**Statement Regarding Decision to Be Lead Plaintiff in Lawsuit**

**Against Fairfax BOS**

October 7, 2020

As you may have read in the Sep 30, 2020 Preservation Corner article and in the October edition of the *Stone Wall*, the BRCWRT, represented by Blake Myers, gave testimony at the September 15 hearing of the Fairfax County Board of Supervisors of our organization's opposition to the removal of the Marrs' Obelisk and an informational historical marker informing the public that he was the first American soldier killed in combat during the American Civil War, on the grounds near the historic Fairfax Courthouse. Despite the 17 persons testifying against removal of the items (including 7 RT members), the Fairfax Board immediately after the hearing ordered their removal, without consideration for several alternative options that were offered. The Fairfax County Staff has until October 20 to determine the disposition of these items.

At this past Tuesday's meeting of the Executive Committee, we agreed to support legal action -- at no cost to the BRCWRT -- to prevent Fairfax County from removing the Marr marker/obelisk and DHR Historical Marker B-262. The grounds for this legal action include: 1) that the Virginia Statue upon which the Board of Supervisors based its actions, 15.2-1812, Memorials for War Veterans, is not applicable in this case since neither of the respective items is a monument or memorial to a war veteran, and 2) multiple procedural omissions and errors in the “process” used by the Board of Supervisors to reach the decisions to remove the items.

The motion to approve our decision be a plaintiff in this lawsuit was carefully considered and debated by the Executive Committee. The ExCom voted that the Bull Run Civil War Round Table will become a plaintiff seeking a temporary restraining order to prevent Fairfax County from removing the Marr Obelisk and DHR Historical Marker from their present locations at the Fairfax County Judicial Complex. The ExCom believes that the importance of keeping History alive via an informed public, despite the current political environment, requires a reasonable push-back against those who wish to erase Fairfax County's robust and complex history. This decision was also founded on the condition that this litigation will incur no financial cost to the Round Table General Fund and that decisions with respect to subsequent legal efforts will not involve the BRCWRT absent future agreements applicable to those subsequent actions.

Mark Whitenton, President