

Following a year and a half of individual comment, information and requests, Chatham For All, a group of Chatham residents, is here to talk about the Confederate monument in front of the Courthouse and to request that the Commissioners return it to its owner, the United Daughters of the Confederacy.

In support of this request we offer the following facts and reasoning:

## **1. The Monument**

The monument in front of the historic courthouse in Pittsboro was paid for and is owned by the United Daughters of the Confederacy, Winnie Davis Chapter. That chapter's current location is given as 183 White Tail Lane, Siler City 27344. The monument was designed in Durham and manufactured in Ohio.

The monument is located there pursuant to the written license granted by the Chatham County Commissioners on July 8, 1907. The license granted by the Commissioners at that time permitted the owner to "erect on the court-house square and in front of the court-house a monument to Chatham's Confederate soldiers, and to cut down the shade tree in front of the court-house near to the place proposed for said monument; and the said monument may remain in the care and keeping of the said Daughters of the Confederacy." It allowed that group to relocate the monument from their property to the public property in front of the courthouse where it is to this day. As a matter of law, this license, like all licenses that do not include specific terms to the contrary, can be terminated at any time by any party for any reason or no reason.

## **2. History**

The confederate monument in Pittsboro symbolizes and promotes values which do not reflect an equitable community. Like many similar monuments in the South, this one was conceived, paid for and dedicated by the United Daughters of the Confederacy, a group devoted to promoting a narrative that the Civil War was not fought over slavery and that slavery was generally benign. Most of these monuments were erected long after the Civil War, frequently and notably in response to apparent progress in efforts for racial equity. The content of dedication speeches offered throughout the State shines a bright light on the message the monuments were meant to convey. In 1909, Governor William Walton Kitchin of N.C. said the following at the dedication of the Confederate monument in Granville County:

*"We have seen the white man come in contact with the brown man of the tropics and the brown man went down. We have seen him knock at the gates of the yellow man in the East, and they opened at his will. We have seen him face the black man in his native African home, and the black man gave him the path. We have seen him press the red man and the red man is disappearing from the face of the Earth. You see what the whole country is starting to recognize, that it is not the power of all the armies ever drilled or of all the constitutions ever written to make the white man and the black races equal."*

The argument that Confederate monuments are about history and not white supremacy simply doesn't hold up. Furthermore, this particular monument is not representative of Chatham

County, either before the Civil War or afterwards. Chatham County voted 86% against secession in February 1861. President of the Winnie Davis Chapter of the UDC, Mrs. Henry London, reported “uphill work at first to create and then keep up interest” in their cause. Within a week after the unveiling of the monument, it was defaced in the middle of the night with grease and/or shoe polish.

### **3. Freedom of Expression**

The continued presence of private property on public land forces the county government and every person in the County to endorse the values the monument embodies and promotes. This is in violation of the First Amendment free speech rights of county government and of every member of the community. This past January a trial court in Alabama (Alabama v. City of Birmingham, CV 17-903426-MGG) ruled that it was not even necessary to interpret that state’s law restricting moving or removing of Confederate Monuments, because the law violated the US Constitution. The court, relying on a string of decisions of the United States Supreme Court, held a municipality has a legally protected First Amendment right to free speech. *Walker v. Texas Div., Sons of Confederate Veterans Inc.*, 135 S. Ct. 2239 (2015); *Pleasant Grove City v. Summum*, 555 U.S. 460, (2009) (“(p)ermanent monuments displayed on public property typically represent government speech”) *Id.* at 470.

The U.S. Supreme Court also stated that a monument’s message changes with time, noting a “study of war memorials found that people reinterpret the meaning of these monuments as historical interpretations and the society around them changes.” *Id.* at 477. The Alabama state court held that a city has a constitutional right “speak for itself, to say what it wishes and to select the views that it wants to express.” Here Chatham County is the speaker, and every day is forced to endorse the views of the monument’s owner. Our County has first amendment rights. The privately owned monument on public land is speaking for us, but County Commissioners have the authority and right to determine how we should best represent ourselves as an equitable community.

### **4. Local Sovereignty**

North Carolina State law purports, in certain circumstances, to limit the moving of certain “objects of remembrance”. That law is not applicable here, as it specifically lists as excluded from the law the following: “An object of remembrance owned by a private party and that is the subject of a legal agreement between the private party and the State or a political subdivision of the state governing the removal or relocation of that property” (NC General Statutes, section 100-2.1(c)(2)). This is not a loophole in the law. This is the design of the law.

The County Commissioners have the authority to rescind the 1907 license agreement between the County and the owner of the monument, which would require that it either be removed from public property or that some new arrangement be entered into with the private owner. The property owner's First Amendment rights are fully protected as they are free to place it on private property, be that a cemetery, museum, or some other location not within the County’s civic space.

## **5. An Opportunity for Leadership**

Today the important and real negative impact of the monument's continued presence in Pittsboro cannot be ignored. We have an opportunity to distinguish ourselves as a community interested in a future which provides the opportunities our residents deserve. Good leadership is about shaping our communities in the most positive ways we can envision. Everyone has the capacity to bring good leadership to public issues like this one. The residents supporting this request are leading the effort to define the positive outcomes our county can achieve, and the reasons why we should achieve them. But we rely on you as government officials—decision-making leaders—to bring about those outcomes.

Regardless of your views on the causes of the Civil War, there is a soldier defending the right to own other people guarding the most prominent symbol of justice in our County. If you agree that removing the statue from public grounds is in Chatham's best interest, then act now. Waiting until after some threat to public safety, vandalism, or other harm to the community—which to be clear we are not advocating, but has happened in other similar scenarios—gives the false impression that the public interests you are advancing are defined by the crisis moment itself.

We urge you to act swiftly, with thoughtfulness, wisdom and demonstrable leadership. We only do our best when we are challenged.