

Men of the North Carolina Division,

After many months of confidential negotiations and eventual legal arbitration, we have found a solution for Silent Sam that I firmly believe is the best possible scenario. Since August of 2018 when he was ripped down, we have been looking for a way through our attorney, Boyd Sturges, to accomplish one of two things: either to have the memorial restored to its place of honour on campus while being properly protected; or to gain possession of the memorial and make an equally prominent public display for it at UNC's expense.

As to option one, having the memorial restored to McCorkle Place at UNC, we have been trying for over a year to find a way to bring suit against UNC, the UNC Board of Trustees, and the UNC Board of Governors, and anyone personally, like Carol Folt, who could be held responsible. As we have mentioned dozens of times, despite consulting every known legal source, including those parties who have had success with SCV suits in Virginia and Tennessee, we could not get past the issue in North Carolina law of legal standing in the Silent Sam case so to bring a suit. Even if we had filed suit, our complaint would have been challenged and dismissed immediately without result. After extensive consultation (with judges, retired judges, etc.), we were 100% certain that this would be the outcome. Further, the Governor, the Attorney General, the Board of Governors, the UNC Board of Trustees, the Town of Chapel Hill, and all related law enforcement agencies in Orange County were prepared to do everything possible and necessary to prevent the memorial from coming back to Chapel Hill. With the courts completely stacked against us, we knew the outcome would be doubly confirmed given that our Governor and his Attorney General were also against us, and would never enforce the law.

We were given some hope earlier this year when the Board of Governors approached us through Mr. Sturges and wanted to open negotiations. Our biggest advantage was the extremely adverse publicity they were receiving. They heard we were preparing to file a suit and wanted to avoid fighting with an organization represented by high-profile attorney Sturges. While they were not at all worried about losing, the prospect of another media circus on campus really had them worried, especially given that they have a hostile faculty at UNC and a very nervous donor pool that shies away from any controversy. They suggested that we try to reach a solution for Silent Sam via the legislature and get the House and Senate to sign off on a deal that would satisfy the law,

us, and UNC.

This we did. We made proposed changes to the Monument Protection Law that would have made it a felony to destroy a monument and that would have closed any loopholes that were left in the law, including enforcement and standing, in the version that was passed in 2015. The trade-off for a stronger law was that Silent Sam would be given to us along with an unspecified amount of funding (presumably between \$300,000 and \$500,000) to locate the memorial as we wished on easily accessible property in the central part of the state where it would be displayed very prominently. One thing that was crystal clear throughout was that Silent Sam would not come back to UNC's campus because of the possibility of casualties tied to ongoing protests and clashes between pro- and anti-monument groups.

With the help of the House leadership, we got enough support there to proceed to the Senate with a draft of a much stronger amended Monuments Law. In the Senate, however, the plan floundered...with the combination of the just-ended budget stalemate and the loss of some more conservative seats in the 2018 elections and thus, with the lack of a super-majority to override a potential gubernatorial veto, they did not have the courage or the heart to make the deal happen. [We will continue to work strongly in the next session for the adoption of this stronger legislation.]

At that point this summer, we were despondent and thought that despite the exorbitant expense and almost certain waste of money and zero chance of winning, we were going to have to instruct our attorney to sue just so we could say we tried honourably.

Thus, our attorney began work on a law suit and informed the Board of Governors that we would be launching major legal action. Because of that, we now announce that today we have indeed filed that legal suit against the Board of Governors and University, and our legal action has immediately met with an offer from them to settle.

As part of that settlement, what we've ended up with is legal possession of Silent Sam, and over \$2 million in a dedicated trust (that we requested) for the perpetual care of Silent Sam and the purchase of land on which to prominently display him, to build a small museum for the public, and to build a comprehensive Division headquarters for the benefit of the membership.

Further, we have not allowed the issue of standing to be mentioned in any way in the

settlement so as not to hamper any future suits we may have to file regarding other memorials. In addition, the settlement terms specify that we are not setting an automatic judicial precedent for other memorials across the state – this is a special case where the University chose to work uniquely with the SCV and create a carved out exception to the Monument Protection Act that would give us what we want while at the same time preventing any further damage to the law that has yet to be enforced by the state.

Prior to this point, we could not mention ANY of this to you at meetings or over the Tar Heel email list because all negotiations were required to be 100% confidential. For their part, knowledge by the media, the leftists, UNC faculty, and even other members of the Board not privy to the negotiations that their leadership was working with the SCV would have torpedoed the whole thing. On our part, with a minority of disgruntled and impatient members in our ranks, and those who have admitted that they gladly share information with our enemies, there was a very distinct risk that loose and uninformed talk would have ended the whole thing, and that nothing would be accomplished. A breach of this confidentiality would have killed the whole deal. This is why we could not share extensive details until now. It was not our desire or choice. Although it made things much harder on everyone, I believe that the result was/is worth the trouble.

I am giving you more details than I will be giving the media and others because I want you to know what was involved in this exhausting process. Full credit is to be given to our attorney, Mr. Sturges, as it was only through his expertise, his good connections with and respect by all the parties involved, and his influence that we were approached by the enemy and were able to work with officials at the very highest levels of the University and State government.

There have been those who say we've 'lost the respect' of the BOG, etc. while during this whole time, we were working directly with them and for the honour of our ancestors. What we have accomplished is something that I never dreamed we could accomplish in a thousand years and all at the expense of the University itself. This is a major strategic victory, and I look forward to continuing to move the Division forward. I will update everyone as soon as we have the land deal completed and can proceed with our dedication of a new site and prominent display for Silent Sam and our new Division headquarters.

We will continue to seek advantageous solutions like this and you can be sure that we are working hard not only for you as members but also for our shared ancestors and

heritage. It is what drives us. This judicial settlement not only will insure the future of Silent Sam, but also the legal and financial support for our continued and very strong actions in the future.

I accept full responsibility for the actions taken by our Attorney, and I am the only person in the Division with full knowledge of these plans. I did this to maintain operational security as previously indicated, and also it was my duty as your elected Commander as I did not want any other men on my staff to suffer if this strategy failed. I was fully within my Constitutional authority to do so, and I believe my actions were and are in the best interests of the Division, the Memorial, and future generations of North Carolinians that will be able to visit and appreciate Silent Sam in a fitting and historically accurate environment and place of Honour.

"To you, Sons of Confederate Veterans, we will commit the vindication of the cause for which we fought. To your strength will be given the defense of the Confederate soldier's good name, the guardianship of his history, the emulation of his virtues, the perpetuation of those principles which he loved and which you love also, and those ideals which made him glorious and which you also cherish. Are you ready to die for your country? Is your life worthy to be remembered along with theirs? Do choose for yourself this greatness of soul?"

"Not in the clamor of the crowded street. Not in the shouts and plaudits of the throng. But in ourselves are triumph and defeat."

[General Stephen D. Lee]

We have much to do, and we will continue until victory is ours, for the honour and memory of our ancestors, for our history, and for our children and their legacy.

See you on the front lines...

Kevin Stone

Commander NC Division SCV

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