

Chairman, Budget & Appropriations Committee
Chairman, Judiciary & Legislative Investigations Committee
Chairman, Biennial Audits Oversight Commission
Chairman, Stormwater Remediation Oversight Committee

Labor Committee
Land Use & Transportation Committee
Taxation, Finance, & Economic Development Committee



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August 13, 2017

Mr. David E. Ralph
Acting City Solicitor
Baltimore City Department of Law
100 N. Holliday Street
Baltimore, MD 21202
Via Email To: david.ralph@baltimorecity.gov

RE: Opinion on Legal Requirements to Remove, Relocate, or Reinterpret Confederate Monuments

Acting City Solicitor Ralph:

The series of events which occurred yesterday, August 12, 2017, in Charlottesville, VA, were absolutely disgusting and terrifying. Triggered by a decision to remove a confederate monument and resulting in at least three individuals losing their lives, we are once again reminded that hate is not welcomed and should not be tolerated. Most residents of Baltimore City, including myself, agree that public monuments to the confederacy have no place in Baltimore City, or require very serious recontextualization.

I write you today to request your opinion on the legal requirements to remove, relocate, or reinterpret the four existing public confederate monuments in Baltimore City. My hope is that once this clarification is received, Baltimore City government is positioned to take swift and decisive action based on recommendations below.

Both Mayor Pugh and Former Mayor Rawlings-Blake have long recognized the necessity of reviewing the three existing public confederate monuments in Baltimore City, as well as the Roger B. Taney Monument. Mayor Rawlings-Blake convened the *Special Commission to Review Baltimore's Public Confederate Monuments*, and the Commission's August 16, 2016 report made recommendations regarding each monument, as follows:

- **Lee Jackson Monument** (located at the west side of the Wyman Park Dell, near the intersection of Wyman Park Dr, Art Museum Dr, and N Howard St) – remove, deaccession and offer to the National Park Service to be placed in Chancellorsville Battlefield;
- **Roger B. Taney Monument** (located at the North Square of Mount Vernon Place, directly north of the Washington Monument) – deaccession and move it from Mount Vernon Place;
- **Confederate Soldiers and Sailors Monument** (located in the median of Mount Royal Avenue near the corner of Mosher Street in Bolton Hill) – retain with the addition of financial support and very serious recontextualization; and
- **Confederate Women's Monument** (located at Bishop Square Park, at the intersection of E. University Pkwy and N Charles St) – retain with the addition of financial support and very serious recontextualization.

The report further goes on to address the legal requirements that would need to be addressed to remove, relocate, or reinterpret these four monuments. Specifically, it asserts:

“The Commission confirmed that the Maryland Historical Trust holds historic preservation easements on the Lee Jackson Monument, the Confederate Soldiers and Sailors Monument, and the Confederate Women's Monument. On March 14, 1984, the City of Baltimore and the Maryland Historical Trust entered into a Deed of Easement, a signed legal document that grants the right for the MHT to review changes to the monuments. The Deed of Easement was given in return for funding under the cyclical outdoor bronze

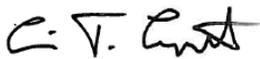
sculpture maintenance program, administered by the CHAP staff. These easements are for both the sculptures themselves and their surrounding sites, and the term of the easement is perpetual. The easement also states that the monuments must be accessible to the public. Changes and alterations to these monuments cannot occur without written permission of the Director of the Maryland Historical Trust. In addition, de-accessioning these monuments would have to follow a process to dispose of Baltimore city property (AM 306 and AM 306-1). Under the City Charter all monuments are in the care of the Department of Recreation and Parks as stated in Article 7 Section 67 of the Baltimore City Charter. In summary, any changes to the monuments, installation of new signage and other artworks, or relocation would need to occur with the permission of the Maryland Historical Trust or a modification to the easement and adhering to the City Charter.”

In addition to your legal opinion, I have the following questions:

1. Do you concur with the above statement regarding the legal requirements that would need to be addressed to remove, relocate, or reinterpret these four monuments?
2. The Commission did not note any existing easement regarding the Roger B. Taney monument. What legal requirements, if any, must the City adhere to in order to make changes to the Roger B. Taney monument?
3. Regarding the other three aforementioned monuments, what steps must occur to modify the easement between the City and the Maryland Historical Trust (MHT)?
4. If the MHT is unwilling to modify the easement with the City, does the City have the legal authority to modify the easement without MHT consent?
5. If MHT is unwilling to modify the easement with the City, and the City does not have the legal authority to modify the easement without MHT consent, what legal recourse, if any, does the City have in this matter?
6. Are there any parties besides the City of Baltimore or MHT that have any legal interest in any of the four sites and / or physical monuments themselves, and if so, what?
7. What authority does the City Council have in this matter?

In order for Baltimore City to take swift and decisive action to implement the above recommendations, we need answers to the above legal questions. I would appreciate if you would provide a written response to me, via letter attached to email, by no later than COB, Friday, August 18, 2017. If you are unable to do so within this time frame, please contact me immediately. Should you have questions, please feel free to contact me directly at eric.costello@baltimorecity.gov or 410-396-4816.

Sincerely,



Eric. T. Costello
Baltimore City Council, 11th District

CC:

Honorable Mayor Catherine E. Pugh
Pete Hammen, Chief Operating Officer
Kim Morton, Chief of Staff
Jim Smith, Chief of Strategic Alliances
Anthony McCarthy, Director of Communications
Karen Stokes, Director of Government Relations
Kyrion Banks, Office of Government Relations

BCC:

Honorable City Council President Bernard C. “Jack” Young
Honorable City Council Members
Carolyn Blakeney, Council President’s Chief of Staff
Lester Davis, Council President’s Deputy Chief of Staff
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