

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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

Plaintiffs,

v.

TALBOT COUNTY, MARYLAND *

Defendant

* Case No.: 1:21-cv-01088-ELH

**BRIEF FOR MOVE THE MONUMENT COALITION, TALBOT COUNTY FAITH
LEADERS, AND TALBOT COUNTY SMALL BUSINESS LEADERS AS AMICI
CURIAE IN SUPPORT OF PLAINTIFFS**

Respectfully submitted,

_____/s/_____
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INTERESTS OF MOVE THE MONUMENT COALITION, TALBOT COUNTY FAITH LEADERS, AND TALBOT COUNTY SMALL BUSINESS LEADERS AS *AMICI CURIAE*

Move the Monument Coalition is a local, grass-roots group formed after the killing of George Floyd to address the most obvious symbol of systemic racism in Talbot County: the Confederate monument on the courthouse lawn. The coalition has 1,069 Facebook followers at Move the Confederate Talbot Boys Monument; 700 people on its email list at movethemonumenttc@gmail.com, and a web site, movethemonumenttc.org. Move the Monument's mission statement is: *We are a nonpartisan coalition of citizens dedicated to moving the Confederate soldier's monument, reflective of a divisive and racist past, off the lawn of the Talbot County Courthouse.*

Talbot County Faith Leaders who support the Plaintiffs in this matter include Molly Burgoyne Brian of Third Haven Friends Meeting; Rev. Paul Boothby, Minister (Retired) of Unitarian Universalist; Rev. Sue Browning of Unitarian Universalist Fellowship at Easton; Rev. Nancy M. Dennis of St. Stephen's A.M.E. Church-Unionville; Rev. Julie Hart of ELCA; Rabbi Naomi Mara Hyman; Rabbi Peter Hyman of Temple B'Nai Israel; The Rt. Rev. Joel Marcus Johnson of Anglican Bishop of The Chesapeake; Mohammad Walid Kamsheh, MD of Islamic Society of Easton; Rev. Leonard E. Palmer, Sr.; The Rev. Gregory L. Powell - Dean, Trinity Cathedral; Rev. Nancy Sajda - Interfaith Minister, Easton, President, P.E.A.C.E.; Rev. Dr. Wm T Wallace Sr. of United Methodist Church (pastor); and Bishop Juanita E. Wharton-Church of Emmanuel Deliverance Center, Inc.

Talbot County Small Business Leaders who support the Plaintiffs in this matter include Agave Arts & Juicing Company, Bay Imprint, Brand New Equity Group, LLC, Easton Integrative Medicine, Fox Briar Farm, Gray Wolf Craft Distilling, Hambleton House LLC, The

Ivy Café, Martinez Hauling Inc, Near and Far Media LLC, Noelle Filion-Powell, Paris Foods Corp., Quarter Acre Farm, The Race Thing, Inc., Schoolhouse Farmhouse Studio, Trade Whims, and Windon Distilling

Amici Curiae are citizens who live, pray, and work in Talbot County and want the Confederate monument moved from the Talbot County courthouse.

No party's counsel has authored the brief in whole or in part¹. No party or party's counsel contributed money that was intended to fund preparing or submitting the brief. No person – other than the amici curiae, its members, or its counsel – contributed money that was intended to fund preparing or submitting the brief.

ARGUMENT

I. Move the Monument Coalition is a local, grassroots group, that represents the views of several hundred residents of Talbot County and is dedicated to moving the Confederate soldier's monument off the lawn of the Talbot County Courthouse.

The Talbot Boys statue is an inherent, daily, overt reminder to all citizens that the remnants of Jim Crow Law in Talbot County still hang over the County Courthouse, and thus, the County.

The statue is a gross misrepresentation of the actual history of Talbot County in the Civil War, reflecting the utter falsehood that only those 82 men fought from this county in that war. Many times more men fought to defend the Union in Talbot County and thus, the statue is not only political but ahistorical in fact. The statue symbolizes the state of public policy of Jim Crow Law more than a century ago, anathema to American society in the 21st Century.

¹ The argument of the amicus brief was drafted by members of the Move the Monument Coalition and signed off by each named faith leader and small business leader. Undersigned counsel simply included the argument into the appropriate form for filing.

The statue's representation of the unfurled Confederate Battle flag suggests that the ideals of the Confederacy remain intact. That is, white supremacy, as symbolized by that flag daily flies in the faces of white citizens who abhor it or minorities, who fear it.

The statue remains on the Talbot County Courthouse grounds despite the actions by the political leadership throughout the former Confederate states to remove the Confederate flag from public places of honor in light of the terrible violence against minorities in recent years. This County Council majority irresponsibly and inexcusably refuses to acknowledge the reality that the Confederate flag this nation's leading symbol of racism and white supremacy as if Talbot County is somehow separate from mainstream American life and culture. The fact that Maryland was never even a part of the Confederate states makes this statue's placement all the more absurd, inappropriate and ahistorical. Even as the County Council members appear to be entertaining a proposal to erect a monument to Talbot's white and black civil war troops, they remain blind to the realities of allowing the representation of the Confederate battle flag to remain in its place of honor. They are in a position to ignore and/or not acknowledge the significance of the Confederate flag. They do not articulate an understanding of the atrocities of slavery, to which that flag and its soldiers were committed.

The Confederate flag flew in the state of Maryland only during Confederate invasions, raids and other incursions aimed at destroying Maryland's infrastructure, property and taking the lives of patriotic citizens of this state and this county.

Confederate Marylanders were not only traitors to this country, but also to this state, which remained faithful to the Union and participated mightily in the campaigns to preserve the Union. That flag is an insult to all those patriots and to the true history of this state.

It has become an ugly stain on Talbot County that the statue remains the only such monument on public property in Maryland that celebrates Confederate troops and the Confederate enterprise as symbolized by the Confederate flag. The County Council had no difficulty in voting to leave the statue in place five years ago, yet the three majority members now irresponsibly claim only the voters should have the authority to move/remove it.

For the past century, that statue has contributed daily to the distortion of Talbot County history. It has stood as a clear symbol of inequality under the law for both the perpetrators and the victims of injustice and inequality. The presence of that statue is a celebration of each Confederate soldier, the Confederate cause and the effort to subjugate all but the white race. While no one knows the personal motivation of each soldier, the fact is that each of them made the decision to join the army fighting for the Confederate cause of ensuring the permanent institution of slavery and white supremacy. This minority of men abandoned their neighbors, their county, their state and their country. When they returned to Maryland with the Confederate army in 1863, it was to overthrow the will of the majority of Marylanders who chose to remain faithful to the Union, to destroy the infrastructure of Maryland's railroads, canals, cities and steal every crop and head of livestock they could secure. And for this, they were celebrated by their wealthy, politically dominant families during a triumphant period of white supremacist political reaction of the early 20th Century.

The time has long since passed when Talbot County should have acknowledged its true history and acted to restate the massive crimes and injustices of slavery and Jim Crow white supremacy by educating the citizens of the realities of our own history and removing this ignominious symbol of our dark past. Local efforts by supporters of leaving the statue in place to legitimize the 82 Confederate soldiers' actions, to vilify President Lincoln, to minimize the

significance of the Confederate flag and to claim that history will be erased. One crass former official suggested that people simply look away if they are offended by the statue. One County Council member recently indicated that no systemic racism exists in Talbot County.

The Eastern Shore of Maryland has maintained pockets of political isolationism from this state and country. The Talbot Boys statue epitomizes this separatist resistance to equal justice.

The citizens of Talbot County and the members of the Move The Monument Coalition ask the Court to order the immediate removal of the Talbot Boys statue to storage until it can be placed in an appropriate location off Court house grounds on private property elsewhere. This County Council majority has neither acted responsibly in recognition of the realities of the recent racial violence in this country or even publicly acknowledged they grasp the role played by the Confederate flag as the symbol of resistance to legal, social and judicial equality in Talbot County, the state of Maryland and in the United States of America.

II. The existence of the confederate statue on Talbot County Courthouse grounds does not reflect the morals or tenets of the diverse religious and spiritual organizations present in Talbot County.

This Confederate monument has stood in this central location for over 100 years as a reminder of white entitlement. The monument was erected to reinforce hierarchy and to this day it continues to send a message that slavery was a worthwhile cause. The monument is a reminder of past violence and to this day instills fear.

It is morally wrong that this monument stands on the courthouse lawn. Symbols in public spaces should inspire the community to live by principles of justice. Symbols should remind the community of equity and inclusion. This monument does not meet these standards at any level. Everyone is harmed when a symbol and the associated narrative perpetuate inequity and sustain a climate of fear.

Our respective faith traditions call us to imagine a world as seen through the eyes of the divine, and then to use our passion and energy to move toward this vision. Talbot County needs to keep a clear vision of equity in the forefront as it works to assure fair treatment for all. The monument stands in the way of making progress toward this vision.

As faith leaders we are called to carefully assess the challenges in our community and to offer our perspectives on what will move the community toward the common good. In this situation we find that promptly removing the Talbot Boys monument from the courthouse lawn is the moral and ethical choice. Leaving this monument in place is doing harm. As a symbol it is inconsistent with the values of respect and care for one another that this county holds dear.

It is past time to remove this monument. The County needs to do so for all residents, and especially for the children, teens and young adults in the community.

As faith leaders we ask the courts to support an expedient path to remove this symbol of bigotry from the courthouse lawn.

III. Small business leaders of Talbot County support Plaintiffs' efforts to remove the Confederate monument from courthouse grounds because a racially diverse, inclusive, and equitable local economy cannot be achieved as long as the monument stands.

The so-called Talbot Boys monument honors and glorifies traitors whose actions supported the continued enslavement of millions of people in the United States. The monument perpetuates white supremacy and undermines the promise of justice and equality for all, which thereby impairs economic growth and prosperity.

The undersigned small business leaders of Talbot County, ask for the removal of the Talbot Boys monument in its entirety from the courthouse lawn.

The 2018 Kellogg report The Business Case for Racial Equity demonstrates that by 2050 the United States stands to realize an \$8 trillion gain in gross domestic product by closing the

racial equity gap. In the nation and in Talbot County, “closing the gap” means eliminating opportunity differentials that limit the human potential and the economic contributions of people of color.

Removing the Talbot Boys monument from public property is Talbot County’s lowest hanging fruit when it comes to lessening the racial disparities evident in its economy. The monument to Confederate soldiers advertises to potential investors, entrepreneurs, tourists, and consumers that Talbot County is more comfortable preserving even its most tangible symptom of structural racism than it is with making the necessary choices to pursue racial equity and economic prosperity.

The monument’s existence on public property signals without subtlety that Talbot County does not invite all investors, does not welcome all entrepreneurs, and will not assure impartiality in its justice system for all workers, employers, and property owners.

Beyond an increase in economic output, advancing racial equity in Talbot County translates into meaningful increases in local consumer spending and tax revenues, and decreases in social services spending and health-related costs.

A racially diverse, inclusive, and equitable local economy will not be achieved by simply removing the Talbot Boys monument, but it cannot be achieved as long as the monument stands.

CONCLUSION

Amici curiae requests for the above-stated reasons for the Court to deny Defendant’s motion to dismiss.

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