

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

MARYLAND OFFICE OF THE PUBLIC
DEFENDER, *et al.*

PLAINTIFFS,

v.

TALBOT COUNTY, MARYLAND,

DEFENDANT.

**Civil Action No.: No. 1:21-cv-01088-ELH
Judge Ellen L. Hollander**

DECLARATION OF RICHARD M. POTTER

I, Richard M. Potter, upon my personal knowledge, hereby submit this Declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am a Black man and resident of Talbot County, Maryland.
2. I am President of the National Association for the Advancement of Colored People – Talbot County Branch (“NAACP” or “NAACP – Talbot County Branch”).

Childhood

3. I have been a resident of Talbot County for 39 years. I grew up blocks away from the Talbot County Courthouse.
4. The Talbot Boys statue has been engrained in my life since childhood. I first encountered the statue when I was eight years old. I used to cross through the courthouse lawn to visit the local five-and-dime store from my grandparents’ home a block away.
5. When I was very young, I would look up at the soldier on the top of the statue and wonder why it was there, and how the boy got to be on the top of a statue. It was only later as an

adult that I understood the meaning of the Confederate soldier and plaque — to celebrate those that went to war to fight for White Supremacy and the continuation of slavery in this country.

6. When I first found out the meaning of the statue, I felt upset and angry that our local government would allow such a monument to continue to stand prominently on the courthouse lawn. I also was hurt because as a child, I wanted to emulate whatever this boy was so that I could be a little boy on top of a statue, not knowing that this boy soldier wanted people who looked like me in chains and bondage that would be subjected to servitude positions.

Encountering the Talbot Boys Statue

7. I frequently pass the Talbot Boys statue on my way into the courthouse and its government offices, both in my capacity as an individual and Talbot County resident, and as President of the NAACP – Talbot County Branch.

8. In fact, I have to pass the statue. There are tasks I must do that require me to go to the courthouse in person. For example, in and about 2009 and 2010 when my grandfather died, I had to go into the Register of Wills office to request a certified copy of my grandfather's will. In 2013 when I was in the jury duty selection process, I had to walk past this statue. In 2016 when I was doing genealogy research on my family and I had to go to the circuit court to look up family member marriage licenses, I had to walk past the statue. Most recently as the NAACP President, to attend County Council meetings I walk past the statue to get into the county office chambers where the meetings are conducted. I encounter the statue in attending wreath laying ceremonies for Frederick Douglass Days.

9. Every time I encounter the statue I feel angry, frustrated, and tired. I also feel like my lived experience as a Black man is not deemed sufficient enough for the Talbot County Council to move the statue. I feel frustrated from people asking, “do you think it will get

removed?”, and needing to present an encouraging response to them that it will be removed because that is the right thing to do, but mentally I am exhausted and disheartened.

10. I feel that this is a monument that celebrates inequality, glorifies violence, and disregards the dignity of Black people. From having to encounter this statue every time I go to the courthouse, I experience exhaustion, frustration and disappointment. I am disappointed in our elected officials as we are still fighting for the removal of a confederate monument on the courthouse lawn; a place where all individuals can go to seek a fair and just trial. I am frustrated with the Council because in 2015 when this issue first came up, the NAACP presented our stance and recommendations and I believe it was not taken seriously because it was viewed as only a “Black person issue” and the opposition outnumbered us. Now in 2021, the movement has grown significantly and the removal of the statue has garnered an overwhelming support of allies from other races and residents of the county who are calling for the removal, but I feel the Council acts as if our voices do not matter.

11. The statue to me propagates the idea that I am inferior to my white neighbors.

12. The statue, as a symbol of hate, is in direct contrast to what the courthouse is supposed to represent as a place where all individuals can seek a fair and just trial. The monument’s meaning glorifies slavery; announcing that Black people belong in chains. Forcing Black residents to walk past this statue perpetuates these feelings of hatred and unfairness and undermines the fair and equal justice that should be achieved at the court.

13. To me, the statue manifests the continuation of systemic racism of the highest form. This racism I feel is sanctioned by the Talbot County government, who continues to maintain the statue on its property.

14. I feel that the presence of the statue is a harsh physical reminder that my voice and opinion—and all Black resident's voices and opinions—are meaningless to the County. Its presence gives license to and encourages racial divisions in Talbot County.

15. The statue sends a message to me that the Talbot County government condones and encourages racial division. While the government continues to support the statue, I feel the county that I grew up in wants to celebrate Black leaders and Black historic figures such as Frederick Douglass only when it makes the county look good through its attraction in tourism. However, when Black leaders such as myself want to make systemic change for the overall good of all members of the community, we are rejected and made voiceless by this present County Council. I feel the leaders of Talbot County would rather I leave the county than take a stand against the government-sponsored racism the statue represents.

16. Seeing the statue over and over throughout my life has not dulled the pain of what the statue represents. In fact, it has amplified the pain I feel, the longer that the statue remains on the courthouse grounds while the world and society's views on Confederate statues begin to change around it. It is a thorn in my side that becomes more imbedded, more painful, and more infected with the passage of time.

17. The statue similarly interferes with my use and enjoyment of the land. There are benches that line the walkway to the courthouse. On July 19, 2021 during the Summer Freedom Ride participants stopped by to see the statue of hate and afterwards a local attendee wanted to chat with me afterwards and I obliged to do so. However, I asked her if we could sit on the bench with our backs to the Talbot Boys statue as I did not want to look at it as it is a blatant reminder of the hate and oppression that was inflicted on a group of people for being Black in America, and more specifically, Talbot County.

18. There are grassy areas on either side of the pathway to the front of the courthouse where events are held on the lawn. I attend these events to exercise my constitutional rights and civil liberties only to be made to feel uncomfortable, upset, and angry that I have to continue to see a monument of hate on our courthouse grounds; a monument that is a constant reminder that Black people do not have the same rights.

19. Both individually and through my position with the NAACP – Talbot County Branch, I have been directly involved in seeking removal of the statue since 2015.

20. I have encountered numerous lawn signs around Talbot County telling me (and all those who dislike the statue) to “Preserve Talbot’s History.” Again I ask myself “aren’t we part of Talbot History? Doesn’t our voice matter in the history of Talbot County? Whose history are you wanting to preserve? Why are you fighting to preserve a one-sided narrative and attempting to persuade citizens of Talbot County that this is the only history as it relates to the Civil War in Talbot County?”

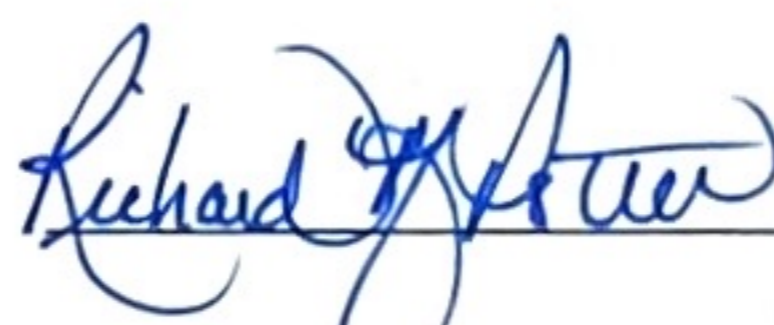
21. Since I became involved in seeking the statue’s removal, I am more cognizant of my surroundings when I am in Easton day and night. I am more cognizant of who I interact with on social media sites (*i.e.* Facebook). I have been labeled as a “thug” on social media by members of our community who want to “Preserve Talbot’s History.” I have even taken steps to secure security when speaking openly and publicly about this issue of removing the statue of hate on the courthouse lawn in Easton, MD, Talbot County.

22. I feel that the members of our community overwhelmingly support the removal of the Confederate monument known as the Talbot Boys statue on the courthouse lawn and want Talbot County to be a place where inclusivity is a hallmark and bedrock foundation for us, but the three council members who oppose removal of the statue embody the message of slavery and

oppression of Black people, and continue to block the progression of inclusivity and belonging for all.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED: August 13, 2021



Richard M. Potter