

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	<b>December 20, 2021</b>
Action Required:	Approval of Resolution (1 Reading)
Presenter:	Ashley Marshall, Deputy City Manager
Staff Contacts:	Ashley Marshall, Deputy City Manager Lisa Robertson, City Attorney
<b>Title:</b>	<b>Resolution Approving Final Disposition of the LCS Statue</b>

**Background:**

In July 2021 the City removed the outdoor public sculpture titled “Their First View of the Pacific”, by sculptor Charles Keck (the “Sculpture”) from a location within the West Main Street right of way at which the Sculpture had been located since the 1920s. Since removal the Sculpture has been stored at Darden Towe Park.

Darden Towe Park is owned jointly by the City of Charlottesville and the County of Albemarle. A portion of the Park, at its northern end along the Rivanna River, is leased to the Lewis and Clark Exploratory Center, Inc., for a term that runs through June 30, 3043. The lease allows the Center to use the premises as an “historical center”, and also to make improvements and place signage on the property with the agreement/ approval of the City and County. The City’s agreement/approval would be reflected in its decision to donate the Sculpture to the Center; the County’s agreement will necessarily be reflected in its decision on any site plan application required to be submitted to and approved by the County (as stated in the Center’s Proposal).

On July 25 2017 the City and Albemarle County entered into an updated “Darden Towe Park Agreement” to provide a “fair and equitable allocation of responsibility between the two localities for the planning, development, operation and maintenance of the park.” The Park is administered as a county park under the Albemarle County Code. The County provides “fiscal” as well as legal services for the operation of the park, and receives from the City two percent (2%) of the park’s total operating budget, billed to the City on a quarterly basis. The Agreement provides that two members of City Council will sit on a Park Committee, that offers advice and direction on park management, capital improvements, and long range planning. The Agreement does not mention the lease to the Center.

**Discussion:**

Earlier in 2021 the City publicly advertised that it was inviting proposals from persons interested in acquiring ownership of the Sculpture. Among those proposals was an offer from The Lewis and Clark Exploratory Center, Inc., a charitable institution or organization organized under the laws of the Commonwealth of Virginia (the “Center”). The mission of the Center is to commemorate and educate the public about the historical event known as the Lewis and Clark Expedition. The Center

submitted a proposal to the City, requesting a donation of the Sculpture.

One outstanding question is how City Council might make provisions within this gift to ensure that descendants of Sacajawea/members of the Lemhi Shoshone tribe, will have an ongoing, permanent voice in matters as to how Sacajawea's role and contributions to the Expedition will be contextualized by the Center. Attached Resolution #1 addresses this issue by saying that the donation won't become effective until the descendants/tribe confirm their satisfaction with the initial contextualization. Later, if the Sculpture is proposed to be removed from Darden Towe Park, the City would have an option to reacquire ownership and could control the context of the next site in that manner.

On December 6, 2021 City Council indicated its interest in the Center's proposal, but requested staff to consider mechanisms by which the recontextualization of the Sculpture, and more specifically, the depiction of Sacajawea, would be enforceable not only as to the Center, but to the Center's heirs, successors and assigns. The City Attorney advised that, while it is possible to effect a donation of property to a charitable institution subject to conditions, it can be difficult to create clear conditions that can be and remain enforceable over a long period of time. One arrangement the City Attorney was requested to consider was the possibility of a lease of the Sculpture. The attached Resolution #1 has been drafted to ensure that, until the Sculpture has been placed in the location where it will remain for the long term, the Sculpture will be leased to the Center. If contextualization has not been established in accordance with the representations within the Center's offer within a period of five years, then the City will have the ability to terminate the lease and make a different disposition of the Sculpture.

The Center's Proposal states that "*Our Re-contextualization Plan will be made binding into the future, and to our heirs, successors and assigns, **through the means that the City of Charlottesville City Council prefers.** We can sign an agreement, such as a Resolution, accompanying the transfer of property that outlines the priorities and vision statement of the re-contextualization plan: that Sacagawea be respected as a full partner in the Expedition, that her contributions be celebrated, and that the statue be depicted within its historical context. We could make those same provisos mandatory for any future property sale. As with any nonprofit, in the case of dissolution, the Internal Revenue Service asks that property be dispersed to similar nonprofits. We could require that the sale or transfer be to a non-profit of similar mission who will agree to the provisos.*" However, the Proposal outlines those things in broad-brush format, and—other than to verify the offered contextualization when initially established and later, upon a sale or removal—it is unclear to staff what additional conditions of the donation would satisfy a desire of Council to both have ongoing control of the Sculpture itself and accomplish a permanent voice in the Center's programs between the time of installation and the time of a future sale/ removal. While it's possible to develop a dispositional alternative along those lines, that type of disposition is different than what's proposed within the Center's Proposal.

**Budgetary Impact:**

None.

**Alternatives:**

- (i) City Council could retain ownership of the Sculpture,
- (ii) City Council could enact the attached Resolution #1 (with or without amendments)

If Council wishes to amend the attached Resolution #1 to include one or more conditions as to how (other than having an option to reacquire the Sculpture before a planned relocation) the descendants of Sacajawea could be given an ongoing, permanent voice in how Sacajawea's role and contributions to the Expedition will be contextualized, staff will need additional guidance from Council. Roseann Abrahamson has communicated some desired language for Council's consideration, see attached. However, as a practical matter, that desired language doesn't specify *how* the desired relationship and collaboration would occur. As of the time this agenda memo is written, staff does not have a clear sense of whether there is a consensus among councilors on this/these issues.

Amendments can be made by motion (for example "I move to amend Resolution #1 to include a requirement that \_\_\_\_\_")

(iii) City Council could donate the Sculpture to the Center without any conditions (Resolution #2), or

(iv) City Council could decide upon some other disposition, different than proposed within the Center's Offer/Proposal.

For example: one councilor is proposing to convey group or shared ownership of the Sculpture to the Center and to the descendants of Sacajawea/ members of the Lemhi Shoshone tribe. This is a potential disposition that is legally possible, but that is not set out within any of the offers received by Council to date. Additional details would be necessary, such as the legal names of the descendants intended to share ownership and/or the legal name of the tribal entity that could hold "title" to personal property, and confirmation of whether the Center would/ could accept title under that type of arrangement.

**Community Engagement:** yes. City Council conducted a public work session in November 2019 to discuss the Sculpture, and City Council received input regarding the Sculpture and its possible disposition from representatives of the Shoshone and Monacan tribes, including lineal descendants of Sacajawea.

**Alignment with Council Vision Areas and Strategic Plan:** Yes.

**Attachments:**

- Resolution #1 (proposed deed of gift with conditions)
- Alternate Resolution #2 (donation without conditions)
- Lewis and Clark Exploratory Center's Offer/Proposal
- Email dated December 12, 2021 from Roseann Abrahamson to Mayor Walker and Council

**Resolution #1 for Consideration (donation subject to restrictions)**

**RESOLUTION  
APPROVING A DONATION OF THE CITY-OWNED SCULPTURE TITLED “THEIR  
FIRST VIEW OF THE PACIFIC”, A/K/A THE LEWIS AND CLARK/ SACAJAWEA  
STATUE, TO THE LEWIS AND CLARK EXPLORATORY CENTER OF VIRGINIA,  
INC.**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE that a donation of the City-owned sculpture titled “Their First View of the Pacific” (also commonly referred to as the Lewis and Clark/ Sacajawea Statue) is hereby donated to the Lewis and Clark Exploratory Center of Virginia, Inc., in accordance with the provisions of Virginia Code §15.2-953 and subject to conditions set forth within a deed of gift, as follows:

**DEED OF GIFT**

THIS DEED OF GIFT is made the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Charlottesville, Virginia (“Donor”) and The Lewis and Clark Exploratory Center of Virginia, Inc. (the “Center”), a nonprofit charitable educational organization established under the laws of the Commonwealth of Virginia, a nonstock corporation that is exempt from federal taxation as a “501(c)(3)” organization under federal Internal Revenue Service regulations.

WHEREAS the Donor desires to dispose of an outdoor bronze sculpture titled “Their First View of the Pacific”, by sculptor Charles Keck, along with the original base upon which the sculpture was erected (“Sculpture”), by donating the Sculpture to the Center for use as public art; and

WHEREAS the Center’s actions, including acceptance of donations and dispositions of its property, must be in furtherance of its mission, as articulated in the Center’s Articles of Incorporation (2000); and

WHEREAS the Center has made certain representations to the Donor as to how certain matters depicted by the Sculpture will be contextualized, to include an authentic portrayal of Sacajawea’s leading role during the Expedition, and those representations are more specifically set forth within an “offer” presented to the Charlottesville City Council dated August 25, 2021, attached as **Schedule 1** to this Agreement; and

WHEREAS the Center has represented to the Donor that its plan for recontextualizing Sacajawea’s role and contributions to the Expedition will be made binding into the future, as to the Center and its heirs, successors and assigns, through means that the Charlottesville City Council prefers; and

WHEREAS the Charlottesville City Council desires that descendants of Sacajawea, members of the Lemhi Shoshone tribe, will have an ongoing, permanent voice in matters as to how Sacajawea’s role and contributions to the Expedition will be contextualized by the Center;

NOW, THEREFORE, in consideration of the mutual premises, representations and warranties set forth herein:

1. The Sculpture is donated by the Donor to the Center for use as publicly displayed art (“Donation”). The Center shall install the Sculpture upon land within Darden Towe Park (“Project”), as a permanent fixture within the park jointly owned by the City of Charlottesville and the County of Albemarle, Virginia where the Lewis and Clark Exploratory Center has been established.

2. By its acceptance of the donation, the Center agrees that, in the event the Center is considering removal of the Sculpture from Darden Towe Park for installation at a different location (either itself, or by a possible conveyance of the Sculpture to a third party), the Charlottesville City Council shall be given sixty (60) days’ advance written notice of the possible relocation, and the City Council have the right, at its sole discretion, to reacquire ownership of the Sculpture—either (i) by sale from the Center to the City, at a monetary compensation less than or equal to the Center’s documented costs of the original installation of the Sculpture within Darden Towe Park, or (ii) by donation to the City at the Center’s option.

3. The Center, in accepting the donated Sculpture, has made no determination of the value of the Sculpture. The Donor, in making the donation, makes no representations or assurances of the value of the Sculpture, for tax purposes or otherwise.

4. The Donation shall be and become effective, and all of the Donor’s right, title and interest in and to the Sculpture shall be vested in the Center, as of the date on which all of the following have occurred:

- a. The Center has removed the base of the Sculpture from its present location within the West Main Street right of way and has relocated the base to the site of the Lewis and Clark Exploratory Center within Darden Towe Park, at the Center’s sole cost and expense; and
- b. The Center has received written confirmation from the Charlottesville City Council that the proposed design and plan for the initial installation, orientation, and signage that will be part of the physical contextualization of the Sculpture within Darden Towe Park incorporates Lemhi Shoshone guidance based on their knowledge and preferences and otherwise carries out the representations set forth within the Center’s August 25, 2021, Proposal to the City; and
- c. the County of Albemarle, Virginia has approved a final site plan for the permanent installation of the Sculpture, base and supporting concrete slab(s), and has granted any other zoning approvals required for the Project. The Center shall provide documentation of the County’s final site plan approval to the Clerk of City Council.

Upon request by the Center, the Charlottesville City Manager shall provide written verification of the date as of which all of the foregoing requirements were satisfied (“Date of Conveyance”).

5. Prior to the Date of Conveyance, the Center shall have the exclusive right of possession and control of the Sculpture, and the Sculpture, together with its original base, is hereby leased to the Center for a term of one year, at an annual rent of one dollar (\$1.00) per year, effective as of the date on which City Council approves this Resolution (“Lease Commencement Date”). The term of this lease shall automatically renew from year to year

thereafter but shall automatically expire on the Date of Conveyance. This lease may be terminated: (i) by the Center, at any time prior to the Date of Conveyance, after first giving sixty (60) days' advance written notice of termination to the Donor, or (ii) by the Donor, if all of the requirements of Paragraph 4, above, are not satisfied within five (5) years of the Lease Commencement Date, after first giving ninety (90) days' advance written notice of termination to the Center. Upon the effective date of a termination by a party pursuant to (i) or (ii), above, the Donor shall have a right to sell or otherwise dispose of the Sculpture as deemed by the City Council to be in the Donor's best interests. Any such sale or other disposition shall be without liability, of any nature whatsoever, to the Center. During all times at which the lease is in effect, the Center shall be solely responsible for the Sculpture, and assumes all risk of loss, by casualty or otherwise.

6. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions of this Deed of Gift but this Deed of Gift shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein and the same shall be enforceable to the fullest extent permitted by law.

7. The parties hereto agree to execute and deliver any additional document that may be reasonably required to complete and execute the responsibilities of the parties as set forth herein.

BE IT FURTHER RESOLVED that the City Attorney is authorized to prepare the above-referenced Deed of Gift in a form suitable for execution by duly authorized agents of the Donor and the Center, and by its approval of this resolution the Council of the City of Charlottesville hereby authorizes its Mayor to execute the Deed of Gift on behalf of the City.

[signature blocks will be inserted here]

I, Kyna Thomas, do hereby certify that the foregoing document is a true, correct copy of a resolution duly adopted by the City Council of the City of Charlottesville, Virginia, by a vote as recorded below, at a regular meeting held on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Clerk of Council, City of Charlottesville

	<u>Aye</u>	<u>Nay</u>
Mayor Walker	_____	_____
Vice Mayor Magill	_____	_____
Councilor Hill	_____	_____
Councilor Payne	_____	_____
Councilor Snook	_____	_____

**Resolution #2 for Consideration (no conditions)**

**RESOLUTION  
APPROVING A DONATION OF THE CITY-OWNED SCULPTURE TITLED “THEIR  
FIRST VIEW OF THE PACIFIC”, A/K/A THE LEWIS AND CLARK/ SACAJAWEA  
STATUE, TO THE LEWIS AND CLARK EXPLORATORY CENTER OF VIRGINIA,  
INC.**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE that the City-owned sculpture titled “Their First View of the Pacific”, also known as the Lewis and Clark/ Sacajawea Statue, is hereby donated, and ownership transferred, to the Lewis and Clark Exploratory Center of Virginia, Inc., a charitable institution or organization, in accordance with the provisions of Virginia Code §15.2-953.

I, Kyna Thomas, do hereby certify that the foregoing document is a true, correct copy of a resolution duly adopted by the City Council of the City of Charlottesville, Virginia, by a vote as recorded below, at a regular meeting held on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Clerk of Council, City of Charlottesville

	<u>Aye</u>	<u>Nay</u>
Mayor Walker	_____	_____
Vice Mayor Magill	_____	_____
Councilor Hill	_____	_____
Councilor Payne	_____	_____
Councilor Snook	_____	_____

Letter of Transmittal

SACAGAWEA STATUE OFFER

From: Lewis & Clark Exploratory Center

Mailing Address: P. O. Box 281

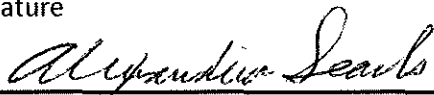
Charlottesville, Virginia 22902

Physical Address: 1490 Darden Towe Park

Charlottesville, Virginia 22911

Date: August 25, 2021

Signature



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Alexandria Searls

Executive Director

This offer is confirmed as being valid for a period of 120 days from the date of the offer.



The Lewis & Clark Exploratory Center of Virginia, Inc. seeks to acquire ownership of "Their First View of the Pacific," by sculptor Charles Keck, which depicts the 19<sup>th</sup> Century explorers, Lewis and Clark, and their Native American partner, Sacagawea. We seek to acquire both the statue and the base. We thank City Council for allowing us this opportunity to make our case for the statue, and we will detail in this offer our plan for re-contextualization of the statue, emphasizing Sacagawea's leadership, pivotal knowledge, and significant contributions, including saving the lives of Expedition members through her wayfinding and her reunion and discussions with her brother, rescuing journals and scientific projects, and serving as a messenger of peace.

We offer the following detailed terms for our acquisition and removal/relocation of the statue. With the help of many local donors, showing community support for the statue remaining in Charlottesville, and also with the support of national foundations and out-of-town donors, including indigenous donors and donors with indigenous family members, we have raised the full amount necessary for the removal of the base and its associated costs. We have received an estimate from Theresa Matyiko of Expert House Movers of \$45,000 to \$65,000 to move the base to Darden Towe Park, with the understanding that complications at the Main Street/Ridge-McIntire intersection might increase that amount. We currently have \$90,000 at our disposal in signed pledges. Upon selection, we would initiate a public campaign for additional funds for interpretive signage and other costs of re-contextualization. Expert House Movers is fully bonded and is a 70-year-old business with extensive historical preservation/transport experience. They visited the site and the base and they also visited Darden Towe Park to assess the distance and requirements.

The time frame would be at the City of Charlottesville's request. There is a site plan requirement for the permanent installation of the statue, base, and a supporting concrete slab at Darden Towe Park, but the base could be moved for storage on site and the site plan process begun afterwards, if that is your decision and the decision of the County of Albemarle, the other co-owner of Darden Towe Park.

It is the hope of the Lewis & Clark Exploratory Center to display that base and the statue separately, though next to each other, for reasons we'll outline. To that end, we have received a quote for a modest base for the statue from the stone manufacturer of UVA's Memorial to Enslaved Laborers. The base is important for historical interpretation, however, especially in its depiction of a wilderness without people, a concept of "empty land" that furthered colonization and was outlined in Thomas Jefferson's letter to Congress asking for funds for an Expedition (prior to Lewis's and Clark's selection).

The size and style of the 1919 base also reflects a hero-worshipping stance that we do not ascribe to, and by displaying the base separate from the statue, we can examine the attitudes of that time period while also dismantling the aura of white supremacy.

In addition, without the elevation, the frieze at the bottom of the bronze becomes visible in detail for the first time. On this frieze are many portraits of the Agaidika (Lemhi) Shoshone, the Expedition, and Sacagawea, including scenes of dancing, buffalo hunting, and gatherings of adults and children. Though there are no extant notes by the sculptor that we are aware of, and we have been in contact with his grandchildren for oral history and collection purposes, searching for additional documents, the iconography of a young indigenous woman standing next to the two figures of Lewis and Clark in three

different relief scenes, is clear. Sacagawea is portrayed as standing within the Expedition group, not to the side. In another section, she is shown hugging and greeting a member of her lost family. Also on the frieze is the first depiction of York known in art, a depiction that is of particular interest to our Charlottesville partner, York Place. Chuck Lewis and now his son Charley Lewis have both preserved York's legacy and memory as the member of the Expedition who was enslaved by William Clark and who was given a promise of freedom on return that was not kept. Chuck Lewis was one of the Lewis & Clark Exploratory Center's founding donors.

Displaying the statue separate from the base will allow for greater and more accurate study of the statue. It becomes less of a monument and more of a work-of-art, and by being diminished actually increases in its educational value.

That said, if it would be City Council's wish for the statue to be on the base, or if that is required by law, then we would examine other options for display, including an inset into the ground or a separate viewing platform for the frieze. We could also petition for an exemption if there is a law prohibiting the separation of a monument from its base. The only other impediment to displaying them separately would be an unforeseen issue of safety, for viewers or for the statue.

We would install the statue and base on flat land where there is already a thin concrete slab that could be redone, concrete that was part of our original site plan. The statue would be positioned to face West, which was its original positioning. Our site is closed to any automobile traffic that is not part of our ticketed operations; interpretation and re-contextualization of the statue would be part of the ticketed experience, unlike the drive-by situation that existed on Main Street, with the interpretive Sacagawea plaque added by the City of Charlottesville unable to be read except by people willing to stand on the island surrounded by traffic.

If chosen, we would also like the Sacagawea plaque included as an important part of the statue's history, when Rozina George, Rose Ann Abrahamson, and their family first came to Charlottesville as representatives of Sacagawea's family and the Lemhi Shoshone (we use the City's spelling of her name here, while recognizing that the Abrahamson's use "Sacajawea"), and when the Monacan Nation danced as part of the installation of the plaque. We were present at this event and would like to include photographs, films, and the plaque as part of the interpretation of the statue, an interpretation that would exist in various locations on site. The history of the removal activism at that time, including that of Jennifer Hoyt Tidwell, Guy Lopez, and others, would be included. An acknowledgement of the Monacan Nation would be placed at the statue.

The Lewis & Clark Exploratory Center of Virginia, Inc. is an entity eligible to receive donations of property under the provisions of Virginia Code §15.2-953. We are a 501 (c) (3) non-profit organization.

Before offering our re-contextualization plan that relates directly to the statue, we will describe our current programs that are a tribute to Sacagawea. First, every group that comes to the Lewis & Clark Exploratory Center for a history tour participates in a group challenge called "Overboard," which teaches about how Sacagawea rescued important journals and scientific items when the White Pirogue capsized.

Though others were aboard the White Pirogue, she was the only person who took initiative. In our challenge, the group must decide what to save and what to keep out of 33 items; they must discard 11. In the same way that Sacagawea couldn't rescue everything, the group must decide their priorities. At the end, their decisions and their group decision-making process are discussed. They have the experience of coming to a consensus and working out conflicting opinions.

We are named the Lewis & Clark Exploratory Center because the Lewis and Clark families lived in Albemarle County and we were founded to examine their local legacy and the origin of the Expedition here as a concept. York or his father never lived here, nor did William Clark. Darden Towe Park was once owned by Jonathan Clark, William Clark's grandfather.

In addition to the local story, we tell the national one, especially how it relates to rivers, since we are located next to the Rivanna River. As a result, the accomplishments of Sacagawea and York, as well as Druillard, are highlighted. We have been visited by the descendants of Sacagawea's family, Druillard, Clark (William), Lewis, Sheheke (the Mandan chief), and Clark (Jonathan), among others.

We were founded in 2000 when City of Charlottesville and County of Albemarle officials and others decided that the local Lewis and Clark story was one left untold by the current historical sites. In advance of the National Lewis and Clark Bicentennial (2003-2006), which was to kick-off in Charlottesville, the Lewis & Clark Exploratory Center was planned and incorporated, with boat building programs for children and families already taking place.

At the time of the Bicentennial, the City of Charlottesville held a yearly Lewis & Clark Festival in its parks, and it sent members of its festival program to visit indigenous nations along the Lewis and Clark Trail to acquire replica artifacts of the highest quality, made by native artists. When the festival ended, those artifacts were given to the Lewis & Clark Exploratory Center, and they are proudly displayed today. We have added to that collection through purchase and donation, including purchasing contemporary native art. We have bronzes of Druillard, the Shawnee member of the Expedition, Sacagawea, Sacagawea's baby, Jean-Baptiste, and others, as well as representations of Sacagawea on coins and stamps, and photographs of statues of her found throughout the United States. We discuss representation with visitors and examine the varying ways she is depicted. Even the Sacagawea dollar, a recent tribute to her, is not without controversy; we discuss concerns related to the depictions. Because there were no depictions of York or Sacagawea made during their time, their portrayals are even more liable to reveal preconceptions.

Our tours at the Lewis & Clark Exploratory Center are all guided, and we tell the story of the Expedition using our artifacts, artwork, maps, boat replicas, and also commemoration memorabilia from the Centennial and Bicentennial. The contributions of Sacagawea are discussed at great length on our signature tour. We also have a library containing books about Sacagawea, for adults and for children. We have the support of renowned historical scholars who review our interpretations, including Gary Moulton, who has been working with us on how the Expedition was viewed within the early 1900's, and what books the sculptor would have had available for consultation.

In addition to "Overboard," we have an activity called "A Vote for Democracy," which is a participatory reading and decision-making activity for visitors that examines Sacajawea's and York's inclusion in

decision-making on the Expedition. We also have a language game, “Languages of the Expedition,” that asks visitors to sort words into the categories as a group, including words from the Sioux and Shoshone languages, French, Latin, Spanish, and English. Sign language is also discussed and taught in this component, both the sign language used on the Expedition and modern sign languages. Sacagawea, who is mentioned several times within the Lewis and Clark journals as being an “interpreters,” is honored in these activities. As we touched on before, her interpretation of the Shoshone language saved the Expedition from likely death in the Bitterroot Mountains; without her communication with her family, the Expedition would have been without horses to make the crossing.

Now that we have described some of our current programs relating to Sacagawea’s contributions as a partner, we will turn to our intended use of the statue, and to how the statue would be re-contextualized. The statue would be used to study the changing depictions involving race, gender, land, and history within American art through multiple generations. The statue would be part of some of our adult historical tours, and it would also be available for scholars. In particular, the frieze, with its depiction of York and of indigenous dance, hunting, ceremonies, and social interactions with the Expedition, would offer more insight into cultural ideas and biases in the year 1919. The ways that the women’s suffrage movement claimed Sacagawea as an emblem, and the various implications of that claim, both positive and negative, would also be discussed.

We would include this re-contextualization in our oral guided tours, and in interpretive signs at the statue and inside the building, and in on-line programs. One of our programs concerning the statue, “An Interactive Look,” was presented at a national conference in 2020; this year, we won a national award for our digital work at that conference, in part because of our Zoom program of the Lewis, Clark, and Sacagawea statue.

For the interpretive signs, we would seek scholarly support and editing from indigenous scholars and others, including our Board member, Elizabeth Chew, who is Chief Curator at Montpelier, and Jeffrey L. Hantman, author of *Monacan Millennium*, who has worked with us previously on lectures and programs.

The Lewis & Clark Exploratory Center studies the way that the Expedition has been remembered throughout the decades, with the reputation of Lewis and Clark themselves rising and falling, and with a variety of interpretations. Around 1900, the history books discuss Sacagawea in terms of slavery; as the century progressed, she was less and less described as enslaved. Currently, the Shoshone and the Hidatsa differ greatly on what her kidnapping and later marriage signified. All of these issues, and issues of her depictions, are complicated and worthy of more study as we seek to understand the pulls of racism and the pulls of multi-culturalism, diversity, and mutual respect. These conflicting forces are represented in the Keck statue, as they are also encapsulated by the Expedition itself. Sacagawea played a pivotal role in reconciling inter-tribal and racial hostilities, particularly with the Nez Perce. Sacagawea began a conversation with Watkuweis, a Nez Perce woman who, like Sacagawea, had once been kidnapped, but unlike Sacagawea she had been able to return home. Though the Nez Perce considered the Shoshone enemies, common ground was achieved in this conversation and the Nez Perce helped the Expedition survive.

In one film I will mention below, aired in 2003, indigenous leaders and other scholars speak on Sacagawea and offer valuable interpretation. It is worth noting, however, that though the film gives

deep insights, it is also dated in the way it discusses gender. Today the words might be accused of cis-gender bias and the film would receive criticism. If twenty years can bring about significant changes in these discussions and in depictions, how much more the almost hundred years since the Keck statue was erected. It is those changes that we seek to study through the physicality of the historical artifact, the statue, and the associated climate of that age, including other artwork and publications. We perhaps should also recognize that we don't know how much of the current language and ways of thinking will be considered antiquated and detrimental twenty years from now. In the same way that Keck wished to honor Sacagawea, and yet for many people failed to do so, we don't know how the legacies of the current generation will be assessed. The important factor in terms of how we re-contextualize the statue is that we remain open to new conversations and criticisms, and that the overall goal be to respect the memory of Sacajawea and to move forward from gender and racial biases by understanding the forms they have taken.

One of our priorities is to listen to native voices concerning Sacagawea, especially to the Lemhi Shoshone, who have guided this process here in Charlottesville. The Lemhi Shoshone, the Mandan/Hidatsa, the Nez Perce, and the Wind River Shoshone all have oral histories concerning Sacagawea, as well as different ways of saying her name. The Abrahamson's described these differences at their presentation at the University of Virginia when they were last here. The Lewis & Clark Exploratory Center would present these differences while making sure to follow Lemhi Shoshone guidance concerning their own knowledge and preferences.

Two sources we have studied include Rozina George's essay on Sacajawea, <https://trailtribes.org/lemhi/agaidika-perspective-on-sacajawea.htm> and the PBS film we mentioned earlier, "The Journey of Sacagawea," PBS 2003

<https://www.pbs.org/video/scout-people-culture-journey-of-sacagawea/>

Quotes from Rose Ann Abrahamson in the film offer new avenues for making educational connections. About Sacagawea, she says, "I think in a child's life when the sunshine and the waters flow, when you hear the sounds of the birds, and mom and dad is near, life couldn't be any better. And I believe that even through hard times, through good times, that she experienced the joys of childhood."

"I think, and I will assert at this time, that Sacajawea's culture carried her through, carried her through this expedition, carried her through all the challenges and obstacles that they had to face, the hardships that she had to face. In our culture we're taught about how to deal with fear, how to deal with situations or crises. We're taught that. And when the young girls would go up in the mountains to sleep they called it doyahovie. They'd go with either their mother or their grandmother or both their grandmother and mother and the mother and the grandmother would teach them this is what you do. This is what you do in a marriage. This is what you do when you are bearing a child. This is what you do when you're afraid. This is how you pray."

Rozina George writes, "Sacajawea is unique among Native American heroes. She is not only unique because she is a woman, but she acted as ambassador and diplomat, bridging the relation between the Indian and non-Indian worlds. As we enter into the millennium, the nation and world have accepted

Sacajawea as the symbol of unity and harmony because she was an individual who was willing to share her culture and knowledge to perpetuate peace.”

She also emphasizes Sacajawea’s knowledge of herbs, roots, and berries, knowledge that would keep the Expedition and her baby from starvation. Sacajawea’s knowledge of geography, of mountains and rivers, would allow her to find her people once again and also to guide the Expedition at crucial junctures.

In re-contextualizing the statue, we will link Sacagawea to our many programs that give children the joy of exploring nature, “when the sun shines and the waters flow,” to our teaching of geography that involves visitors naming areas, sometimes after animals that the rocks might resemble, in the same way that Beaverhead Rock was named by the Lemhi Shoshone and recognized by Sacagawea on the Expedition. We will talk about her curiosity and her insistence on seeing the whale and the ocean. We will talk about her strength, and how she took action she saw as needed.

If we receive the statue, we will also initiate art programs to make new sculptures and artworks related to Sacajawea and indigenous peoples, some figurative and some non-figurative. At the suggestion of Dustina Abrahamson, we will use the statue to bring attention to the missing and murdered indigenous women of today. Because from certain angles Sacagawea seems to be disappear within the statue, we can use her figure to discuss native visibility and disappearances. We will invite indigenous artists and students to be part of this recognition and creation of art. We have experience participating with film and sculptural projects with UVA and PVCC, including the Let There Be Light exhibitions, and we would use this experience in our future work. We have also cast small bronzes and done environmental sculpture, and we have installed a found object sculpture in honor of York that is a starting point for children to make their own tributes to York.

(2.4) We have mentioned our artifact and historic statue experience earlier (we have valuable bronzes within the building), and we also have training in cleaning and maintaining patina. We are consulting with Paul DiPasquale about installation and maintenance, should we be selected. Paul DiPasquale is the sculptor of the Arthur Ashe monument in Richmond and was a part of Team Henry, advising on statue removal in Richmond and Charlottesville.

We have the financial ability to carry out this re-contextualization and proposed use. The fundraising for the statue has gone extremely well in a short amount of time, and promises to bring more funding in the future, if we are chosen. In terms of our overall financial stability, we have low operating costs, and we are self-sufficient from local government in terms of operational funding, receiving no money from the City of Charlottesville’s annual budget or the County’s. While many other organizations have larger budgets, they are also receiving more governmental funds. We have a diversity of income sources, including renting the building to related non-profits, such as the Nature Conservancy, the AIA (who awarded our building Best New Building in Virginia), and others. There is also a consistent need within the schools to study the Lewis and Clark Expedition and Virginia history, which are both in the state SOLs. Our hands-on approach is popular with educators. We have served a diversity of audiences over the years, developing English as a Second Language programs, and helping to introduce refugee children to the history of their new county. We attend conference events hosted by native tribes. We have worked closely with City and County services and schools, offering free and reduced fee programs

supplemented by grants and donations. Our Art and History workshops have been taught in afterschool programs.

We have an advantage in interpreting the statue in that we are small, approximately the same size as the Kluge-Ruhe Museum, and we have direct conversations with each visitor. We answer questions personally, and we stress oral communication, in part as a tribute to native cultures, preferring to conduct a tour as a give and take of questions and responses, rather than relying too much on printed words.

We have covered much of the historical narrative of the positive role Sacagawea provided, but we'd like to add that the statue, at the level of the frieze, has "the guide—Sacagawea" written on it by the sculptor's hand, not incised, and that there are many instances of her being a guide, including at the Three Forks of the Missouri. We would highlight her knowledge of geography, which is an important part of what we teach at the Lewis & Clark Exploratory Center, particularly to children, who might not know how to spell where they live, or understand where they are in relationship to other cities. Sacagawea was a child under the age of twelve when she learned the topography of where her tribe lived.

We understand the concerns that the statue may be interpreted to depict a lesser, more subservient role provided by Sacagawea, and we will emphasize her significant contributions in text and oral recounting, and make clear the limitations of the statue. We will also point out the other depictions of her within the frieze.

Our Re-contextualization Plan will be made binding into the future, and to our heirs, successors and assigns, through the means that the City of Charlottesville City Council prefers. We can sign an agreement, such as a Resolution, accompanying the transfer of property that outlines the priorities and vision statement of the re-contextualization plan: that Sacagawea be respected as a full partner in the Expedition, that her contributions be celebrated, and that the statue be depicted within its historical context. We could make those same provisos mandatory for any future property sale. As with any nonprofit, in the case of dissolution, the Internal Revenue Service asks that property be dispersed to similar nonprofits. We could require that the sale or transfer be to a non-profit of similar mission who will agree to the provisos.

We confirm that we will be solely responsible for all costs, and that the City will not be liable for any costs associated with removal, relocation or re-erection of the Statue. We will be solely responsible for all such costs, including transportation. Once the Statue is conveyed, we will be solely responsible as to the means and methods, and any contractual services required, for moving, transporting and re-erecting the Statue.

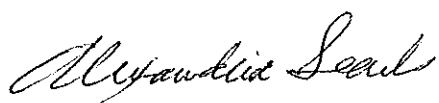
2.7 Alexandria Searls, the Executive Director of the Lewis & Clark Exploratory Center, is authorized to negotiate with the Offeror and bind the Offeror to the terms of the Offer. Her phone number is 434-996-7282, and her email is [alexandriasearls@gmail.com](mailto:alexandriasearls@gmail.com) or [lcecvirginia@gmail.com](mailto:lcecvirginia@gmail.com)

We feel that we can live up to the Vision Statement of the City of Charlottesville, by examining issues of social and economic justice, and healthy race relations, to quote the vision statement, and by being a place of cultural and creative capital in Central Virginia, one that contributes to a united community that

treasures diversity. One way we can contribute to a united community is to be a place where people can explore and discuss ideas—ideas of the past, and current ideas and ideals. If selected, we can be accountable after the agreement by virtue of being in the same community and working with the public schools here. We would welcome input from the Historic Resources Committee and others, while recognizing that within the demands of the pandemic, a housing crisis, and other priorities you may wish to move on from this issue after your decision. This is to say that we are open to your vision and to your guidance, in whatever form you might want that to take.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Alexandria Searls".

Alexandria Searls  
Executive Director  
Lewis & Clark Exploratory Center



## Sacajawea's Descendants Input - Legal Documentation in Storage of Statue

Roseann Abrahamson <roseabrahamson@yahoo.com>

Mon 12/13/2021 4:50 PM

To: Walker, Nikuyah <nwalker@charlottesville.gov>; Council <Council@charlottesville.gov>

**\*\* WARNING:** This email has originated from **outside of the organization**. Do not click links or open attachments unless you recognize the sender and know the content is safe.\*\*

Bu'nah City Council:

We are pleased with the decision made on the statue with our ancestor's image to be stored at the Lewis & Clark Exploratory Center, as an agreed upon site after the removal per resolution in November 2019, and finally resolved and finalized on November 6, 2021. I have been in contact with Alexandria Searls, the Center's director, and Grace Softdeer, Indigenous advocate/spokesperson, and informed them of my intent to communicate at this time.

We, the descendants, would like to read the proposed legal plan as drafted by your legal counsel, before it is signed. And here are some aspects we would like see incorporated to ensure that statue which shows a cowering, cringing, misleading and distorted image of America's heroine, Sacajawea.

- The terminology that can be used to suffice the City Council and our concerns in regards to the statue, the Lewis & Clark Exploratory Center could be identified as a shared stewardship. This is translated as sharing authority, expertise, and responsibility for the "respectful" attribution, documentation, interpretation, display, care, storage, public access of and to the statue. The stewardship would function in advice with the familial descendants, and the Charlottesville City Council. It must be emphasized that shared stewardship must be one of collaboration and consultation. This will also bind a commitment from us to assist and share authority in the future.

In addition, in recognizing these aspects:

- The city must recognize the significance, relevance and value of integrating both the familial and the Center's knowledge in providing solutions to store, present, and contextualize the statue. In addition, we need to address the contemporary issues surrounding the statue, and encourages its use in project planning and implementation.
- It should state that we must protect the familial knowledge and tribal traditional knowledge for the benefit of all indigenous peoples and your citizens and communities, and visitors from throughout the world. The statue is vulnerable both because it is exploitable and has been exploited. As years pass, we also need to recognize the significant change or decline in leadership of those persons, who addressed its issues, fought for the statue's removal, for its storage, and the transmission of this knowledge in years to come.
- Finally, we must state that the familial descendants should have the right to maintain, control, and protect their cultural heritage,

traditional knowledge, and traditional cultural expressions about their ancestor's image. It must never be sold to anyone. The city must take measures to protect this now and in the future.

Thank you, and again if you have any further questions, my cell phone number is 208-339-1026 and my email is roseabrahamson@yahoo.com.