

## STATE OF GEORGIA

**Defendant.**

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FILE NO. \_\_\_\_\_

This monument located in on 185 W Crogan Street in Lawrenceville was presented in 1993 by the Sons of Confederate Veterans Camp 96 and United Daughters of the Confederacy Chapter 2365 and features a gold Confederate States of America at the Top, above an image of a Confederate soldier standing in front of an early flag of the Confederacy.

Following the 2015 Charleston church shooting, there have been efforts made nationwide to remove monuments and memorials on public property dedicated to the Confederate States of America. These efforts culminated in 2017 with the Unite the Right Rally in Charlottesville, Virginia, which resulted in the death of one woman.

The location of the monument on the Lawrenceville Square has a deep historical relevance because there are records of the lynching of African-Americans being performed long ago on the square.

The Confederate monument located on the Lawrenceville Square could easily become a rallying and flashpoint for violence similar to the event in August of 2017 in Charlottesville, Virginia; thus, creating a public safety concern for the City of Lawrenceville and Gwinnett County.

In recent days, in the midst of historic, nationwide protests of the killings of unarmed black men, the Confederate Monument in Lawrenceville has become a focus of justifiable anger and frustration; an impetus for protests and rallies; and most importantly, an urgent, impending threat to public safety.

On June 08, 2020, Lawrenceville Police was called in reference to vandalism of the Confederate monument. Officer observed the monument was spray painted and signs that had a long message on them, stating remarks about racism and white supremacy. The damage was around \$500.

This Confederate Monument that the community does not want has become a figurative powder keg and thus a public nuisance that must be abated quickly. Relocating the Monument temporarily will prevent injury and unrest while at the same time protecting and preserving the Monument in compliance with -- and indeed fulfilment of -- Georgia law.

## II. PARTIES

1.

Plaintiff Brian W. Whiteside is the duly appointed Solicitor-General of the Gwinnett County, Georgia (“Plaintiff”).

2.

This Complaint is filed, pursuant to the provisions of O.C.G.A. § 41-2-2, on behalf of Gwinnett County and its residents to abate a public nuisance within the City of Lawrenceville.<sup>1</sup>

3.

Defendant Gwinnett County (“Defendant” or “Gwinnett County”) is a Georgia county.

4.

Gwinnett County may be served through the County Administrator, Glenn Stephens, at the County’s offices located at 75 Langley Drive, Lawrenceville, Georgia 30046.

5.

Gwinnett County is the record owner of a granite monument that sits on County property within an area of downtown Lawrenceville that is commonly referred to as the “Lawrenceville Square.”

6.

The City of Lawrenceville is the county seat of Gwinnett County.

7.

Over a few decades, Gwinnett County evolved from a predominately rural and agrarian community to an astonishingly diverse community. One of the key principles of Gwinnett County’s most recent strategic plan is to encourage an inclusive and diverse community.

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<sup>1</sup> O.C.G.A. § 41-2-2 provides that a complaint to abate a public nuisance must be filed by the district attorney, solicitor-general, city attorney or county attorney on behalf of the public.

## II. JURISDICTION AND VENUE

8.

This Court has jurisdiction over this action.

9.

Venue is proper in this Court.

## III. FACTS

### *The Confederate Monument*

10.

The subject monument (the “Confederate Monument”) is believed to have been erected in 1993 by the Sons of Confederate Veterans Camp 96 and United Daughters of the Confederacy Chapter 2365 and features a gold Confederate States of America at the Top, above an image of a Confederate soldier standing in front of an early flag of the Confederacy.

11.

Research by the Atlanta History Center, among others, establishes that Confederate monuments erected during this period were intended to perpetuate the “Lost Cause mythology,” “an alternative explanation for the Civil War developed by white Southerners after the war’s end,” which sought to “rationalize the Confederacy,” including “claims that slavery was not the central cause of the Civil War.” [<https://www.atlantahistorycenter.com/research/confederate-monuments>]

12.

The location of the monument on the Lawrenceville Square has a deep historical relevance because there are records of the lynching of African-Americans being performed long

ago on the square. A photograph of the victim of one such lynching, which occurred in 1911, is in the collection held at the Georgia Archives.

13.

The description listed by the archives for the photo states the man, identified as Charlie Hale, was hung from a pole at the corner of Perry and Pike Streets, a few yards away from where the confederate monument was erected 82 years later.

14.

On September 18, 2017, the Decatur City Commission adopted Resolution R-17-16, that resolved, in part, that the City Commission “support[s] action by the DeKalb County Board of Commissioners when so authorized to remove the Confederate Memorial to an alternative location within DeKalb County where it can be placed in context with the larger history of the times in which it was built.”

*The Monument will become a flash point, a danger to the community,  
and a burden on the City of Lawrenceville*

15.

Recently, the monument has been a target of graffiti and vandalism. There was spray-painted stencil on the monument that had the saying “black lives matter.” There were also signs put up on the monument. The signs had a long message on them, stating remarks about racism and white supremacy.

16.

Every time such incidents of graffiti and vandalism occur, City resources are expended. This includes investigating potential criminal damage to property, coordinating clean-up efforts with the monument, and responding to media inquiries.

17.

With the tragic killing of George Floyd by Minneapolis police on May 25, 2020, following on the heels of video being released of an unarmed Ahmad Arbery being killed by vigilantes in Brunswick, Georgia, and the death of Rayshard Brooks by Atlanta Police, the nation appears to have reached a tipping point, with unprecedented, historic levels of sustained protest arising across the country, in Atlanta, and in the City of Lawrenceville.

18.

As the County seat and a center of commerce and government in a metropolitan region, the City of Lawrenceville is a natural location for protests, demonstrations, and rallies. The City of Lawrenceville welcomes these gatherings where freedoms of speech, assembly, and redress are exercised.

19.

The number one priority for the City Police Department during these events is the safety of the participants and other individuals. Ensuring such safety is no easy task and takes substantial planning, increased staffing, and coordination with other public safety agencies, including, most notably, partner agencies the Lawrenceville County Police Department and the Gwinnett County Police Department. The task is made even more challenging when events are scheduled on short notice or there is little if any coordination with the City by organizers.

20.

The City incurs substantial personnel and other costs for each protest and rally.

21.

Police vehicles have been burned and damaged stemming from these protests.<sup>2</sup>

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<sup>2</sup> [https://www.gwinnettdailynews.com/local/gwinnett-county-police-arrest-three-suspects-for-allegedly-setting-patrol-car-on-fire/article\\_e9205cb2-a668-11ea-ade3-67beac2227fd.html](https://www.gwinnettdailynews.com/local/gwinnett-county-police-arrest-three-suspects-for-allegedly-setting-patrol-car-on-fire/article_e9205cb2-a668-11ea-ade3-67beac2227fd.html)

22.

Between June 1 to June 25, there have been multiple organized protests and rallies in the City of Lawrenceville inspired by the Black Lives Matter movement and related movements. These events have been peaceful and safe for participants.

23.

In the past few days, calls for the removal of the confederate monument begins to gather momentum.

24.

As national and statewide efforts to remove Confederate monuments continue, this monument will continue to be targeted, and more protests related to this monument will continue to rise.

25.

All of this is occurring in the midst of a deadly pandemic, with the Police Department operating pursuant to stringent and challenging changes in operations to ensure the safety of police personnel and the public.

26.

Despite the fact that protests and demonstrations in Lawrenceville to date have been peaceful, there is a growing and highly reasonable concern that individuals might take matters into their own hands and attempt to tear down the Confederate Monument.

27.

One need only look to Birmingham to see the very real possibility of such actions. According to press reports, on the night of May 31, a crowd attempted to topple a similar obelisk commemorating the Confederacy, using a rope and a truck. Apparently, these individuals were

guided and possibly inspired by instructions posted that day on Twitter by a professor of Egyptology at the University of Alabama at Birmingham. Birmingham's Mayor intervened to stop the crowd and, citing the threat to public safety, subsequently ordered that the monument be removed by the City in a safe and controlled manner.<sup>3</sup>

28.

In addition, on June 3, just hours before the start of a quickly organized protest of a Confederate monument on the Decatur Square in Decatur that reportedly drew as many as 1,500 participants, the owner of the local news site Decaturish.com published an editorial, calling on local leaders to remove the monument "today before some freelance demolition expert does it." The Decaturish.com editorial also included: "To Decatur and county leadership: Get this piece of crap monument out of the Square before someone in the community hurts themselves trying to do it for you."

29.

Shortly after the Decaturish editorial was posted, a commenter informed readers that "[a]n Egyptologist posted advice on how to safely pull down obelisks on Twitter" and provided the link. This was the same May 31 Twitter thread that the crowd in Birmingham apparently used as a guide.

30.

The Twitter thread provides detailed instructions on how to pull down an obelisk, including: using chains, not rope; needing 40+ people for every ten feet of obelisk; positioning

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<sup>3</sup><https://news.artnet.com/art-world/egyptologist-obelisk-instructions-1877613>;  
<https://decaturish.com/2020/06/editorial-its-time-to-remove-decatur-monument-to-white-supremacy-from-the-square/>.



groups on both sides of the obelisk; and rocking the obelisk back and forth until it falls. One of the final steps was to “GET THE %^&\* OUT OF THE WAY IT WILL SMASH RUN AWAY FROM DIRECTION.”<sup>4</sup>

31.

In recent days, Confederate monuments in locations across the South have been vandalized and, in some instances, torn down. For example, on May 30, protesters in Nashville brought down a statue of an early 1900’s lawmaker who had racist views.<sup>5</sup> On the night of June 6, demonstrators in Richmond used a rope to topple a statute of a Confederate general in a City park.<sup>6</sup>

32.

There is now press coverage of the Confederate monument in Lawrenceville and local leaders’ and the community’s desire that it be removed. One need only think back to Charlottesville in August 2017 to realize that groups espousing violence may become agitated by developments in Lawrenceville.

33.

The Southern Poverty Law Center reports on its website that on June 1, a caller told police in Birmingham, Alabama that he planned to kill police, protesters and the Mayor if the

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<sup>4</sup> <https://twitter.com/indyfromspace/status/1267271817439346689>.

<sup>5</sup> <https://www.timesfreepress.com/news/local/story/2020/may/30/nashville-protesters-topple-statue-racist-politician-gov-lee-deploys-national-guard/524221/>.

<sup>6</sup> <https://www.al.com/news/2020/06/confederate-statue-toppled-by-protesters-in-virginia-capital.html>.

City proceeded with plans to remove Birmingham's Confederate monument (the one that the group tried to topple on May 31).<sup>7</sup>

#### **IV. THE MONUMENT HAS BECOME A PUBLIC NUISANCE**

34.

The continued presence of the Confederate Monument in its current location has become an immediate "annoyance" to the public, as that term is used in O.C.G.A. § 41-2-1, because of what it stands for, because of the societal friction it engenders, and because it is increasingly the subject of acts of graffiti and vandalism.

35.

The continued presence of the Confederate Monument in its current location is "manifestly injurious to the public health and safety," as those terms are used in O.C.G.A. § 41-2-1, as the Monument inspires outrage, leading to demonstrations and protests, which at minimum, potentially exposes the public and police officers to COVID-19 and forces the City to incur significant expenses, and which, in a worst case scenario, could result in substantial violence, injury and death to individuals, including those who may attempt to forcibly knock it down.

36.

The continued presence of the Confederate Monument in its current location "tends greatly to corrupt the manners and morals of the public," as those terms are used in O.C.G.A. §

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<sup>7</sup> <https://www.splcenter.org/hatewatch/2020/06/04/bomb-threat-issued-birmingham-neo-confederates-react-monument-removal>.

41-2-1, in that, among other things, the symbolism and message of the Monument are anathema to the City's stated goals of diversity and inclusiveness.

37.

The monument has become a public nuisance, the public is entitled to have this nuisance enjoined and abated, Plaintiff is without an adequate remedy at law, and therefore resort must be had to equity for full and complete relief.

#### **V. THE PUBLIC NUISANCE CAN BE ABATED EXPEDITIOUSLY**

38.

The Monument simply needs to be relocated temporarily to a County property away from the Lawrenceville Square where it can be stored until such time as a permanent home can be located. In this manner, the Monument will be protected and preserved from continuing vandalism, defacement and possibly destruction.

39.

In the Alternative, the Monument may be relocated to the Gwinnett Environment and Heritage Center where it can be displayed and educate others on the culture and heritage of the past. The Monument would be more fitting in the Gwinnett Environment and Heritage Center than in the Lawrenceville Square. In addition, the Monument would be more safely protected from vandalism, defacement, and possible destruction in the Gwinnett Environment and Heritage Center because of the security Gwinnett Environment and Heritage Center would provide.

40.

Because of the urgency of the situation and the imminent dangers presented, this action must move forward while long-term solutions continue to be explored.

**WHEREFORE**, Plaintiff prays:

1. That a rule nisi issue, setting a hearing at the earliest possible time for the entry of an interlocutory order to abate the nuisance;
2. That an interlocutory order to abate be issued, ordering Defendant to relocate the Monument to a temporary location away from the Lawrenceville Square;
3. That the interlocutory order be made permanent upon a final hearing in this cause; and
4. That the Court grant such other relief it deems proper.

This 30<sup>th</sup> day June, 2020.

**GWINNETT COUNTY SOLICITOR-GENERAL**

By: 

Brian W. Whiteside, Solicitor-General  
Georgia Bar No. 756040  
Nam Nguyen, Assistant Solicitor-General  
Georgia Bar No. 926842

Attorneys for Plaintiff

Gwinnett County's Solicitor Office  
75 Langley Drive,  
Lawrenceville, GA 30043  
770-822-8300

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

BRIAN W. WHITESIDE,  
in his official capacity as Solicitor-General  
of Gwinnett County, Georgia,

Plaintiff,

v.

GWINNETT COUNTY,

Defendant.


CIVIL ACTION

FILE NO. \_\_\_\_\_

VERIFICATION

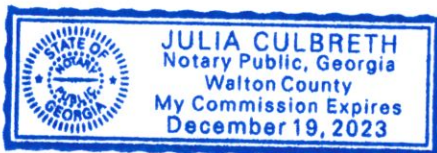
Personally appeared before the undersigned officer, duly authorized to administer oaths in the State of Georgia, BRIAN W. WHITESIDE, who after being duly sworn, deposes and states that he is the Petitioner in the above-styled action, and verifies that the facts contained in the within and foregoing Complaint to Abate Nuisance are true and correct to the best of his personal knowledge and belief.

This 30<sup>th</sup> day of June, 2020.

  
BRIAN W. WHITESIDE, Solicitor-General  
Georgia Bar No. 756040  
NAM NGUYEN, Assistant Solicitor-General  
Georgia Bar No. 926842

Sworn to and subscribed  
before me this 30 day of  
June, 2020.

  
NOTARY PUBLIC



**IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA**

**BRIAN W. WHITESIDE,**  
**in his official capacity as Solicitor-General**  
**of Gwinnett County, Georgia,**

**Plaintiff,**

**v.**

**GWINNETT COUNTY,**

**Defendant.**

**CIVIL ACTION**

**FILE NO. \_\_\_\_\_**

**CERTIFICATE OF SERVICE**

This is to certify that I have this day serve a copy of the foregoing Complaint to Abate Public Nuisance by delivering a copy of the same by hand delivery and by email to:

Glenn Stephens, Gwinnett County Administrator  
c/o County Attorney Tuwanda Williams  
75 Langley Drive  
Lawrenceville, Georgia 30046  
Glenn.Stephens@gwinnettcountry.com  
Tuwanda.Williams@gwinnettcountry.com

Respectfully submitted this 30<sup>th</sup> Day of June 2020.

**GWINNETT COUNTY SOLICITOR-GENERAL**

By: \_\_\_\_\_

Brian W. Whiteside, Solicitor-General  
Georgia Bar No. 756040  
Nam Nguyen, Assistant Solicitor-General  
Georgia Bar No. 926842

Gwinnett County's Solicitor Office  
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