



August 16, 2022

Dear Tyrrell County Commissioners,

On behalf of the Concerned Citizens of Tyrrell County and Emancipate NC,<sup>1</sup> we are writing to ask that you exercise your authority to remove the monument to Confederate soldiers and “Faithful Slaves”<sup>2</sup> from the property of the Tyrrell County Courthouse. This monument has the distinction of being one of the only remaining monuments on public property in the United States to mention or depict slaves. It is an expression of racial hostility, is hurtful and embarrassing to people in this community, and undermines the promise of equal justice under law at the courthouse where it sits.<sup>3</sup> This monument needs to be removed. The time to act is now.



*Billboards erected by the Concerned Citizens of Tyrrell County and Emancipate NC on US-64E*

The Tyrrell County community needs to know where members of this Commission stand on the monument and its removal. To our knowledge, no member of the Tyrrell Commission has

<sup>1</sup> The Concerned Citizens of Tyrrell County is an organization comprised of members of the Tyrrell County community, most of whom have lived in the community for an extended period of time. The group holds regular meetings, collects dues, and sponsors events to promote the general well-being of people in Tyrrell County. Emancipate NC is a nonprofit civil rights legal organization based in Durham, NC. Founded in 1977, the group was known prior to 2020 as the Carolina Justice Policy Center.

<sup>2</sup> See generally Micki McElya, *CLINGING TO MAMMY: THE FAITHFUL SLAVE IN TWENTIETH-CENTURY AMERICA* (Harvard Univ. Press 2007) (exploring how assertions of Black people’s purported contentment with slavery through the propagation of the “faithful slave” narrative served to reinforce a system of racial hierarchy).

<sup>3</sup> Those who chose this location for the monument in 1902 did so precisely for this reason. As UNC Historian Dr. Fitzhugh Brundage has explained, “Confederate memorialists intentionally located monuments in front of the most important civic buildings, especially courthouses, and along the most important thoroughfares in their communities. The location and timing of the Confederate monument boom from 1890 to 1920 was directly tied to the political objectives of the sponsors of the monuments ... Monument sponsors looked to the monuments to reassure white southerners that the ‘Old South’ had been the most perfect civilization yet attained, that slavery had been benign, that the Confederacy had been a valiant and noble experiment, and that the region’s white elites were the best guardians of white supremacy.” Fitzhugh Brundage, *CONFEDERATE MONUMENTS AND THEIR SIGNIFICANCE* (Jan. 27, 2021).

articulated a substantive defense of the “Faithful Slaves” monument, nor has anyone publicly supported its relocation. To the extent anyone from the County has offered comment, it has been to suggest that the Commission lacks authority to move the monument, citing the 2015 monument preservation law.<sup>4</sup> As we explain below, we do not believe the relevant facts and law support such a conclusion. Instead, we believe this Commission can and should act.

More than a dozen communities have taken action to relocate or permanently remove Confederate monuments in the years since the NC monument preservation law’s passage, including Boards of Commissioners in Buncombe, Chatham, Franklin, Lenoir, Pitt, and Warren Counties.<sup>5</sup> While the law remains on the books, the N.C. Court of Appeals has significantly curtailed its application, concluding that a County Commission’s decision to remove a monument cannot be said to violate “any . . . ‘legally enforceable right’ . . . sufficient to convey standing” to third parties who might wish to challenge the decision.<sup>6</sup>

County Commissions that have taken action to remove racially offensive monuments from their courthouse grounds have not been ordered to restore them. By contrast, Commissions like those in Gaston and Alamance Counties, which have made clear their intention to maintain Confederate monuments at their courthouses, have found themselves named Defendants in lawsuits from civil rights groups and embroiled in litigation.<sup>7</sup> We are in touch with the attorneys who have brought these suits, as well as other attorneys organized under the N.C. Campaign to Remove Confederate Monuments,<sup>8</sup> a project of the N.C. Commission on Racial and Ethnic Disparities, which seeks to organize legal resources towards the removal of Confederate monuments. This Campaign has prioritized monuments at courthouse spaces because they represent a pernicious threat to the administration of equal justice.<sup>9</sup> Some of its members have said they regard the monument in Tyrrell as the most troubling monument remaining in the state.

---

<sup>4</sup> See Ray McClees, *Tyrrell Commissioners Prohibited from Removing Confederate Monument*, THE COASTLAND TIMES, March 17, 2019 (quoting County Manager-Attorney David Clegg discussing N.C.G.S. § 100-2.1 (2015)).

<sup>5</sup> See Mackenzie Wicker, *Confederate Monument Removed from Buncombe Courthouse Property*, ASHEVILLE CITIZEN-TIMES, July 14, 2020 (discussing Commission’s removal of the Vance monument in Buncombe County); Martha Quillin, *NC Town Takes First Step in Relocating Confederate Monument, Removing Solider from Top*, NEWS & OBSERVER, June 30, 2020 (discussing board vote to relocate monument from Main Street in Louisburg to town cemetery); Sharon Danquah and Annette Weston, *Kinston Confederate Monument to be Moved to Civil War Memorial Site*, WCTI-12, June 25, 2020 (discussing Lenoir Commissioners’ unanimous vote to relocate Confederate monument to a Civil War battleground); Amber Lake, *Pitt County Discusses Confederate Monument Removal*, WITN-TV, Sept. 13, 2021 (discussing unanimous vote of Pitt County Commissioners to remove county’s Confederate monument from public property); Gary Band, *Confederate Monument Removed from Courthouse Square*, WARREN RECORD, June 24, 2020 (discussing unanimous vote of the Warren County Commissioners to remove county’s Confederate monument from courthouse property); Derrick Bryson Taylor, *Confederate Statue in North Carolina Comes Down After 112 Years*, N.Y. TIMES, Nov. 20, 2019 (discussing vote of Chatham County Commissioners to remove Confederate monument from courthouse grounds).

<sup>6</sup> *United Daughters of the Confederacy v. City of Winston-Salem by & through Joines*, 275 N.C. App. 402, 405, 853 S.E.2d 216, 219 (2020); see also *Soc’y for Hist. Pres. of Twentysixth N. Carolina Troops, Inc. v. City of Asheville*, \_\_\_ N.C. App. \_\_\_, ¶ 27, 872 S.E.2d 134, 140 (2022).

<sup>7</sup> See, e.g., Isaac Groves, *Lawsuit Demands Alamance County Remove Confederate Monument*, TIMES-NEWS, March 31, 2021; Alex Giles, *Lawsuit Filed to Have Gaston County Confederate Monument Relocated*, WBTV (CBS), Nov. 16, 2020.

<sup>8</sup> See NC Campaign to Remove Confederate Monuments, <https://ncconfederatemonuments.org>.

<sup>9</sup> See generally Elizabeth Hambourger and Ian Mance, *Lawyers Must Challenge Racist Symbols in Courthouse Spaces*, TRIAL BRIEFS (N.C. ADVOCATES FOR JUSTICE), <https://www.ncaj.com/news/lawyers-must-challenge-racist-symbols-in-courthouse-spaces>.

The solution to this problem is straightforward. The County Commission should vote to remove the monument from courthouse grounds. Moving the monument from the courthouse is not only the morally right thing to do; it is also what we believe the law requires when racially hostile government speech is propagated from the seat of local government. As the U.S. Supreme Court has explained, permanent monuments displayed on public property are best understood as “expressive conduct” and “government speech,” intended to “convey some thought or instill some feeling in those who see the[m].”<sup>10</sup> The Court has also said it is reasonable for members of the general public to interpret Confederate imagery as racially offensive.<sup>11</sup> These cases and others call into question the lawfulness of a courthouse monument that effectively espouses a pro-slavery message, and they reaffirm the need for this Commission to act.

The Concerned Citizens of Tyrrell County are committed to seeing this issue addressed. The group first called on the Commission to remove the monument in February 2019, now more than three years ago.<sup>12</sup> In June 2020, members participated in a series of public demonstrations against the monument, seeking to further draw attention to the issue and to spur this Commission to action.<sup>13</sup> In a signal of our continued commitment, we have erected a pair of billboards on U.S.-64 E, calling for the removal of the monument from courthouse grounds. NPR’s North Carolina affiliate, WUNC, reported on this effort in a recent statewide broadcast that featured quotes from Joyce Fitch, a member of the Concerned Citizens.<sup>14</sup>

It is our hope that the Commission will recognize the sincerity of our request, hear our call for action, and take concrete steps to remove this monument from the Tyrrell County Courthouse. We invite members of the County Commission to attend the next meeting of the Concerned Citizens of Tyrrell County to discuss this matter with us in person. That meeting will be held on September 14, 2022 at 2:00pm at 410 Railroad Street in Columbia. We look forward to engaging with you about this important issue.

Sincerely,

Ian Mance  
N.C. Bar. No. 46589  
Senior Counsel  
EMANCIPATE NC  
Email: [ian@emancipatenc.org](mailto:ian@emancipatenc.org)  
Phone: (828) 719-5755  
*On behalf of The Concerned Citizens of Tyrrell County*

---

<sup>10</sup> Pleasant Grove City, Utah v. Sumnum, 555 U.S. 460, 470–76 (2009).

<sup>11</sup> Walker v. Texas Div., Sons of Confederate Veterans, Inc., 576 U.S. 200, 206 (2015).

<sup>12</sup> Ray McClees, *Alligator Resident Calls for Removal of Confederate Soldier Monument*, THE COASTLAND TIMES, Feb. 28, 2019 (recounting that a representative of the Concerned Citizens of Tyrrell County appeared at Commission meeting to call for the monument’s removal).

<sup>13</sup> Amber Lake, *Protestors Want Confederate Statute Removed at Tyrrell Co. Courthouse*, WITN (NBC), June 26, 2020.

<sup>14</sup> Jason DeBruyn, *Tyrrell County Activists Want Confederate Monument Moved*, WUNC, June 17, 2022.