

**WILKINSON, CARMODY & GILLIAM**

**ATTORNEYS AND COUNSELORS AT LAW**

ESTABLISHED 1895

400 TRAVIS STREET, SUITE 1700

**SHREVEPORT, LOUISIANA 71101**

TELEPHONE (318) 221-4196

TELECOPIER (318) 221-3705

JOHN D. WILKINSON (1867-1929)  
W. SCOTT WILKINSON (1895-1985)

ARTHUR R. CARMODY, JR.  
OF COUNSEL

BOBBY S. GILLIAM  
MARK E. GILLIAM  
JONATHAN P. McCARTNEY  
THOMAS A. PRESSLY IV  
P. MICHAEL DAVIS, JR.

September 5, 2019

Ms. Donna Y. Frazier  
Parish Attorney  
505 Travis Suite, Suite 810  
Shreveport, LA 71101

Re: Confederate Monument at Caddo Parish Courthouse

Dear Ms. Frazier:

I write this letter as an independent citizen of Caddo Parish, and as one who has been a consultant working pro bono and without fee for ██████████, Chapter Registrar and spokesperson for ██████████, President of the Shreveport Chapter #237 United Daughters of the Confederacy (UDC), and Mr. Dave Knadler, the UDC's counsel of record.

It is my opinion, as one who has practiced law here for over 60 years, that the present position of the Caddo Commission is legally incorrect and its reliance on Article 493 of the Louisiana Civil Code as justification for the 90-day removal notice given to the UDC is invalid for the following reasons:

1. The article applies only to landowners who did not give consent to the improvement on the property. Here, the Caddo Parish Police Jury, the predecessor of the Caddo Parish Commission, specifically approved the location and design of the monument and actually paid a substantial part of its cost. This is evident from a reading of the police jury minutes and newspaper articles at the time in 1903, and the Commission cannot in good faith say that the monument was installed without its permission.
2. Article 493, and the cases cited under it, clearly applies to landowners in good faith and the actions of the Commission do not reflect such good faith. The use of Article 493 is one example. And the other is that the Commission has violated the provisions of the Louisiana and Federal Constitutions by attempting to take and destroy private property without the payment of just compensation. At no time has the Commission attempted to expropriate the monument or made any effort to determine just compensation, as is required by law, before there is any taking.

The only way a governmental agency, which the Commission clearly is, can take control and destroy private property is through the power of eminent domain, or

WILKINSON, CARMODY & GILLIAM

Ms. Donna Y. Frazier  
Page Two  
September 5, 2019

expropriation as it is called in Louisiana, which has not been given to the Caddo Parish Commission to utilize in a case such as this.

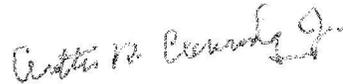
3. It is unfortunate to see a governmental agency attempt to take private property through the use of an inapplicable law. It is disappointing for the Commission now to try to exercise this power through the use of a flawed article of the Civil Code.

In sum, we do not believe it equitable, legal or just for this governmental agency, after one hundred years of peaceful acceptance, to take and obliterate this substantial piece of private property, based on a totally inapplicable law.

The \$350,000 figure placed in the Commission's 2020 budget request for monument expense reflects that a substantial sum is involved and should be recognized accordingly.

We will be glad to discuss this and further issues with you as this matter develops. A good starting point might be a letter of apology to the Daughters for the expense, heartache and trouble that it has initiated.

Yours sincerely,



Arthur R. Carmody, Jr.

ARCjr/asg