

MARYLAND HISTORICAL TRUST
BOARD OF TRUSTEES' MEETING
Thursday, September 28, 2023 at 3:00 PM

Pursuant to notice, a special meeting of the Board of Trustees of the Maryland Historical Trust was held by teleconference.

Trustees present: Laura Davis Mears, James Delgado, Sarah Kunkel Filkins, Samuel J. Parker, Jr., LaShay Harvey, Kristine Roome, Julie Earnstein, Al Feldstein, Senator Chris West, Franklin A. Robinson, Jr.

Area Representatives present: Dean Camlin, W. Dickerson Charlton, Lisa Sasser, Harry Spikes, II, Douglass C. Reed, Charlie Stek

Office of the Attorney General: Rieyn DeLony, Adam Snyder

MHT Staff: Elizabeth Hughes, Anne Raines, Collin Ingraham, Kathy Monday, Carolyn Fifer.

Guests: Terry Klima, John Zebelean, Clarence Woods, Elizabeth Groszer, Jim Dunbar, Christine Dunbar, Eric Holcomb

AGENDA

I. CALL TO ORDER

Chair Mears called the meeting to order at 3:05 PM.

II. PUBLIC COMMENT

Public comments in opposition to the loan of the Baltimore City Confederate monuments for the LAXART exhibit and in favor of placement of the monuments on display at the Confederate Memorial Park in St. Mary's County were expressed by Terry Klima, John Zebelean, Elizabeth Groszner, Jim Dunbar and Christine Dunbar.

III. Capital Programs Committee
Baltimore City Confederate Monuments – LAXART Loan Agreement Discussion

Ms. Hughes explained that the loan agreement is being presented to the MHT Board today for review and discussion in response to the Board's request. She then provided an overview of significant dates in the history of MHT's review and approval of the LAXART exhibition as follows:

- 5/17/21 – MHT Board Monument Relocation Working Group first learns about the LAXART "MONUMENTS" exhibit.
- 12/9/21 – Hamza Walker and Hannah Burstein of LAXART present information on the MONUMENTS exhibit to the full MHT Board.

- 4/13/22 – MHT receives an easement change/alteration application from Baltimore City requesting approval of the loan.
- 5/2/22 – MHT Board Monument Relocation Working Group meets and discusses the loan request; expresses support for the loan but asks that the request be shared with the MHT Board before the Director takes action.
- 5/12/22 – MHT Board discusses the loan request at its May meeting.
- 5/23/22 – MHT Director approves the City’s loan request with the condition that MHT must review the loan agreement terms and conditions and that documentation and an update on the condition of the monuments must be provided once they have been relocated.
- 3/23/23 – MHT Board is informed that the MONUMENTS exhibit has been delayed to a fall 2025 opening date but that the removal of monuments will remain on the original schedule.
- 7/20/23 – Franklin Robinson, Chair of the MHT Monument Relocation Working Group, reports to the MHT Board that the LAXART loan agreement will soon be available for review by MHT.

Ms. Hughes reported that MHT staff conducted an inspection of the monuments with Eric Holcomb, Executive Director of the Baltimore City Commission for Historical and Architectural Preservation, on September 18, 2023. She then showed images of the monuments, noting that the MHT inspection report would serve as the “Incoming Condition Report” for the purposes of the loan agreement.

Ms. Hughes walked through selected provisions of the loan agreement, including Special Handling Instructions; Security Requirements; Care, Preservation and Exhibition Conditions; Insurance; and Return of Loaned Works.

Mr. Charlton indicated that he is entirely opposed to the loan of the statues to LAXART and is strongly in favor of the transfer of the monuments for display at the Confederate Memorial Park in St. Mary’s County.

Senator West inquired what recourse MHT would have if the sculptures were damaged while in the possession of LAXART. Ms. DeLony responded that the loan agreement indicates that LAXART would be liable for damages. Mr. Snyder clarified that, in so far as MHT is not a party to the loan agreement, the only way it could enforce the loan agreement would be if the courts consider MHT a third-party beneficiary. And because MHT does not own the monuments, it would not be in a position to make a claim on any insurance on the monuments. It would, however, be able to pursue action against the City of Baltimore under the easement, and potentially LAXART as well.

Ms. Filkins indicated her desire that the City of Baltimore provide some guarantee regarding the placement of the monuments in a publicly accessible location when they return to Maryland.

Mr. Reed reminded the Board that prior discussions in support of the loan were informed by the expectation that by allowing these monuments to go on display as part of an internationally recognized exhibition, there would be greater interest in putting them back out for public view when they returned to Baltimore.

Mr. Charlton indicated that he remains opposed to the loan agreement and feels that the Board is making a mistake in violation of the easement.

Mr. Parker stated that in addition to our appreciation of these monuments as artworks, or memorials to the dead, we must recognize the negative effect that these monuments have had on millions of people who were impacted by them. He urged MHT to consider the historic context in which these monuments exist, and to take the time necessary to identify an appropriate new location for the monuments. He expressed his view that the loan to LAXART is an appropriate interim step, and the Board should not try to stop the loan from moving forward.

Ms. Sasser suggested that from a conservation standpoint, it would be better for the statues to be placed on display in a protected environment provided by LAXART rather than allowing them to remain where they are now.

Mr. Spikes stated that the MHT has been on a long journey with these monuments and the Board needs to focus on where they will go when they return. The LAXART exhibit may give us a blueprint for how to handle display of these monuments going forward.

Mr. Feldstein stated his position that there is nothing we should do at this time but that the Board will need to consider what will happen when they return to Maryland. He indicated his interest in seeing them placed on display in Maryland when they return.

Dr. Ernstein inquired if we have assurances that the statues will be packed, transported, and handled by professional art movers. Ms. Hughes indicated that the loan agreement does address this requirement and that the selected mover, Methods and Materials, Inc., is a professional art handler.

Senator West inquired if MHT can get a copy of the insurance policy and asked who conducted the appraisal of the statues as the appraisal seems too low. Mr. Holcomb responded that he would look into providing a copy of the insurance information. He explained that the Baltimore Museum of Art had provided the City with a list of art appraisers. Mr. Holcomb selected one from the list who conducted the appraisal and indicated that the value of the statues is low because of the subject matter that it depicts.

Senator West inquired why the statues are being packed up now when the exhibit is not scheduled to open until 2025. Mr. Holcomb responded that the City is desirous of moving the statues to a more secure location which will be provided by LAXART.

Ms. Filkins inquired if there could be flexibility in the loan agreement such that the statues could be delivered somewhere else, rather than returned to their current location, if a new location for display is identified before they are returned to Maryland. Dr. Harvey pointed out that the loan agreement includes a provision that permits the City to identify a new location for the return of the monuments before they are placed in transit.

Senator West suggested that MHT should be consulted on any future amendments to the loan agreement.

The following motion was made by Mr. Robinson, seconded by Mr. Reed, and approved unanimously by all Trustees.

RESOLVED, that the Maryland Historical Trust Board of Trustees approves of the LAXART Loan Agreement for the MONUMENTS exhibition as amended by the Baltimore City

Office of Law and the Office of the Attorney General with the condition that Baltimore City will consult with MHT on any future amendments to the loan agreement.

Mr. Charlton, although not a voting member of the Board, expressed his opposition to the resolution. Senator West, although not a voting member of the Board, indicated that he abstained from the vote.

Meeting adjourned at 4:23 PM.