

**Bull Run Civil War Round Table (BRCWRT) Preservation Corner
November 27, 2020**



Greetings BRCWRT Members - I trust that you and your family and friends enjoyed a wonderful Thanksgiving and are doing well and staying safe and healthy.

This edition of BRCWRT's *Preservation Corner* includes information and updates on several BRCWRT preservation projects and activities, including the Civil War historical markers on Fairfax County Judicial Complex grounds, Fairfax County's Confederate Names Inventory, the Route 28 ByPass project and the Prince William County Comprehensive Plan Amendment incorporating recommendations from the Bristoe Station and Kettle Run Battlefields Preservation Study.

Civil War Historical Markers at Fairfax County Judicial Complex

As previously reported on September 15, 2020 the Fairfax County Board of Supervisors voted to remove the Marr obelisk commemorating the death of John Quincy Marr, the first soldier killed in action (land combat) in the Civil War, the two Dahlgren howitzers adjacent to the Marr obelisk and Virginia Department of Historic Resources (VDHR) Historical Marker B-262, "First Confederate Officer Killed" from the grounds of the Judicial Complex.



*Marr Obelisk and Dahlgren Howitzers at Historic Fairfax Courthouse, June 1, 1904 - November 6, 2020
(Civil War Times, September 2019)*

On October 7, 2020 BRCWRT filed a petition with the Circuit Court of Fairfax County (CL2020-15495) seeking to prevent the Fairfax County Board of Supervisors from removing the Marr obelisk and VDHR Marker B-262. At the October 15, 2020 hearing, Richmond Circuit Court Judge Margaret Spencer, presiding over the virtual hearing because all Fairfax County Circuit Court judges had recused themselves, ruled that plaintiffs lacked the legal right, or "standing," to sue, in that no legislative

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authority existed that supported claimant's specific injury or relief. The ruling sidestepped the broader issue raised as to whether the provisions of Virginia statute 15.2-1812, *Memorials for War Veterans* apply to historical markers.

Judge Spencer's ruling, filed on October 22, 2020, denied our petition for a preliminary injunction and dismissed our petition for injunctive relief and related damages, with prejudice. The basis for the ruling, filed on October 31, 2020, was due to a lack of "standing" in that plaintiffs had no private right of action to challenge the removal of the obelisk and marker. Under Virginia law, unless the applicable Virginia statute specifically recognizes a private right of action, individual citizens have no legal right to challenge governing body actions. Based on the basis for Judge Spencer's ruling, the BRCWRT decided not to appeal the Court's decision. The Marr obelisk, the Dahlgren howitzers and the VDHR historical marker were removed during the evening of November 6, 2020.



Former Site of Marr Obelisk and Dahlgren Howitzers at Historic Fairfax Courthouse, November 2020

During its October 20, 2020 meeting the Board of Supervisors approved the County Staff's recommendation to transfer ownership of the Marr obelisk to the Stuart-Mosby Historical Society for relocation to Historic Centreville and the two Dahlgren howitzers to Manassas National Battlefield Park (MNBP) for relocation to MNBP, and to return VDHR Marker B-262 to its owner, the State of Virginia.

Fairfax County Confederate Names Inventory

On June 23, 2020 the Fairfax County Board of Supervisors directed the Fairfax County History Commission to prepare and submit (by the end of the year 2020) "a report listing a full inventory of Confederate street names, monuments and public places in Fairfax County and on Fairfax county-owned

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property." (See Preservation Corner Article dated October 24, 2020 for additional information on the Inventory.)

The draft Inventory report (450 + pages), previously available on the Fairfax County History Commission (FCHC) Confederate Names Committee webpage (<https://www.fairfaxcounty.gov/history-commission/confederate-names-committee>) from Sep 2020 - November 15, 2020, included the following;

- *An Executive Summary,*
- *The Civil War in Fairfax County, Virginia* - a superficial summary that (in the draft document) omits significant portions of Fairfax County's civil war history and contains multiple inaccuracies,
- *The Lost Cause Ideology* - a general (and again, superficial) discussion of the *Lost Cause* that attempts to establish that ideology as the basis for the naming of streets and places in Fairfax County
- *Fairfax County Civil War Sesquicentennial Brochure and Civil War Historical Markers* (91 total markers)
- *Confederate Names List*
 - Street Names (provided by Supervisory District)
 - Memorials and Plaques (provided by Supervisory District)
 - Fairfax County Park Names
- *Process for Changing Names* - no information included
- *Recommendations*
 - History Commission Recommendations
 - Architectural Review Board Recommendations
 - Fairfax City Model
 - City of Alexandria Ad Hoc Advisory Group on Confederate Memorials and Street Names Final Report
 - ACHP policy statement on controversial commemorative works
 - Monuments, History, and History Organizations; John Dichtl, President and CEO, American Association of State and Local History, July 9, 2020
 - National Trust for Historic Preservation Statement on Confederate Monuments
 - Preservation Virginia Checklist for the Removal of Monuments from Their Original Location
 - Commonwealth of Virginia, Department of Historic Resources (DHR) Guidance Regarding Confederate Monuments

The final Confederate Names Inventory report is expected to be available on the FCHC Confederate Names Committee webpage by Monday November 30, 2020 prior to the FCHC's December 2, 2020 meeting.

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The Confederate Names Inventory is scheduled to be submitted and discussed at the December 8, 2020 meeting of the Board of Supervisors Land Use Policy Committee. The Committee meeting is scheduled for 1:00 p.m. to 3:00 p.m. in Conference Room 11 of the Government Center at 12000 Government Center Parkway, Fairfax. The meeting will be broadcast on Channel 16 and streamed live online. Live audio may also be accessed by dialing 703-324-5300.

Route 28 ByPass Project

On December 7, 2020 at 7:00 p.m. Prince William County, in conjunction with the Fairfax County Department of Transportation, will conduct a virtual informational session regarding the Route 28 Bypass project, with a focus on the Fairfax County Connection and Tie-in. The meeting's purpose is to inform residents of both counties about the project background, efforts to date, and the current status, focusing on proposed concepts for the Route 28 Bypass connection and tie-in point to the existing Route 28 in Fairfax County (the current Compton Road - Route 28 intersection). The Prince William County Department of Transportation (PWCDOT) will host information sessions on the broader Route 28 Bypass project and address topics specific to Prince William County in the near future.

The public will be invited to ask questions at the conclusion of the presentation and to provide feedback. [Register to attend](#) the Route 28 Virtual Meeting. Dial In: +1-415-655-0001 | Access code: 180 932 8746

Prince William County Comprehensive Plan Amendment (CPA2018-00002) incorporating Bristoe Station and Kettle Run Battlefields Preservation Study.

After more than a year delay, the Prince William Board of County Supervisors will consider CPA2018-00002 at their regular meeting scheduled for December 15, 2020, 2:00 p.m. - 7:30 p.m. at 5 County Complex Court in Woodbridge.

CPA2018-00002 incorporates recommendations from the Bristow Station and Kettle Run Battlefields Preservations Study, published in 2016. The CPA focuses on themes including preservation of significant historic resources, maintaining rural area character, and protection priorities for consideration in reviewing land development applications. The intent is to promote preservation of the battlefields, by increasing measures landowners can voluntarily take to preserve battlefield landscapes and viewsheds, and to provide clear goals on what lands should be preserved. The County's goal is to establish policies that will guide conservation efforts, county investments, and future development by identifying, researching, documenting, preserving, and interpreting the Bristoe Station and Kettle Run Battlefields, their landscapes and viewsheds, and other significant archaeological, architectural sites and districts, and cemeteries from other time periods for the benefit of all the County's citizens and visitors.

Two landowners (Chapel Springs Church; Equinox Investments, LLC) previously expressed concerns with the CPA and its potential impacts on their future land development rights. The Prince William County

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Planning Commission addressed these concerns during its April 17, 2019 meeting, indicating that the Comprehensive Plan does not affect landowner by-right development rights. Subsequent discussions between Equinox LLC and the PWC Planning Department highlighted additional concerns that, coupled with the coronavirus pandemic, resulted in the significant delay in the Board of County Supervisors consideration of the CPA.

Thank you for your interest in and support of historic preservation. Stay strong, stay safe and stay healthy!

Blake Myers
Preservation Chair, BRCWRT