trying to move it. Thank you.

#### Ross Oldham of Paris, VA

- I guess I'm the pain in your rear end why you're here tonight. I'm Ross Oldham. I believe my address has been thrown out there a couple of times, so ya'll can look me up if you need to.
- I think there has been a lot of qualifying statements thrown out there, so I'll throw my resume out there as well. I was born and raised in North Carolina. I've only lived up on the Paris mountain for about three years now. But that doesn't mean I don't get a right to petition my government, to stand up for what I see as a wrong. I was a young marine, did two tours in Iraq. I took advantage of that went to school on the GI Bill, and I'm blessed to be where I am today. But, when I see that monument, I was raised in that culture of the "lost cause" my county, where I grew up in, Chatten County, North Carolina, had a monument there and I remember going past it thing, "oh wow," I imagine that if the Civil War would have been going on when I was there, I too would have joined up with the Confederacy. But, it took me learning, living my experiences in the Marine Corp to see that's wrong.
- But I, too, can sympathize with everyone in this room that that is a memorial. Memorials to fallen ancestors. Put it where memorials to fallen soldiers were meant to be, in the cemetery or the Battle of Berryville. You can't keep it on the grounds of the courthouse where it's supposed to be equal protection under the law. Standing up for the United States Constitution, I am an ardent 2<sup>nd</sup> amendment, lifelong NRA member. So, I am – I feel strongly about what the constitution stands for. And, the most important thing is equal protection under the law. When I walk into that courthouse, I may not be able to see that statue from my home up on Paris mountain, but I know that when I go to see justice, I walk under the American flag. And I don't need to see the monument to the soldiers who fought to keep others enslaved. Because at the Confederacy *{inaudible}* 40% of Clarke County residents would have stayed enslaved. This is about the constitution. I am not for erasing history; I am a student of history. Make it where people can learn about it. Please. This is not about cancelling anything. Learn about it. Thank you very much.

#### Phillip Keys of unknown location

- It's hard to believe that something could not yet have been said among all the observations that have been shared tonight, but I think there is something new to contribute. One of the geniuses of the American nation has been the resolution, the ultimate resolution of our Civil War.
- In Civil Wars that have happened in other countries around the world its always victors and vanquished, and the vanquished are utterly vanquished. But, Abraham Lincoln brought a different sentiment, a different spirit to the reconciliation of our civil war, and it's captured,

of course, in his famous second inaugural address. With malice toward none *{inaudible}* In that spirit, when the South, speaking as a Northerner, when the South recovered enough from the devastation of Civil War, to begin to memorialize its losses, we as a nation we respected each region's ability to both have its heroes and memorialize its dead. That's part of the spirit that *{inaudible}* has a nation. That's the spirit of unity. And I'm a frequent *{inaudible}* destruction around the country this year, and through this whole process here in Clarke County, that doesn't seem really that controversial *{inaudible}* that happened. That's dangerous, and it's just one little statue; in one little county courthouse, one tiny county in Virginia, we can either make things worse or make things better. I suggest we make things better by leaving well enough alone. Thank you.

Mike McGlynn of Clarke County

- *{inaudible}* One is we shouldn't be here because Clarke County doesn't *{inaudible}* This is not county land; they have no right to tear down this monument. They are going to have to take legal action, using our tax dollars to come in there and take the monument down, if that's the way they want to go. Okay, waste money not legal right now; we're going to have to make it legal. Two, you guys have heard from the people of Clarke County. We have been here for two hours; overwhelmingly, we have said, 'leave it where it is.' So, if this does not proceed, and we're going to follow the procedure here, your decision is made, the statue stays right where it is. Thank you very much

Dennis Sephlin of Clarke County

- Born and bred, multiple generations on both sides. Ready to go to battle if called, proud *{inaudible}* That being said, let me do something (*Chair Staelin requested the speaker address the committee, not the crowd*) – I'm talking in front of the people because I'm about to say a prayer to my God in heaven. If I may start by saying, will you please give 10-seconds of silence to respect these fallen men. Thank you.
- For those of you that are in persuasion, feel free to join me. 'father, we are here tonight to protect the honor, integrity, and names of our ancestors. Men who did not like for slavery. Our ancestors was dirt poor. They picked up a musket because they looked out back; there was a bunch of Yankees taking their pigs, their cows, their grain for the cows, *{inaudible}* now I tell you what, any man here I think would get riled up if that happened. They do that to you; starvation comes that winter, you die. Would you pick up a musket and shoot at 'em? Nothing to do with racist. Survival. Poor people. *{inaudible}* that's who these Clarke County boys were. Farmers, merchants, dirt poor, I mean, these aren't your hardcore pictures you see in the magazines *{inaudible}* There was some places where the unfortunate individuals that were enslaved actually had a little bit better life than some of these dirt farmers up here on this mountain.
- Now, they're my people; I love 'em, I respect 'em. My friends and neighbors, I love and respect ya'll, even ya'll with an opposing opinion – it's all good. But that is my thing.

*{inaudible}* it's a memorial to real people. Did not like *{inaudible}* slavery, that evil word.  
*{inaudible}* Leave the damn monument where it belongs.

Jason Lloyd of unknown location

- Thank you for allowing me to speak; I'm a 6<sup>th</sup> generation, Lloyd. My dad from Frogtown out in Clarke County and my *{inaudible}* Clarke County and my direct ancestor, *{inaudible}* Floyd, who served in 122<sup>nd</sup> Virginia Militia, along with his brother who Andrew Jackson, who served in the 11<sup>th</sup> Virginia Cavalry in the war.
- I am also a descendent of many men of the Clarke Calvary, and their names are George Carter Shepherd, Joseph *{inaudible}* Shepherd, *{Inaudible}* Shepherd, George Henry *{Inaudible}*, James Henry Lloyd, many of these men started out in the 1<sup>st</sup> Virginia Calvary *{inaudible}* some of them were captured in the middle of the war, the southern *{inaudible}* broke out *{Inaudible}*, and I know that statue up there tonight *{inaudible}* of which I am fully support of keeping any of by any means my camp would take responsibility of upkeep and maintaining that statue. My ancestors had been to Manassas, also been prisoner, and I have also got many more ancestors in the Stonewall Brigade, *{Inaudible}* Jubal Early, Jeb Stuart, *{Inaudible}*. Thank you

5. Adjournment

Being no further business, at 8:25 pm, Chairman John Staelin adjourned the meeting.

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Minutes recorded by Chris Boies and transcribed by Tiffany R. Kemp

## **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](http://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?