

# SENATE OF VIRGINIA

**BRYCE E. REEVES**  
17TH SENATORIAL DISTRICT  
ALL OF ORANGE COUNTY; ALL OF THE  
CITY OF FREDERICKSBURG; AND PART OF  
ALBEMARLE, CULPEPER, LOUISA,  
AND SPOTSYLVANIA COUNTIES  
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REHABILITATION AND SOCIAL SERVICES, CHAIR  
COURTS OF JUSTICE  
GENERAL LAWS AND TECHNOLOGY  
PRIVILEGES AND ELECTIONS  
RULES

June 15, 2021

Dear Planning Commission Members,

As a member of the Senate of Virginia, I was intimately involved in the final draft legislation concerning § 15.2-1812, "War Monuments and Memorials," which law took effect on July 1, 2020. Therefore, in my position as a Senator and participant of the committee of conference that drafted the final legislation, I am keenly aware of the legislative history and intent of the law concerning "The Future Disposition" of war memorials and monuments as it directs localities.

The final draft content of the War Monuments bill that was ultimately signed into law by Governor Northam was the product of a compromise between the House of Delegates and the Senate of Virginia. As you are aware, for a bill to become law, both branches of the legislature must agree on the exact language of any bill before the governor can sign it into law. The language of § 15.2-1812 was not in that agreeable state, therefore a "Committee of Conference" was called as a last attempt to draft legislation acceptable to both legislative bodies. I was one of six legislators assigned to this conference for the purpose of drafting compromise legislation that was palatable to both legislative bodies.

*Significantly*, as part of that compromise, and *specifically*, "alteration" was removed from the legislation as an option for localities and "contextualization" was placed "solely" under the "authority" of the Virginia Department of Historic Resources. Prior to the removal of "alteration" by conference, "destruction" was also removed earlier in the legislative process.

"Localities" *only* have the authority to "*remove, relocate or cover*" these monuments. Only the Virginia Department of Historic Resources can provide "contextualization."

The City of Richmond Department of Parks and Recreation & Community Affairs applications to the Architectural Review and Urban Planning Commissions, has inappropriately interjected "contextualization" into these application(s) for Certificates of Appropriateness. "Contextualization" is solely under the authority of DHR. DHR has no other authority granted to them concerning "future disposition." Therefore, the DPR&CA's comments detailing "the meaning" of these monuments, violates § 15.2-1812 and only reflects the opinion of that agency, while inappropriately excluding other opinions that may contradict those viewpoints.

In the "project details section" of the staff report of the application, "The Location of the monument, pedestal, and related objects has not been determined," and further, "Should any part

of the monuments and related objects be considered for reinstallation,” etc., there is no clear statement regarding “non alteration.” The current state of the monuments in Richmond is in violation of § 15.2-1812, as they are in a severely “altered” state; the bronze statues are separated from their respective pedestals. Other cast bronze elements are separated from their pedestals. The current location of the bronze statues and bronze elements of the monuments, in storage at the wastewater treatment plant, is arguably an intentional act of spite, and is also irresponsible, considering the value of these works of art.

The intent of the final legislation was to prohibit any alteration to these monuments. Regardless of impassioned sentiment and opinions over the monuments, these monuments represent the highest levels of artistic achievements during “The City Beautiful Movement” in America. The monuments are invaluable and non-replaceable. The “Thiébaud et Fils” Foundry that cast the Lee Monument, as example, also produced sculpture works for Augustus Rodin. The Soldiers and Sailors Monument is an exact replica of Pompey’s Pillar in Alexandria, Egypt. These artists, foundries, and their work are invaluable to the artistic legacy of America and are recognized internationally. One of the foundries introduced the “lost wax” process into America; these foundries no longer exist. The legacy of three Richmond artists is at stake in the further potential and severe non-adherence and misinterpretation of § 15.2-1812.

During the September 2020 Special Session, Senator McQuinn attempted to reinsert “alteration” into an amended bill. That attempt was “passed by indefinitely” under the wise leadership of the Democratic controlled Senate Local Government Committee. As another example of the intent of the General Assembly and Governor, “alterations” to monuments was allowed on the state capitol grounds. “Alterations” are not extended to localities however per § 15.2-1812. Senator Lucas attempted to expunge the criminal records of those that vandalized the monuments; that bill failed, further reinforcing the legislative intent that these works of art not be altered.

DHR’s current guidelines also obfuscate § 15.2-1812 by incorrectly and irresponsibly suggesting that severely vandalized monuments, with grotesque obscenities via spray-painted graffiti, as well as damaged monuments, are somehow “new art,” and are somehow acceptable under § 15.2-1812. Therefore DRP&CA’s reference to DHR’s “Guidelines” as an impetus for their demise, fail under the legislation. However, DHR’s recommendations for on site removals are relevant and should be considered prior to any further removal or relocation to avoid any damage to these monumental works of art.

“Localities have the final determination of the future disposition” of the monuments is not a license to circumvent the compromised language and intent of § 15.2-1812 that was signed into law by Governor Northam. Determining the “future disposition” is in reference to legitimate organizations that would acquire any monument, as well as directing the locality to only determine whether to specifically “remove, relocate or cover.” Nowhere in the § 15.2-1812, is the “disassembly” of the monuments condoned, implied or encouraged. In fact, § 15.2-1812 also allows localities to “care for, preserve and protect” these monuments. Therefore § 15.2-1812 prohibits applicants that seek to acquire separate parts of the monuments, with the intent to further damage, destroy or alter the monuments, or from acquiring any monument with nefarious intent.

Aspects of the “questionnaire” of the City of Richmond, a scoring board, to be used as a determining factor for acquisition of these monuments, inappropriately interjects “contextualization” onto organizations that would otherwise statutorily satisfy the intent of § 15.2-1812.

As acknowledged by the Architectural Review and Urban Planning Commissions, DHR and the 1997 application for the National Historic Landmark District of Monument Avenue, it is very clear that any alteration or destruction or irresponsible contextualization of these monuments contradicts the commissions and DHR mandates and violates § 15.2-1812. The value of Monument Avenue is clearly described by these entities’ *printed* materials and 1997 application to the US Department of Interior.

Further, localities are obligated to follow their respective city charters. “Historic Preservation,” is quite clearly recognized as mandatory on the part of Richmond, Virginia, per the city charter. Non-adherence contradicts these commissions’ stated mandates.

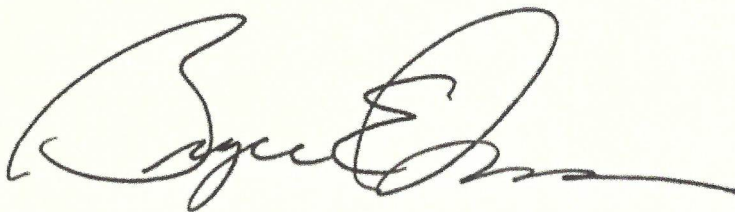
What does it say of a society that destroys its works of art? What does it say of a society that burns its books?

The legislation provided a reasonable solution for localities while preserving these works of art for others that recognize their artistic significance. The legislation granted DHR an opportunity to provide a format for all opinions, traditional and contemporary, to be expressed. Most localities have abided by and benefited from this legislation, except Portsmouth.

I participated as a conferee to guarantee the survival of these valuable works of art. You can love them or hate them, but you cannot alter or destroy them. § 15.2-1812, a compromise between Democrats, Republicans, House and Senate, as signed into law by the governor, protects these monuments from “alteration” or “destruction,” therefore preserving their integrity as intact works of art.

§ 18.2-137, “Injuring, etc., any property, monument, etc.” is applicable to those that violate § 15.2-1812.

In service to The Commonwealth,

A handwritten signature in black ink, appearing to read 'Bryce E. Reeves', with a long, sweeping underline.

The Honorable Bryce E. Reeves  
Senate of Virginia, 17<sup>th</sup> District

**This letter deals with:**

1. Legislative history and intent of § 15.2-1812. Conference/Compromise
2. Alteration/Destruction
3. Contextualization
4. Current state of disassembled monuments violates § 15.2-1812
5. Current applications to ARC and UPC violate § 15.2-1812
6. History of commissions mandates and city charter
7. Score card requirements violates § 15.2-1812
8. Other failed legislation to modify § 15.2-1812. (Special Session-Expungement)

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