

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

THE MISSOURI CIVIL WAR	)	
MUSEUM, a Missouri Nonprofit	)	
Corporation,	)	
	)	Case No.
Plaintiff,	)	
vs.	)	
	)	Division No.
THE CITY OF ST. LOUIS,	)	
	)	
<u>Serve:</u>	)	
1200 Market Street	)	
St. Louis, Missouri 63103	)	
	)	
Defendant.	)	

PLAINTIFF'S PETITION FOR DECLARATORY JUDGMENT

COMES NOW Plaintiff, The Missouri Civil War Museum ("Museum" or "Plaintiff") pursuant to Rules 87.01 and 87.02(a) of the Missouri Supreme Court Rules, and for its action against Defendant the City of St. Louis, seeks a judicial declaration regarding the lawful ownership of a Confederate Memorial Monument (the "Monument") currently located in Forest Park in St. Louis City, Missouri. In support thereof, the Museum states as follows:

1. The Museum is a Missouri nonprofit corporation with its principal place of business in St. Louis County, Missouri.
2. The City of St. Louis is a municipal corporation and a constitutional charter City of the State of Missouri. Forest Park is owned and/or maintained by the City of St. Louis.

GENERAL ALLEGATIONS

3. The Museum is a 501(c)(3) nonprofit charitable and educational organization, focused on educating the public regarding Missouri's role in the American Civil War. It operates one of the largest Civil War museums in the nation.

4. Since December 5, 1914, the Monument has been on display in Forest Park, in St. Louis City, Missouri.

5. The Monument was financed and authorized in by the Missouri Division of the United Daughters of the Confederacy (the “Daughters”), through its affiliated organization, the St. Louis Confederate Monument Association (the “SLCMA”). Among other things, the SLCMA was created to secure funding, charitable donations and a physical location for the Monument.

6. The SLCMA was organized on December 19, 1908. A copy of its Articles of Agreement is attached hereto and incorporated herein as Exhibit A.

7. The SLCMA has never been dissolved and is currently in good standing in the State of Missouri. A copy of the Certificate of Good Standing is attached hereto and incorporated herein as Exhibit B.

8. By St. Louis City Ordinance dated December 16, 1912, the City of St. Louis authorized the Monument to be erected and maintained in Forest Park. A copy of the Ordinance is attached hereto and incorporated herein as Exhibit C.

9. The Ordinance provides that the SLMCA was to “erect and maintain a monument to the confederate soldiers and sailors in Forest Park, and directing the Park Commissioner to select a suitable location therefor...” The Daughters, through the SLCMA, never relinquished its legal ownership of the Monument to the City of St. Louis.

10. On or about December 5, 1914, the Monument was dedicated in Forest Park.

11. During the dedication, Mrs. H. N. Spencer, President of the SLCMA, delivered a speech (the “Speech”), wherein she specifically mentioned that ownership of the Monument would remain with the Daughters; “...This site has been given for a perpetual possession, *the*

monument is ours; we cannot relinquish it entirely, for it is the embodiment of our love... The Daughters of the Confederacy now place this monument in your care.” (emphasis added). A copy of the Speech is attached hereto and incorporated herein as Exhibit D.

12. The Daughters retained full ownership of the Monument until June 13, 2017, when it was transferred to the Museum by a Deed of Gift. A copy of the Deed of Gift is attached hereto and incorporated herein as Exhibit E.

13. As a result, the Museum is the sole owner of, and currently has all rights, title and interest in the Monument.

14. As the legal owner of the Monument, the Museum desires to remove it from Forest Park to care for and preserve it with other historical artifacts of the American Civil War at its museum. The Museum would bear all costs of removal and relocation of the Monument.

15. In fact, in 2015, the City, acting through a committee, asked the Museum if it would take the Monument and place it on its property. Former Mayor Francis Slay asked the St. Louis Confederate Reappraisal Committee to explore the possibility of moving the Monument “to a more appropriate site.” The Chair of the committee wrote to the Museum at the time, stating, “The Committee developed a list of possible sites for the relocation and asked that I send you a Request for Proposal (RFP) in the hope that the Civil War Museum at Jefferson Barracks might be interested in providing this public site for the Monument.” A copy of the letter is attached as Exhibit F. At that time, the City was going to cover the cost of moving the Monument to the Museum.

16. The City of St. Louis is currently scheduled to remove the Monument on June 20, 2017.

17. To the extent that the City of St. Louis claims to have ownership rights in the Monument, the Daughters never transferred ownership of the Monument to any person, organization or entity until June 13, 2017, when it was gifted to the Museum.

18. Therefore, Museum denies that the City of St. Louis has any ownership interest whatsoever in Monument, or that it is legally authorized to remove it from its current location.

DECLARATORY JUDGMENT

19. The Museum realleges and incorporates paragraphs 1-18 of this Petition as if fully set out herein.

20. There exists an immediate justiciable controversy among the Parties regarding the legal and rightful ownership of the Monument.

21. The Museum has a legal protectable interest in preserving, caring for and storing the Monument. If the Monument is improperly removed and relocated, it could harm the value, both pecuniary and otherwise, that has been attached to it for more than 100 years.

22. Furthermore, this controversy is ripe for judicial determination, and offers the only way which the Parties can be joined and be heard regarding legal the ownership of the Monument. If the City of St. Louis is permitted to remove the Monument without a determination as to ownership, the integrity and historical value of the monument will be forever changed.

23. The Museum has no adequate remedy at law.

WHEREFORE, Plaintiff The Missouri Civil War Museum prays that this Court determine that the Missouri Civil War Museum is the lawful owner of the Confederate Memorial Monument; that the City of St. Louis is not legally authorized to remove it from its current

location; for its attorney's fees and costs incurred herein; and for such other relief as this Court deems just and proper.

WITZEL, KANZLER & DIMMITT, LLC

By: /s/ Jay L. Kanzler, Jr.
Jay L. Kanzler, Jr. #41298
Coren Brown, #62767
2001 S. Big Bend Boulevard
St. Louis, Missouri 63117
(314) 645-5367
(314) 645-5387 fax

*Attorneys for Plaintiff Missouri
Civil War Museum*

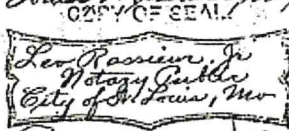
all kinds, and descriptions, in supplies of all kinds for steel and iron
workers, machinists, manufacturers, and consumers, and especially in
the steel, iron and other products manufactured and produced by Wm.
Jessop & Sons, Limited, of Sheffield, England, and to do all things nec-
essary and incident to the proper conduct of said business.

In Witness Whereof, the parties hereto have hereunto set their hands and
seals at the City of St. Louis, Missouri, this 19th day of December, A.D. 1908.

Ezra H. Linley (Seal)
Joseph C. Branch (Seal)
Robert E. Bremer (Seal)
David G. Evans (Seal)
Jno H. Heimbuecher (Seal)
Arthur E. Hammerer (Seal)
G. Wm. Seem (Seal)

State of Missouri, } ss. On this 19th day of December, 1908, before me, a
City of St. Louis, } Notary Public, within and for the City of St.
Louis, Mo., personally appeared Ezra H. Linley, David G. Evans,
Joseph C. Branch, Robert E. Bremer, John H. Heimbuecher, Arthur
E. Hammerer, and G. William Seem, to me known to be the persons
described in and who executed the foregoing instrument, and acknowledged
that they executed the same as their free act and deed.

Witness my hand and Notarial seal, at my office, in said City of St.
Louis, Missouri, on the day and year first aforesaid.



My term expires April 26th 1909

Leo Passieur Jr. Notary Public.
City of St. Louis, Mo.

Filed & Recorded December 21st 1908 at 10th A.M. Chas. F. Joy Recorder.

Articles of Agreement

"St. Louis Confederate Monument Association."
Know All Men By These Presents: That we whose
signatures appear below have and by these presents do become associ-
ated together to form a body corporate under and by virtue of the
Statutes of the State of Missouri, and more particularly under and
by virtue of the provisions of the Revised Statutes of the State of
Missouri, 1899, Chapter 12, Article XI and the acts amendatory
thereof; and we do now, under and by virtue of said statutes and
the amendments thereto, make and sign these articles, which shall
constitute the articles of agreement or organic regulations of this
association, and for that purpose state:

First: The name of this Association shall be:

"St. Louis Confederate Monument Association."

Second: The location of this Association shall be in the
City of St. Louis, State of Missouri.

Third: The purposes for which this Association is organized
shall be to erect and maintain in the City of St. Louis or in the

1 formerly known as the Confederate States of America.

2 Fourth: This Association shall have the power to acquire,
3 by purchase, gift or otherwise, from time to time, such property,
4 real and personal, as may be convenient for the successful carry-
5 ing out of the objects of the Association, as heretofore set out, and
6 to improve its real estate and manage and dispose of the same,
7 and also its personal property, in such manner as the Association
8 may deem best for the accomplishment of its said objects. And the
9 Association shall have the power generally to do all acts in its
10 judgment adapted to carrying out its said objects which are not
11 contrary to anything contained in this Agreement or the constitution
12 and laws of the State of Missouri.

13 Fifth: No member of the Association shall have any
14 pecuniary interest in any of its property, nor shall any member
15 of the Association, by virtue of his or her membership therein, derive
16 any pecuniary profit or benefit whatever from said Association,
17 but all property and income of the Association arising from
18 any source ^{whatever} shall always be used to carry out the objects of the
19 Association, as expressed in Section Third of these Articles.

20 Sixth: The members of this Association shall consist of
21 the signers hereof and such other persons as may be hereafter ad-
22 mitted as members of this Association by the Board of Directors
23 of this Association, under and in pursuance of the By-Laws of
24 said Association.

25 Seventh: There shall be an annual meeting of the Association
26 on the 19th day of January of each year, at which meeting shall
27 be elected the officers and directors for one year or until their
28 successors are appointed or elected. In the event that the 19th
29 of January should fall on Sunday, then the said meeting shall
30 be held on the preceding day.

31 Eighth: The officers of this association shall consist
32 of a President, four Vice Presidents, a Recording Secretary, a
33 Corresponding Secretary and a Treasurer.

34 Ninth: The Board of Directors of this Association
35 shall consist of twelve directors and the President, who shall ex
36 officio a member of the Board.

37 Tenth: The Board of Directors shall have the power
38 to make and adopt By-Laws for the government of this
39 Association, which By-Laws shall not be inconsistent with
40 these Articles of Agreement or the Constitution or Laws of
41 the United States or of this State, and the said Board of Directors
42 shall also have power to alter, amend or change the same at
43 its pleasure, it shall have the right, by said By-Laws, to fix the qualifications
44 and conditions of membership, the amount of initiation fees and
45 dues to be paid by its members; it shall also have the power to
46 admit new members in pursuance of said By-Laws; it shall
47 have the right to fill any vacancies in said Board or in

1 and finally it shall have the same authority to do any and all acts in regard
2 to the affairs of said Association as is vested in the Association.

3 Eleventh: The undersigned shall constitute the Association and
4 be members of the body corporate and periodic when this Association shall have
5 been perfected.

6 Twelfth: The following mentioned parties have duly elected to
7 fill the official positions hereinafter mentioned for the year ending on the
8 19th day of January, 1909, and until their successors are duly elected, to wit:
9 Mrs. Lilla D. Spencer, President; Mrs. Estlin T. Moore, 1st Vice-President;
10 Mrs. Emma M. Cullough, 2nd Vice-President; Mrs. Catherine Reich, 3rd Vice-President;
11 Mrs. Annie M. Hickok, Recording Secretary; Mrs. Mary M. Morgan, Corresponding Secretary;
12 Mrs. Clara B. Chew, Treasurers.

13 The following mentioned parties have duly elected directors of said
14 Association for the year ending on the 19th of January, 1909, and until
15 their successors are duly elected, to wit:

16 Lilla D. Spencer - Elizabeth H. Conkle - M. Louisa Gaismire
17 Hannah S. O'Bannon - Judith H. Evans - Daisy S. Cannon
18 Lilla D. Spencer - Estlin T. Moore - Emma M. Cullough
19 Catherine Reich - Annie M. Hickok - Mary M. Morgan

20 In Witness Whereof, we have hereunto set our hands and seals on
21 this the 8th day of December, 1908.

22 Lilla D. Spencer - Ella H. Bannerman - Mrs. Anna W. Atkins -
23 Annie M. Hickok - Emma S. Van Hart - Mrs. Lilla D. Spencer -
24 Mary M. Morgan - Nellie May Bowen Fields - Mrs. Pauline R. Boston -
25 Emma M. Cullough - Mrs. S. W. North - Helen E. Warner -
26 Clara B. Chew - Mrs. M. A. Ruthford - Mrs. Phil. Chew -
27 Ada L. Bartlett - Mollie Ruthford - Mrs. Hannah S. O'Bannon -
28 M. Louisa Gaismire - Julia Taberna Jones - Mrs. Daisy S. Cannon -
29 Judith H. Evans - Margaret Ann Hopkins - Mrs. P. S. Robert -

30 In The
31 Circuit Court, City of St. Louis, State of Missouri,
32 December Term 1908
33 Tuesday, December 15th 1908

34 In the Matter of
35 2141

36 St. Louis Confederate Monument Association and know on this day come
37 Mrs. Lilla D. Spencer as President,
38 and Mrs. Annie M. Hickok as Secretary,
39 and Mrs. Clara B. Chew as Treasurer,
40 of the St. Louis Confederate Monument Association and
41 submit to the Court the articles of Agreement of said Association,
42 together with a petition praying for a pro forma decree thereon,
43 in manner provided by law, and it appearing to the Court that
44 said petition has remained on file in the Clerk's office of this Court
45 for at least three days since the same was first presented to the
46 Court, and the Court having duly examined said Articles of
47 Agreement, and being duly advised in the premises, do now con-

within the purview of Article XI of Chapter 12 of the revised Statutes of the State of Missouri, 1899, entitled, "Benovolent, Religious, Scientific, Fraternal-Beneficial, Educational and Miscellaneous Associations," and are not inconsistent with the Constitution or laws of the United States or of the State of Missouri. It is therefore considered, adjudged and decreed by the Court that the prayer of the petitioners for a ^{pro forma} decree of incorporation be and the same is hereby granted. I, Fred. H. Kreismann, Clerk of the Circuit Court, City of St. Louis State aforesaid, certify the above to be a true copy of the order made in the matter aforesaid, as fully as the same remains of record in my office. In Testimony Whereof, I hereunto set my hand and affixed the seal of said Court at the Office in the City of St. Louis, this 17 day of Dec. A. D., 1908

Fred. H. Kreismann
 Clerk Circuit Court,
 City of St. Louis, Missouri.
 Chas. F. Guy, Recd.

Filed & Recorded Dec. 21, 1908, @ 12:03 P.M.

Know all Men By These Presents: That we, the undersigned, desirous of forming a corporation under the laws of the State of Missouri, and more particularly under the provisions of Article IX, Chapter 12, Revised Statutes of the State of Missouri, 1899, and acts supplementary thereto, governing manufacturing and business companies, have entered into the following agreement:

1. Name.
The name of the Corporation shall be the "American Scale & Gas Engine Company."

2. Location.
That the Corporation shall be located in the City of St. Louis State of Missouri.

3. Capital Stock.
That the Capital stock of said Corporation shall be the sum of Ten thousand Dollars (\$10,000.00), divided into two hundred (200) shares of the par value of fifty Dollars (\$50.00) each; that the sum has been lawfully subscribed, and the whole amount thereof paid up in lawful money of the United States, and is in the custody of the persons hereinafter named as the first Board of Directors.

4. Stockholders.
That the names, places of residence of the stockholders; and the number of shares subscribed by each are:

Names	Residence	Number of Shares
Charles F. Mauch	St. Louis, Mo.	68
E. B. Bucklin	Easthage, Mo.	66
J. M. Braggfeld	St. Louis, Mo.	66

5. Board of Directors.
That the Board of Directors shall consist of three stockholders, and the names of those agreed in the first year are as follows: Charles F. Mauch, E. B. Bucklin, J. M. Braggfeld.

6. Duration.
That the Corporation shall continue for a term of fifty years.

Indy Co. Mo.
34 pp. 2 Dec.

STATE OF MISSOURI



John R. Ashcroft
Secretary of State

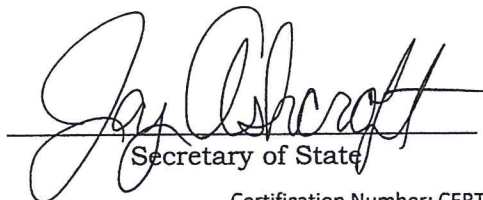
CERTIFICATE OF GOOD STANDING

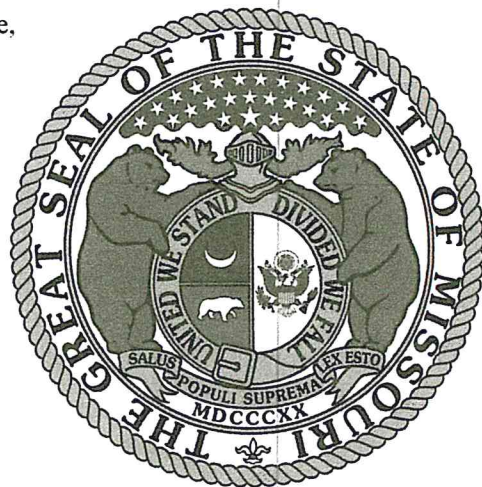
I, JOHN R. ASHCROFT, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

ST. LOUIS CONFEDERATE MONUMENT ASSOCIATION
B00003538

was created under the laws of this State on the 24th day of December, 1908, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 15th day of June, 2017.


Secretary of State



Certification Number: CERT-06152017-0011

26754

An ordinance authorizing and permitting the Confederate Monument Association of St. Louis, Missouri, to erect and maintain a monument to the confederate soldiers and sailors in Forest Park, and directing the Park Commissioner to select a suitable location therefor such as may be mutually agreed upon between the Park Commissioner and the representatives of the confederate monument association.

Be it ordained by the Municipal Assembly of the City of St. Louis, as follows:

Section One: The Confederate Monument Association of St. Louis, Missouri, is hereby authorized and permitted to erect and maintain a monument to the Confederate Soldiers and Sailors in Forest Park in the City of St. Louis, Missouri.

Section Two: The Park Commissioner of the City of St. Louis, Missouri, is hereby directed to proceed at once to select, locate and set aside suitable place in Forest Park on which said Confederate Monument Association can erect said monument.

Section Three: Said monument is to be erected and maintained at the expense of said Confederate Monument Association of St. Louis.

Section Four: The location of the said monument shall be such as may be mutually agreed upon between the said Park Commissioner of the city of St. Louis and representatives of the Confederate Monument Association of St. Louis, Missouri.

Approved December 16, 1912.

Clipped By:



keepsaintlouisfree

Sun, May 7, 2017

MRS. SPENCER PRESENTS U. D. C. MONUMENT TO CITY

Here is the address of Mrs. H. N. Spencer, president of the Monument Association, made at the unveiling of the Confederate Monument in Forest Park this afternoon:

Dear Friends and My Co-workers:
We assembled here a few weeks ago to lay the corner stone of this monument, and now we have come again to unveil it to your view.

It seems fitting that Missouri, so strongly Southern in sentiment, should have the shaft reared here in this, her great metropolis. We are a band of women representing nearly every Southern State, and have brought with us love and loyalty to the traditions of the South.

We are neither rebels, nor traitors craving pardon for what we have done. With our earliest breath we were taught to believe in the inalienable rights of our States, and, acting upon that belief, withdrew from the Union when these rights were assailed.

We never for one moment believed that coercion would be resorted to, lest that we would be allowed to withdraw in peace.

With no army, no navy, with ports blockaded, we fought for four long years against fearful odds. This is a record of which we are not ashamed—and shall our soldiers and sailors have no recognition of their deeds of valor and patient endurance to the end?

No, my friends, this could not be, and so we have come today to offer this tribute to their memory.

And now, Your Honor, as representing the chief executive and the official representative of our beautiful city, we place this shaft in your care and keeping. This site has been given for a perpetual possession; the monument is ours; we cannot relinquish it entirely, for it is the embodiment of our love. We ask that you will guard it as a sacred trust and that you will keep it pure and beautiful as it is today.

It is of imperishable granite and the figures in bronze, full of pathos, tell the story of tearful women and sorrowful, not holding back their loved ones, but rather encouraging them to do their duty. It is one of the city's most beautiful monuments.

Let it ever stand as a tribute of the unflinching love and devotion of the women of the South.

The Daughters of the Confederacy now place this monument in your care.



MISSOURI CIVIL WAR MUSEUM

222 Worth Avenue, St. Louis, MO 63125

DEED OF GIFT

Date: 6-13-2017

Name of Donor: United Daughters of the Confederacy, Missouri Division
Patsy Limpus, President, Missouri Division, UDC

Address: 328 North Boulevard., Richmond, VA 23220

Telephone: 636-458-0817

Description of Property:

Assigned Museum Reference Number: #2017-25

Confederate Memorial Monument of St. Louis (C1914), Fabricated and Sculpted by Gerooge Julian Zolnay

Donor hereby transfers and assigns without condition or restriction all right, title, and interest, free of restrictions and encumbrances in the tangible personal property listed above (the "Property"), and all rights (including trademarks, copyrights, reproduction and publication rights) associated with it (the "Rights") to and authority to transfer the Property to the Missouri Civil War Museum.

Donor certifies that to the best of the Donor's knowledge, the Property has not been exported from its country of origin in violation of the laws of that country in effect at the time of export, nor imported into the United States in violation of United States laws and treaties.

Donor(s) Signature: Patsy Limpus Date: June 13, 2017
(United Daughters of the Confederacy, Missouri Division)

Accepted for the Missouri Civil War Museum by:

Executive Director: [Signature] Date: June 13, 2017

This deed of gift represents an agreement between the Missouri Civil War Museum and the Donor named on the face hereof. Any variation in the terms noted must be in writing on the face of this form and approved in writing by both parties. Gifts to the Missouri Civil War Museum are deductible from taxable income in accordance with the provisions of Federal income tax law. However, Museum employees cannot, in their official capacity, give appraisals for the purpose of establishing the tax-deductible value of donated items. It should be further noted that the Donor received no goods or services in consideration of this gift and in the interest of preservation, and owing to limited gallery space and the policy of changing exhibitions, the Missouri Civil War Museum cannot promise the permanent exhibition of any object.

Incarnate Word Foundation
Sisters of Charity of the Incarnate Word

Mr. Mark L. Trout
Founder and Executive Director,
Civil War Museum at Jefferson Barracks
222 Worth Road
St. Louis, MO 63125

Dear Mr. Trout,

As you may be aware, Mayor Slay has asked the St. Louis Confederate Monument Reappraisal Committee to explore the possibility of moving the Confederate Monument from Forest Park to a more appropriate site, available to the public. The entity that provides this site would have the opportunity to educate the public about the historical context of the Monument and its relationship to the history of St. Louis. The Committee is comprised of myself, David Felling, Ron Jackson, Stuart Symington, Jr. and Tony Thompson. Greg Hayes, Director of Parks, Recreation and Forestry is a non-voting member, and Eddie Roth, St. Louis Director of Human Services, is a non-voting secretary to the Committee.

The Committee developed a list of possible sites for the relocation and asked that I send you a Request for Proposal (RFP) in the hope that the Civil War Museum at Jefferson Barracks might be interested in providing this public site for the Monument. I am including the RFP as well as a description of the Committee so that you might submit your response.

I am available to answer any questions you might have, and I look forward to your response. Also, if you are aware of another group that might be interested in providing a publicly available site, please share the RFP with them and ask them to contact me.

Thank you for your consideration.

Sincerely,



Bridget McDermott Flood

Chair

St. Louis Confederate Monument Reappraisal Committee

Enclosures

cc: Stuart Symington

Exhibit F

St. Louis Confederate Monument Reappraisal Committee

Request for Proposals

September 4, 2015

The St. Louis Confederate Monument Reappraisal Committee is seeking proposals from universities, museums, public parks, and other suitable public agencies or institutions in the City of St. Louis or St. Louis County with venues that are readily accessible and open to the public and to which the Confederate Monument in Forest Park (the "Monument") might be moved to another location.

The Monument is a "32-foot-high granite shaft with a low relief figure of 'The Angel of the Spirit of the Confederacy.'" Below is a bronze group, sculpted by George Julian Zolnay, depicting a Southern family sending a youth off to war.

St. Louis Mayor Francis Slay has asked the Incarnate Word Foundation to organize a committee "to formulate and circulate a request for proposals from persons and organizations who would be willing and able to provide an appropriate public place for the Confederate Monument should the decision be made for it to be moved."

The committee will evaluate the best options for moving the Monument, quantifying costs and making recommendations on what it considers to be the best options — the Committee's purpose being to provide the Mayor and the public with information on practical options for moving the Monument from Forest Park to a more suitable public setting in a timely manner.

To respond to this request for proposal please answer the following questions and supply such other information as may be requested below by sending it on or before October 5, 2015 to:

By regular mail: Bridge Flood, Executive Director
Incarnate Word Foundation
5257 Shaw Ave., Ste. 309
St. Louis, MO 63110

Or by email: bridget.flood@iwfdn.org

***About the Committee.** The Committee has five voting members: Bridget Flood, Executive Director of the Incarnate Word Foundation, is chairperson. The other members are David Felling, Ron Jackson, Stuart Symington, Jr. and Tony Thompson (see member biographies below).*

Greg Hayes, St. Louis Director of Parks, Recreation and Forestry, is an ex officio non-voting member of the Committee. Eddie Roth, St. Louis Director of Human Services, is non-voting secretary to the Committee.

St. Louis Confederate Monument Reappraisal Committee

The Monument (physical description): The Confederate Monument, situated in Forest Park, is a "32-foot-high granite shaft with a low relief figure of 'The Angel of the Spirit of the Confederacy.'" Below is a bronze group, sculpted by George Julian Zolnay, depicting a Southern family sending a youth off to war.

The Committee: St. Louis Mayor Francis Slay asked the Incarnate Word Foundation to organize a committee "to formulate and circulate a request for proposals from persons and organizations who would be willing and able to provide an appropriate public place for the Confederate Monument should the decision be made for it to be moved."

The Committee has five voting members: Bridget Flood, Executive Director of the Incarnate Word Foundation, is chairperson. The other members are David Felling, Ron Jackson, Stuart Symington, Jr. and Tony Thompson (see member biographies below).

Greg Hayes, St. Louis Director of Parks, Recreation and Forestry, is an ex officio non-voting member of the Committee. Eddie Roth, St. Louis Director of Human Services, is non-voting secretary to the Committee.

The Mission: The Committee's work shall be as follows: To provide the Mayor and the public with information on practical options for moving the monument from Forest Park to a more suitable public setting in a timely manner.

Logistics. Such information should include the estimated costs of (a) excavating the monument, (b) transporting the monument, and (c) reinstalling the monument and/or (d) storing the monument pending identification of a suitable public relocation place.

Request for Proposals. The committee also shall solicit proposals from universities, museums, public parks, and other suitable public agencies or institutions in the City of St. Louis or St. Louis County to which the monument may be re-situated, and from storage facilities at which the monument could be maintained pending its being resituated.

The committee will explore the best options for moving the monument -- quantifying the costs and making recommendations on what it considers to be the best options.

Committee Member Biographies

Bridget Flood is executive director of the Incarnate Word Foundation, a ministry of the Sisters of Charity of the Incarnate Word. The Foundation uses its time and resources to "work as a community partner that collaborates with organizations and other community stakeholders" to improve "the quality of life of the poor and marginalized," to bring "others together to discuss, educate, prompt action, and/or foster collaboration," to work "with others to pool resources and to achieve a common goal," to bring "the voice of the poor and marginalized to the civic arena," and to assist "others to gain knowledge about issues or target populations."

Dave Felling is principal of Felling Contracting, a firm that specializes in the salvage and preservation of historic architectural artifacts.

Ron Jackson is a member of the board of the Incarnate Word Foundation. He is a former assistant dean at the College of Arts and Sciences at Washington University and staff member to U.S. Senator John C. Danforth. He went on to lead InterAct St. Louis, which paired religious congregations from area communities to foster ecumenical understanding and to work together in mentoring and tutoring children. Mr. Jackson also is a former member of the St. Louis Board of Education and executive director of St. Louis for kids.

Stuart Symington, Jr., a member of the Missouri Bar, has served on Missouri Civil War Sesquicentennial Commission, and as trustee of the Supreme Court of Missouri Historical Society, secretary of the Jefferson Barracks Heritage Foundation, Inc. and former chair of the St. Louis Regional Chamber and Growth Association Military Affairs Committee. He is a former civilian aide to the Secretary of the Army, chairman of the Missouri Committee for Employer Support of the Guard and Reserve, and a former trustee of the Association of the United States Army. He co-edited the critically-acclaimed book *Malindy's Freedom: The Story of a Slave Family* by Mildred Johnson and Theresa Delsoin published by The University of Missouri Press in 2005.

Tony Thompson is CEO and Chairman of the Board of Kwame Building Group, Inc. (KWAME), which he founded in 1991. Headquartered in St. Louis, MO, KWAME is a construction management/program management firm that serves as an independent agent to the owner. KWAME provides, along with other services, project management, scheduling, estimating, contract/claims administration, and document controls. Mr. Thompson is active in community leadership, including board service for Barnes-Jewish Hospital, Teach for America, the Regional Business Council K-12 Committee Chair, Boy Scouts of America, St. Louis Community College Foundation, the Advisory Board for the School of Business and Technology at Webster University, the St. Louis Regional Crime Commission and the St. Louis Black Leadership Roundtable Education Committee.

- Exhibit A -

Information Sought in Proposals for Confederate Monument

1. Please state the name, mailing address, and contact information for your organization, as well as for the person serving as primary point of contact for your organization. Please identify the current members of your Board of Directors or Trustees.
2. Please briefly describe the (a) history of your organization, (b) its mission and goals and (c) its primary activities.
3. Insofar as your organization is involved in the public display of historic, artistic, or other items or artifacts of public and civic interest and importance, please describe your primary audience or audiences? Approximately how many people do you estimate visit your public displays each year?
4. Please explain why you believe your organization would be an appropriate custodian for the Monument.
5. Please describe where and how you would display the Monument. Please explain why you believe this locale and method of display would be appropriate for the Monument.
6. Please describe any explanatory and educational programming you would provide related to the Monument, including the goals of that programming and any partners with which your organization would collaborate in the development and presentation of that programming.
7. Please provide a budget for the funding your organization believes would be needed to appropriately display and establish explanatory and educational programming for the Monument (Note: The budget in response to this RFP should not include costs associated with moving or reinstalling the Monument. These costs will be separately assessed by the Committee).

Questions about this RFP or clarifications concerning the information sought may be submitted by email to: bridget.flood@iwfdh.org

There is no record of any interpretative material ever having been installed, or even proposed to be installed, at or around the monument. Notwithstanding the monument's proximity to the Missouri History Museum, it appears that no publicly accessible interpretative program has been developed or deployed explaining the monument's inscription glorifying the Confederate Cause, or the monument's place in a national post-Reconstruction political mythology organized and perpetuated by survivors of Confederate combatants (the "Lost Cause of the Confederacy") which sought to ennoble Confederate war efforts and suppress their legacy of human slavery, and which served to politically disenfranchise former slaves and their descendants and as a political foundation to Jim Crow segregation.

In April 2015, during the monument's centennial year, St. Louis Mayor Francis G. Slay publicly challenged the community to consider whether "the monument is appropriately situated in Forest Park – the place where the World was asked to meet and experience St. Louis at its best and most sublime – or whether it should be relocated to a more appropriate setting."

The Mayor called the public question whether "the monument represents a peculiar memorial to what euphemistically was referred to in the American South as a 'peculiar institution' – slavery – and wherever ultimately situated, whether the monument should be accompanied by a description of the reality and brutality of slavery, over which the war was waged, including in this city, and the bitter badges of slavery, Jim Crow and de facto discrimination and segregation, that are its continuing legacy."

Creation of the Committee and its work. St. Louis Mayor Francis Slay asked the Incarnate Word Foundation (IWF) to organize a committee that would "formulate and circulate a request for proposals from persons and organizations who would be willing and able to provide an appropriate public place for the Confederate Monument should the decision be made for it to be moved."

The IWF formed a committee with five voting members: Bridget Flood, Executive Director of the Incarnate Word Foundation, is chairperson. The other members are David Felling, Ron Jackson, Stuart Symington, Jr. and Tony Thompson (see member biographies attached as Exhibit "A"). Greg Hayes, St. Louis Director of Parks, Recreation and Forestry, is an ex officio non-voting member of the Committee. Eddie Roth, St. Louis Director of Human Services, is non-voting secretary to the Committee.

The Committee was asked: "To provide the Mayor and the public with information on practical options for moving the monument from Forest Park to a more suitable public setting in a timely manner."

"Such information should include the estimated costs of (a) excavating the monument, (b) transporting the monument, and (c) reinstalling the monument and/or (d) storing the monument pending identification of a suitable public relocation place."

The committee would accomplish this by soliciting "proposals from universities, museums, public parks, and other suitable public agencies or institutions in the City of St. Louis or St.

Louis County to which the monument may be re-situated, and from storage facilities at which the monument could be maintained pending its being resituated."

Request for Proposals (RFP). In September 2015, the committee circulated an RFP to the following institutions and locales: The Missouri Civil War Museum at Jefferson Barracks (potentially in collaboration with Jefferson Barracks (County) Park, Jefferson Barracks Cemetery and/or the Missouri National Guard; St. Louis University Campus, UMSL Campus, Webster University Campus, Bellefontaine Cemetery, Calvary Cemetery, the City Museum and Laumeier Sculpture Park. (A copy of the RFP is attached as Exhibit "B")

The RFP sought proposals from "universities, museums, public parks, and other suitable public or private agencies or institutions in the City of St. Louis or St. Louis County that (provide) venues that are readily accessible and open to the public and to which the Confederate Monument in Forest Park (the "Monument") might be moved."

It asked respondents to provide specific information about the history, mission, and goals of the organization, as well as a description of its experience in developing a "public display of historic, artistic, or other items or artifacts of public and civic interest and importance."

The RFP also requested that the organization explain of why it believed it would be "an appropriate custodian for the Monument," where and how it proposed to display the monument, why "this locale and method and display would be appropriate," and what "explanatory and educational programming" would be provided, with an explanation of the "goals of that programming."

Costs of dismantling, moving and reinstalling the monument. The committee solicited a bid from a qualified contractor, which separately estimated costs as follows (a) dismantling and loading the monument at its current site (\$98,180), (b) moving the monument to a new location within 5 miles of its current location, and off-loading it (\$32,250), (c) constructing a concrete footing at a new site (\$35,000), and (d) erecting the monument at the new site (\$96,650).

Thus, dismantling and moving the monument to a new site, preparing the new site and re-erecting the monument would cost an estimated \$262,080, plus crane rental costs of \$6,500 for a total estimated cost of \$268,580.

If the monument were dismantled and moved to storage, the estimated costs would be \$122,780, (plus \$6,500 crane rental, for a total of \$129,280) as estimated moving costs would be reduced from \$35,000 to \$24,600.

If the monument were dismantled and stored, the granite portion of the monument could be fully preserved through secure outdoor storage. The bronze elements should be secured in the equivalent of a bonded warehouse.

A copy of the cost estimates is attached hereto as Exhibit "C".

Responses to the RFP. All but one institution to which the Committee had sent the RFP respectfully declined to submit a proposal. (A copy of these communications is attached hereto as Exhibit "D.")

The Missouri Civil War Museum submitted the only proposal. It was incomplete and non-responsive to the RFP. The museum currently has no place at which it could display the monument. It informed the committee that it "is not interested in submitting any detailed plans of interpretation or exhibition of the monument."

The museum instead proposed that the City of St. Louis pay to remove and transport the monument to the museum and then "relinquish full ownership and control of the Confederate Monument to the Missouri Civil War Museum and walk away from the issue forever."

The Missouri Civil War Museum's letter to the committee is attached hereto as Exhibit "E".

Options for moving the monument. As noted above, the Committee was asked: "To provide the Mayor and the public with information on practical options for moving the monument from Forest Park to a more suitable public setting in a timely manner."

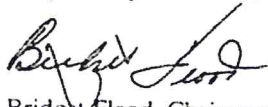
While the monument was permitted by ordinance in 1912 to be erected in Forest Park, the committee did not investigate and has no opinion on whether action by the Board of Aldermen would be required to move the monument. The committee does note, however, that such a legislative process could provide an appropriate and robust public and political forum in which to debate and decide the monument's future.

The committee has identified two options for moving the monument from its current location:

- Incurring an estimated cost of \$129,280 to dismantle and transport the monument and "relinquishing full ownership and control" of it to the Missouri Civil War Museum, which would store the monument for some indeterminate period with no promise or plan for when or how or where it might be displayed or interpreted.
- or
- Incurring an estimated cost of \$129,280 to dismantle and transport the monument and store it at a secure location owned by the City of St. Louis, preserving for the people the right to decide at some future date when or how or where the monument most appropriately would be displayed and interpreted.

ON BEHALF OF THE COMMITTEE

Respectfully submitted,



Bridget Flood, Chairperson