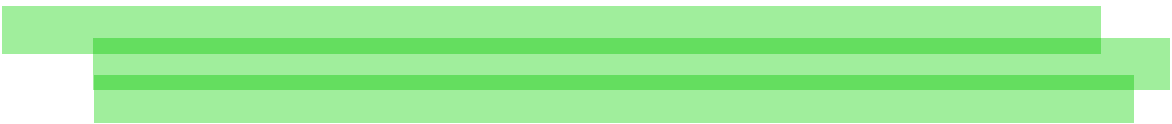


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

have come together to remove ALL symbols of white supremacy in New Orleans. These symbols include, but are not limited to, monuments and statues, school names, public parks, and other public spaces. The coalition was conceived in July of 2015 after two actions (in June and July) wherein members of the coalition and others collaborated with Black Youth Project 100 NOLA¹ to stage two ritual burnings of the Confederate Flag.² This was part of a national action called #13FlagFunerals curated by national artist John Sims.³ At these burnings (one of which doubled as a public education forum), a petition was passed around to remove symbols of white s

generations of New Orleanians to make the Constitutional guarantee of racial equality a reality in this city. New Orleans' public spaces currently resonate with racist

discrimination and murder. That is why policemen with white supremacist conceptions can murder young Black people so easily. This why the so-



The monuments at issue in this case honor and glorify the Southern Confederacy.

Therefore, it is with the Confederacy that this analysis must begin.

Louisiana's antebellum economy and social order were rooted in the twin institutions of African slavery and white supremacy.⁷ In 1860, Louisiana had a total population of 708,002, of which 47 percent were enslaved,⁸ and the entire pre-war Louisiana legal system was based on maintaining white supremacy in every phase of life.⁹ In its colonial days, the 1724 Code Noir disenfranchised all blacks; when Louisiana became a state in 1812 its constitution limited the right

and physically abuse black human beings.¹⁴ There is no historical basis for the position that the Civil War was fought over anything other than the South's determination to retain the institution of chattel slavery. "Beyond ideology lay naked economic and political interests because southern white elites needed cheap labor akin to that provided by slaves if they were to remain a ruling aristocracy."¹⁵

Indeed, Louisiana representatives openly identified slavery as the reason for secession:

As a separate republic, Louisiana remembers too well the whisperings of European diplomacy for the abolition of slavery in the times of annexation not to be apprehensive of bolder demonstrations from the same quarter and the North in this country. The people of the slave holding States are bound together by the same necessity and determination to preserve African slavery.¹⁶

Slavery and the supremacy of whites was the essence of the struggle. Article IV, Section 3 of the Constitution of the Confederate States stated:

In all such territory the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the Territorial government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them at the date of the adoption of this Constitution. hhBT 12 0 0 12 108 488.4

power bloc in voting—its African American population, who comprised nearly half of its census.¹⁹ Though clearly reluctant to do so, Louisiana authorized black men to vote.²⁰

the central role that slavery played in causing the Civil War; and 3) downplayed the brutal reality of American slavery.²⁷ This distortion of history, crafted by white southerners, is a phenomenon that historians now call the Cult of the Lost Cause.

According to documents filed with the National Register of Historic Places:

The Cult of the Lost Cause has its roots in the Southern search for justification and the need to find a substitute for victory in the Civil War. In attempting to deal with defeat, Southerners created an image of the war as a great heroic epic. A major theme in the Cult of the Lost Cause was the clash of two civilizations, one inferior to the other. The North, 'invigorated' by constant struggle with nature, had become materialistic, grasping for wealth and power. The South had a 'more generous climate', which had led to a finer society based upon 'veracity and honor in man, chastity and fidelity in women.' Like tragic heroes, Southerners had waged a noble but doomed struggle to preserve their superior civilization. There was an element of chivalry in the way the South had fought, achieving noteworthy victories against staggering odds. This was the 'Lost Cause' as the late nineteenth century saw it, and a whole generation of Southerners set about glorifying and celebrating it. Glorification took many forms, including speeches, organizations such as the United Confederate Veterans and the United Daughters of the Confederacy, reunions, publications, holidays such as Lee's birthday, and innumerable memorials.²⁸

The six main assertions of the Cult are:

Secession, not slavery, caused the Civil War; African Americans were "faithful slaves," loyal to their masters and the Confederate cause and unprepared for the responsibilities of freedom; the Confederacy was defeated militarily only because of the Union's overwhelming advantages in men and resources; Confederate soldiers were heroic and saintly; the most heroic and saintly of all Confederates, perhaps of all Americans, was Robert E. Lee; and Southern women were loyal to the Confederate cause and sanctified by the sacrifice of their loved ones.²⁹

²⁷ "In this revision of the past, the antebellum South was recalled as a benevolent, orderly society that pitted its noble values against the aggressive greed of northern industrial society. Denying slavery as the root cause of the war, the proponents of the Lost Cause achieved an ideological victory – even as the South was defeated in the war – by shaping the popular memory of the conflict. In the process, this ideological victory helped insure widespread American acceptance of the South's justification for the racial status quo." Eric Foner, *Forever Free: The Story of Emancipation & Reconstruction* 216 (2005).

This was the “Lost Cause” as the late nineteenth century saw it, and a whole generation of Southerners set about glorifying and celebrating it.³⁰ Glorification took many forms, including speeches, organizations such as the United Confederate Veterans and the United Daughters of the Confederacy, reunions, publications, holidays such as Lee's birthday, and innumerable memorials.³¹

The Cult of the Lost Cause continued to dominate Southern cultural history in the early twentieth century, and it is indeed still alive and well today.³² If the Court has the occasion to review the public hearings held by the City of New Orleans over the removal of these statues, it will find nearly every one of the core assertions of the Cult of the Lost Cause was repeated, often more than once, by the white southerners who objected to the removal of these monuments.

Moreover, three of the statues at issue in this case have been described by the Louisiana Department of Culture, Recreation, and Tourism as THE major monuments in New Orleans representing the Cult of the Lost Cause—the monuments of Robert E. Lee, Jefferson Davis, and P.G.T. Beauregard.³³ It is not by accident that these three monuments were erected and venerated. They were elevated to honor the violent, treasonous war to retain white supremacy and to legitimize those who continue to seek it.

The Cult of the Lost Cause is not, as its past and present advocates contend, a benevolent historical tribute to Confederate veterans. Rather, the Cult of the Lost Cause was at the heart of the ideology of the Ku Klux Klan and other white supremacy groups that portrayed the

³⁰ *General Beauregard Equestrian Statue*, *supra*, note 28.

³¹ See Registration form for Caddo Confederate Monument, National Register of Historic Places, <http://www.nps.gov/nr/feature/places/pdfs/13001124.pdf>.

³² *Robert E. Lee Monument*, Louisiana Department of Culture, Recreation, and Tourism, National Register of Historic Places Database, <http://www.crt.state.la.us/dataprojects/hp/nhl/attachments/Parish36/Scans/36053001.pdf>.

³³ See Registration for Caddo Confederate Monument, *supra*, note 31.

emancipated African American as a threat to democracy and white womanhood.³⁴ It also sought to return Louisiana to its pre-Civil War days of total white control and supremacy.

for his “racist and dishonorable conduct” even by students of Washington and Lee University in Virginia, a school once presided over by Lee himself.⁴⁰

The Lee Monument was erected to propagate the Cult of the Lost Cause and its desire to remake the image of the Civil War as “a great heroic epic” wherein the South “waged a noble but doomed struggle to preserve their superior civilization.”⁴¹ Conceived between 1870 and 1876,⁴² when the trauma of defeat was still fresh in the South, a monument honoring “the most heroic and saintly of all Confederates, perhaps of all Americans . . .”⁴³ was wholly consistent with the tenets of the Cult of the Lost Cause.

In the historical documents filed with the National Register of Historic Places regarding this statue, the record is clear that the Lee monument was constructed and honored as a central aspect of the Cult of the Lost Cause:

The Lee Monument is of regional significance in the cultural history of the South because it is a tangible symbol of the views of the majority of southerners during the late nineteenth and early twentieth centuries. In general, the monument represents what is known as the Cult of the Lost Cause. More particularly, it stands for a central aspect of the cult -- *the deification of General Robert E. Lee.*⁴⁴

The National Register document

become a national hero. Indeed, he assumed an almost Christ-like stature.
Monuments to Lee embody

tangible symbols of a state of mind which was powerful and pervasive throughout the South well into the twentieth century (and some would say even today).⁶⁴

The National Register further states, “the deification of Southern heroes such as Beauregard and Robert E. Lee has continued to the present.”⁶⁵

When the Beauregard statue was dedicated, the glorification of Beauregard’s white supremacist past was exemplified by the following remarks from Judge John St. Paul: “Well, indeed, may they worship at his shrine, for he was one, and not the least, of that galaxy of heroic men whose glorious deeds have placed their age and the struggle in which they took part among

removed and confidence and fair dealing established by the arrest and control of the ringleaders of the armed White Leaguers.”⁷³

On September 14, 1874, in what has been called the Battle of Liberty Place, thousands of members of the Crescent City White League, including many Confederate veterans, challenged Louisiana’s integrated Reconstruction government by attacking and killing New Orleans police officers and inflicting 100 casualties.⁷⁴ They captured the statehouse, the armory, and downtown New Orleans for days until retreating in the face of newly arrived federal troops.⁷⁵

The Liberty Monument was erected in 1891 to commemorate the Battle of Liberty Place and honor the members of the White League who murdered police officers and took over the City of New Orleans all in an attempt to undo the effects of the Civil War.⁷⁶ At this time, the White League was so powerful that it had a member on the U.S. Supreme Court, and in 1891 veterans of the White League Liberty Place battle openly lynched eleven Sicilian men and used the lynching as a way to raise money to build the monument.⁷⁷

VI. THE MONUMENTS HAVE KEPT ALIVE THE CONFEDERACY’S LEGACY OF RACIAL OPPRESSION

Far from inert structures honoring a dead past, the monuments at issue have continuously served as a rallying point in efforts to entrench white political power and reaffirm the values of white supremacy. For example, in 1896, former members of the White League and young

⁷³ Stuart Omer Landry,

members of the city's white elite staged mass rallies at the Liberty monument, repeatedly invoking the memory of the men who had fought there.⁷⁸ Three days later, they led a procession that began at Lee Circle and ended at Liberty Monument.⁷⁹ This show of power succeeded in pressuring local political representatives to negotiate with White League leaders, eventually allowing for the election of Walter Flower, the son of a White League veteran, as mayor.⁸⁰ Additionally, in 1904, there were further rallies at the Liberty Place Monument to replace nominating conventions with a "white primary" that would have allowed only white voters to participate.⁸¹

The Lee monument has also provided a site for white supremacists to celebrate their cause well into the twentieth century. In 1922, a poem published in the Times-Picayune sang the statue's praises, reading: "He stands calm and firm. . . / watching with prophetic eyes / His beloved Southland: seeing in her / Cleaner American stock the saving strain / Which yet will right the balance / 'Twixt conflicting alien hordes / And hold straight the course / Of America's Ship of State / Toward the ultimate goal / Of a homogenous people. . . ."89 In 1972, several prominent Louisiana segregationists, including Addison Roswell Thompson, who had previously run for state governor and mayor of New Orleans, celebrated Lee's birthday by draping a Confederate flag at the foot of the monument and setting out their Klan robes. The incident escalated into a racial confrontation with several black passersby. David Duke was among those jailed for "inciting to riot."⁹⁰

These episodes show that by designating multiple places throughout New Orleans to publicly honor those that cham

In the complaint, Beauregard Camp describes itself as “an autonomous, local chapter of the Sons of Confederate Veterans,” and was “chartered in 1899 to preserve the memory and good name of General P.G.T. Beauregard, General Robert E. Lee, Jefferson Davis, and all Confederate veterans and elected civil servants who served honorably in the Civil War.”⁹¹ Plaintiff admits it played an active leading role in creating, funding, and erecting the Beauregard and Jefferson Davis monuments.⁹²

The Sons of Confederate Veterans (SCV) is a membership-based organization consisting of local chapters called “camps” that are located across the country. The group valorizes the service of Confederate veterans and their cause, writing that they “personified the best qualities of America” and that the “[t]he preservation of liberty and freedom was the motivating factor in the South’s decision to fight the Second American Revolution.”⁹³ Founded in 1896 in Richmond, Virginia, the SCV reports that it has approximately 30,000 members.⁹⁴ There are over thirty camps in Louisiana.⁹⁵ Membership is open to any male who can provide documentation proving he is a descendant of a Confederate soldier or sailor.⁹⁶

The SCV states publicly that it has a “strictly enforced ‘hate’ policy” which requires that anyone with ties to any racist organization or hate group must be denied membership or immediately expelled. Prohibited organizations include the Ku Klux Klan, American Nazi Party,

the National Alliance, or any organization expressing racist ideals or violent overthrow of the United States government.⁹⁷

According to the Southern Poverty Law Center (“SPLC”), however, in the past fifteen years the SCV has been riven by an “internal civil war” which continues to this day between those espousing racist beliefs (many of whom are closely aligned with white supremacist groups and individuals) and “history clubbers” whose primary interest is preserving and celebrating the history of the Confederacy.⁹⁸

For instance, Kirk Lyons is an active and prominent member of the SCV, holding a leadership position in the SCV’s youth camp⁹⁹ and recently represented the organization in a failed lawsuit to prevent the removal of a statue of Jefferson Davis from the campus of the University of Texas.¹⁰⁰ Mr. Lyons is also the chief trial counsel for the Southern Legal Resource Center, a pro-Confederate organization that he and his brother-in-law founded in 1996 that has defended the flying of the Confederate flag in a number of court disputes. Lyons previously defended a former Klan leader and the leader of an anti-Semitic group called Posse Comitatus, in addition to having been married in an Aryan Nation compound.¹⁰¹ Lyons has led efforts to turn SCV towards extreme-right political activism. The SPLC reports that in 2000 he stated alongside former Klan leader David Duke that the SCV needed to get rid of its “Grannies” and “bed-wetters” and said: “[t]he civil rights movement I am trying to form seeks a revolution. . . . We

⁹⁷ *Sons of Confederate Chief Commander denounces protest rally*, PR NEWSWIRE, July 1, 2015.

⁹⁸ Heidi Beirich, *Furling the Flag*, Southern Poverty Law Center, Oct. 27, 2015,

seek nothing more than a return to a godly, stable, tradition-based society with no ‘Northernisms’ attached, a hierarchical society, a majority European-derived country.”¹⁰²

Another such extremist is Ron G. Wilson, who was elected in 2002 to serve as SCV’s commander in chief—the group’s highest office.¹⁰³ During his two years in office, Wilson suspended around 300 members for publicly criticizing racism within the group. Many of these members had been associated with an anti-racist offshoot of the SCV, called Save the Sons of Confederate Veterans.¹⁰⁴ Wilson appointed Lyons to the SCV’s Long-Range Planning Committee. His election set off a struggle over the SCV that has reportedly led to the loss of thousands

Confederate general, Nathan Bedford Forrest. The monument is located in a large cemetery in Selma—a site that is deeply significant in the Civil Rights Movement—in a part of the cemetery dedicated to Confederate soldiers. A picture of the monument is available online.¹⁰⁹

After the shooting of unarmed African Americans in Charleston, the group issued a public statement condemning the act and decrying racism (while also accusing its “politically correct opponents” of attempting to politicize the tragedy).¹¹⁰ However, despite these initial statements, the SCV has played a prominent role in organizing other pro-Confederate flag movements in the wake of the Charleston killings.¹¹¹

Although the Sons of Confederate Veterans has disavowed racism in its official pronouncements in recent years, the group is still deeply invested in elevating and legitimizing its version of the Confederacy’s “history” and “traditions,” which implicate an inherently racist, white supremacist vision of society.

This plaintiff is a living current example of the Cult of the Lost Cause and the

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2016 I filed the foregoing document with the Court using the CM/ECF system, which sent notice of such filing to all counsel of record.

/s/Sara H. Godchaux (No. 34561)