



CITY OF PHILADELPHIA

OFFICE OF THE MAYOR

**EMERGENCY ORDER TO REMOVE THE FRANK RIZZO STATUE
FROM DISPLAY ON CITY PROPERTY DUE TO ITS THREAT TO
PUBLIC HEALTH, SAFETY, AND WELFARE**

WHEREAS, Frank L. Rizzo served as Mayor of the City of Philadelphia from 1972 to 1980, and as the City's Police Commissioner from 1967 to 1971, and a statue of Mr. Rizzo (the "Statue") was installed in 1999 on the steps of the Thomas Paine Plaza in front of the Municipal Services Building, at 1401 John F. Kennedy Boulevard; and

WHEREAS, the Statue has become a painful symbol of racism, bigotry, and police brutality for members of the Black community, the LGBTQ community, and many others because of how their communities were treated by the Philadelphia Police Department under Mr. Rizzo's leadership, and its presence on City property has negatively impacted police-community relations; and

WHEREAS, many Philadelphians hold varying opinions on the Statue, but one of the things that all Philadelphians can agree upon in 2020 is that the Statue divides our great City; and

WHEREAS, because of the Statue's infamy and painful symbolism, many individuals have attempted over the years to demolish, light on fire, excavate, smash, break, and topple the Statue—risking severe injury and death to themselves, members of the public, and City employees, and causing significant damage to other City property; and

WHEREAS, massive protests and demonstrations have erupted across the country, including here in Philadelphia, in response to the recent death of George Floyd, a Black man in Minneapolis who died after a white police officer knelt on his neck, the latest in a long line of senseless deaths of Black men and women caused by police that have spurred protests across our nation; and

WHEREAS, peaceful demonstrations regarding Mr. Floyd's death and police violence against people of color began in Philadelphia early in the day on May 30, 2020 and some individuals, utilized the occasion of the protests to carry out severe and unprecedented acts of vandalism, property damage, rioting, and/or looting; and

WHEREAS, the continued display of the Statue, because of its infamy and association with racism, bigotry, and police brutality, has enraged persons protesting Mr. Floyd's death and many others, and, once again, the Statue was subject to numerous attempts by enormous crowds to demolish, light on fire, excavate, smash, break, and topple it—risking severe injury and death to nearby persons and causing damage to other City property; and

WHEREAS, the presence of the Statue in front of the Municipal Services Building, one of the City's most valuable infrastructural assets, has placed the building itself at risk of severe damage and looting, which risks destruction of critical data, technology, infrastructure, documents, equipment, facilities, and other things necessary to maintaining the continuity of operations in government; and

WHEREAS, during the past several days, the Managing Director has advised that significant, additional Philadelphia Police Department resources were deployed to guard the Municipal Services Building because of the risks created by the Statue, and those significant police resources could be diverted to more useful purposes and places to protect the health, safety, and welfare of the City and its residents; and

WHEREAS, on December 30, 1998, the City entered into a Donation and Maintenance Agreement ("the Agreement") with the Frank L. Rizzo Monument Committee ("the Committee"), as well as Zenos Frudakis, the artist who designed the Statue; and

WHEREAS, the Law Department has advised that section 5(a) of the Agreement gave legal title of the Statue, free and clear of all encumbrances, to the City after it was installed; that section 7(c) of Agreement allows the City to immediately remove the Statue to protect the health, safety, and welfare of the public without notification to the Committee; and that section 5(g) of the Agreement gives the City the right to damage, remove, destroy, destruct, or distort the Statue; and

WHEREAS, because of the unprecedented emergency circumstances, the Managing Director has suspended any application of Managing Director's Directive 67 ("Policy on the Donation/Gifting, Placement, and Removal of Public Art") to the Statue; and

WHEREAS, the circumstances in Philadelphia remain dire: on May 30, 2020, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency related to the emergency in Philadelphia, as well as certain other counties in the Commonwealth; on May 30, 2020, the Mayor issued a Declaration of Emergency Related to Imminent Danger of Civil Disturbance, Discord, or Riot in Philadelphia and imposition of a curfew became necessary to protect the City and its residents from severe endangerment and harm to their health, safety, and property; on May 31, 2020, the City again experienced extreme civil disturbance, including widespread property damage and looting, in addition to peaceful protest activity; on May 31, June 1, and June 2, 2020, conditions warranted the imposition of additional curfews to protect the health, safety, and property of residents in the City; the National Guard began arriving in Philadelphia on May 31; and order still has not been restored to the City; and

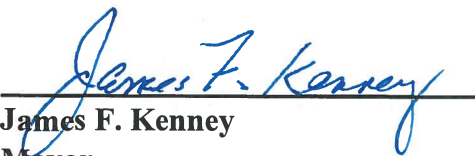
WHEREAS, the Statue, because of its association with racism, bigotry, and police brutality, is expected to remain the target of further attempts to demolish, light on fire, excavate, smash, break, and topple it—risking injury and death, further damage to City property, and unnecessary diversion of City and other resources during this time of crisis; and

WHEREAS, immediate removal of the Statue is necessary to protect the health, safety, and welfare of Philadelphians and City employees, and is in the best interest of the City.

NOW, THEREFORE, I, James F. Kenney, by the power vested in me as the Mayor of the City of Philadelphia and pursuant to all authority granted to me under The Philadelphia Home Rule Charter, The Philadelphia Code, and all other applicable laws, do hereby declare as follows:

1. The Managing Director shall immediately take such actions as are necessary to carry out the safe and secure removal of the Statue from the front of the Municipal Services Building, in whole or in parts, in accordance with any applicable laws and regulations as advised by the City Solicitor.
2. The Statue or its parts should be placed in secure storage by the Department of Public Property until such time as a plan is developed to donate, relocate, destroy, or otherwise dispose of the Statue. When such a plan is developed, it may be presented to the Philadelphia Art Commission for approval.

Date: June 2, 2020


James F. Kenney
Mayor
City of Philadelphia