STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF ORANGE

19-CVS-1579

NORTH CAROLINA DIVISION SONS OF CONFEDERATE VETERANS, INC., Plaintiff, v. THE UNIVERSITY OF NORTH CAROLINA and THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS, Defendants.	**MOTION TO INTERVENE** **(N.C. Rule of Civ. Pro. 24)**

COME NOW Alyassa Boyd, De'Ivyion Drew, Elisabeth Jones, Michelle Robinson, Gina Balamucki, William Holland, and Liliya Oliferuk, (collectively, "Movants") and respectfully move to intervene as defendants in this matter pursuant to North Carolina Rule of Civil Procedure 24(a)(2) (intervention of right) and Rule 24(b)(2) (permissive intervention). In support thereof, Movants state as follows:

1. On November 27, 2019, the day before Thanksgiving, the North Carolina Division of Sons of Confederate Veterans ("SCV") filed this lawsuit against the University of North Carolina and its Board of Governors. SCV claimed ownership of a Confederate monument ("Monument") that had been erected on the University's campus in 1913 and asked the Court to force the University to reinstall the Monument on the University's campus at the original

location from where it had been removed in 2018. (Complaint ¶¶19, 75). In addition, the SCV claimed it had "suffered damages in excess of $25,000." (Complaint ¶¶99, 132, 141, 157, 171).

2. Seven minutes after the Complaint was filed, a Consent Order was entered settling the case. The Consent Order had been signed by the University's interim president, William Roper, the day before the Complaint was filed and by the Chair of the Board of Governors ("BOG"), Randy Ramsey, five days before the Complaint was filed. The Consent Order obligates Defendants to transfer ownership of the Monument to the SCV and to pay $2.5 million to establish a custodial trust for "the preservation and benefit" of the Monument. (Consent Order at 17).

3. The University's mission is "to serve as a center for research, scholarship, and creativity and to teach a diverse community of undergraduate, graduate, and professional students to become the next generation of leaders." University of North Carolina, *Mission and Values*, https://www.unc.edu/about/mission (Feb. 2014).

4. The Law School's mission includes "instill[ing] lifelong ethical values, dedication to the cause of justice and a lasting commitment to pro bono and public service." UNC School of Law, *Mission*, https://law.unc.edu/about/mission/.

5. SCV is an organization explicitly dedicated to "instill[ing] devotion to and reverence for the principles represented by the Confederate States of America." (Complaint ¶2). As discussed in Movants' December 11, 2019 letter to Defendants, incorporated herein and attached as Exhibit 1, and in Movants' motions under N.C. Rules of Civ. Proc. 12(b)(1), 12(b)(6), and 60, filed contemporaneously with this motion and incorporated herein by reference, the SCV never owned the Monument at issue in this case. It claims that another pro-Confederacy

group, the North Carolina Division of the United Daughters of the Confederacy, transferred its rights in the Monument to SCV. (Complaint ¶¶ 10. 18). However, the North Carolina Division of the United Daughters of the Confederacy, which was incorporated in 1992 ("1992 UDC"), and which executed the "Memorandum of Understanding" assigning its interests in the Monument to the SCV (Complaint Ex. C), never owned the monument.

6. In 1908, a hereditary association which called itself the North Carolina Division of the United Daughters of the Confederacy ("1897 UDC") offered to raise money for construction of a Confederate monument and requested permission to erect that monument on UNC's campus in Chapel Hill. (Complaint ¶¶10; 21- 24). As shown in Movants' Rule 60(b) Motion and Rule 12(b) Motion to Dismiss, filed contemporaneously with this Motion, the 1897 UDC never owned the Monument.

7. SCV has not alleged or otherwise shown that the 1992 UDC is a successor in interest or otherwise received any assets that were owned by the 1897 UDC.

8. As detailed in Exhibit 1:

a. SCV failed to demonstrate that it has standing in this case, and subsequently revealed that it knew it lacked standing and that its claims were meritless at the time it filed the verified complaint;

b. The BOG and SCV colluded to develop a scheme to circumvent the legal deficiencies of the claims in the Complaint, to avoid establishing legal precedents regarding the "Monument Protection Act" that might negatively impact the interests of the SCV, and to conceal those negotiations from the public and even from some members of the BOG;

c. SCV's claims of ownership of the Monument are baseless and contrary to well-established law regarding gifts, ownership interests, and transfers of property;

d. There is no evidence that the Attorney General's office reviewed and approved the settlement or tendered a written opinion on its advisability; and

e. The BOG appears to have violated its legal, ethical, and fiduciary obligations in disbursing $2.5 million in public funds under these circumstances.

9. Movants Boyd, Drew and Holland are undergraduate students of the University of North Carolina at Chapel Hill (UNC-CH); Boyd and Drew are African American. *See* Exhibits 2-4, Affidavits of Boyd, Drew and Holland, respectively. Movants Jones, Balamucki, and Oliferuk are students of the University of North Carolina School of Law; Jones is African American. *See* Exhibits 5-7, Affidavits of Jones, Balamucki and Oliferuk, respectively. Movant Robinson is an African American Associate Professor in the Department of American Studies at UNC-CH. *See* Exhibit 8, Affidavit of Robinson. In their attached affidavits, Movants describe their direct and immediate interests in the disposition of the Monument and in the disbursement of public funds held by UNC to support the ahistoric and white supremacist ideology and activities of a neoconfederate organization:

a. "UNC's $2.5 million payout to a white supremacist organization dedicated to cultivating ignorance and racist beliefs is a slap in the face to me as a black student at a university that claims to support racial diversity and scholarship . . . . The BOG settlement further contributes to a hostile environment on campus." (Ex. 2, ¶¶ 2, 4).

b. "The actions by UNC and the BOG with respect to the "settlement" in this manner; their secret negotiations; lack of transparency; false statements to the court, the University community and the public; the Consent Order that they fabricated to illegally transfer 2.5 million dollars to an organization that glorifies and seeks to perpetuate the false and dangerous "Lost Cause" ideology

which is a major obstacle for racial equity and reparative measures in our country-- all violate the BOG's duties to me as a student of this University as well as the University's mission. . . . The clear message of that Monument is that I am inferior because of the color of my skin, that I deserve-- and my ancestors deserved-- to be enslaved, brutalized and exploited to enrich white people, and that white supremacy is celebrated by my university. That message harms me and disrupts and impedes my access to an education at UNC. That message is in direct opposition to the University's stated mission." (Ex. 3, ¶¶ 5, 6).

c. "As a UNC student and employee who lives on campus, I am anxious about my safety and the safety of my classmates. UNC's $2.5 million payout to display and protect the statue rewards white supremacists for their attacks on me and my peers, and further emboldens them to continue their practice of racist and homophobic intimidation toward students and our neighbors. . . . I am concerned that the redirection of funds from UNC Chapel Hill to bolster racist neo-confederate projects harms the university's ability to teach students. . . . Further, I recognize the payout as causing harm to the university's ability to recruit and retain a diverse student body and workforce, which are crucial to a healthy learning environment." (Ex. 4, ¶¶ 3, 5, 6).

d. "As one of the relatively few UNC students who is African American . . . I experienced deep disappointment in my university and personal pain every time I had to walk by that monument, because it glorified the violent enslavement of African Americans. The purpose of that monument was to tell people like me-- who actually built this campus-- that we do not belong here. The fact that my university, whose mission is to serve as a "center of scholarship," "settled" a fraudulent lawsuit concerning the monument with a payout of $2.5 million to an organization dedicated to spreading a false historical narrative that denigrates African Americans and sows hatred and ignorance, causes me substantial injury. . . . UNC and BOG's actions in negotiating with the SCV devalues my education at this university, and undermines the investment I have made (and am still making) in my degrees from this university." (Ex. 5, ¶¶ 5, 6).

e. "While on campus, I have been harassed and threatened by members of neo-confederate groups. I have personally seen a member of a neo-confederate group assault a fellow student. . . . My university's actions regarding the monument and the Consent Order in this case deeply pain me as a student. The BOG's actions demonstrate clear support of hateful, racist ideology that is inimical to my university's professed values and goals. Nor is it any victory that

even under the terms of the fraudulent Consent Order, the monument, with a $2.5 million makeover, will likely become a threat to another community. . . . The BOG's actions are harmful to my and so many other students' physical safety and emotional health. Their actions also take away resources that would otherwise be used to fund our education. UNC Law is facing a large tuition increase because, we are told, there are not enough resources for us. And yet the BOG appears eager to give resources to a white supremacist group. This begs the question: what does the BOG believe is a valuable expenditure of millions of dollars of resources? It appears that funding a white supremacist group is fairly high on the list." (Ex. 6, ¶¶ 3, 7, 9).

f. "The continuing impact of the university's white supremacist legacy goes far beyond the monument. It echoes through its halls, where Black students and faculty are forced to attend and teach classes in buildings named after avowed white supremacists. The university has done little to reconcile with this legacy, and this huge monetary payment to a Confederate group only demonstrates a commitment to perpetuating that legacy. . . . It is a betrayal of the students, staff, and faculty, to take $2.5 million of public funds from the university to support a group that has harassed and intimidated students like me. Worse, this subsidy only increases the likelihood of further harassment and harm to students, because it emboldens groups like the SCV by vastly increasing its resources and ability to further its racist rhetoric and activities." (Ex. 7, ¶¶ 6, 7).

g. It is obvious that the BOG capitulated to white supremacist pressures. Not only is the proposed resurrection of the statue misguided and thoroughly imbued with white supremacist ideologies, the proposed funds for its reinstallation and dedicated to its protection are a deliberate, direct and deeply painful attack against people of color on this campus. . . . The BOG settlement payment of $2.5 million to a white supremacist group only reinforces my ethical obligation to inform prospective students of the racist and oppressive climate at this University and to encourage them to consider safer spaces where they may thrive. It is also my responsibility to explain to students that funds that could have gone to support their educational opportunities are now being diverted to support a white supremacist ethos. . . . sustaining (rather than resolving) the toxic white-supremacist climate, as the BOG has done, impacts my ability to succeed as a scholar and teacher at a Research I University. By legitimizing the untenable claims and white supremacist ideology of the SCV, they devalue the lives and histories of individuals represented on my syllabus and ridicule scholarship that examines historical events with scholarly rigor. (Ex. 8, ¶¶ 4, 6, 9).

10. As shown in the attached affidavits, the Monument served as a rallying cry for white supremacists, including Plaintiff, who have created a climate of fear and intimidation on and near campus both when the Monument was there and since its removal. Defendants' collaboration with the SCV in the conveyance of the Monument and $2.5 million of public funds contradicts the educational missions of the University and the School of Law, and tells Movants that African Americans do not have equity on campus.

11. Movants meet all the requirements for intervention of right under North Carolina Rule of Civil Procedure 24(a)(2), which states:

> Upon timely application anyone shall be permitted to intervene in an action . . . [w]hen the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

12. This motion is timely. The Complaint and Answer in this matter were filed only two weeks ago, on November 27, 2019. In light of the fact that the Consent Order was filed seven minutes after those pleadings, there is no timeliness issue foreclosing Movants' intervention. Post-judgment motions to intervene may be timely in "extraordinary and unusual circumstances." *Procter v. City of Raleigh Bd. of Adjustment*, 514 S.E.2d 745, 746 (N.C. App. 1999). Given the shroud of secrecy under which the parties negotiated prior to filing their pleadings, the timing of this matter becoming public the day before Thanksgiving (when most students and faculty had already left campus) and the existing parties' collusion and material misrepresentations in the Consent Order, such circumstances exist here.

13. As described above in Paragraph 9, Movants have a direct and immediate interest in Defendants' transfer of the Monument to an organization which espouses "devotion to and reverence for the principles represented by the Confederate States of America," and the accompanying transfer of $2.5 million in University funds to that organization's "preservation and benefit" of the Monument. These conveyances not only deprive Movants of the material assistance afforded by the $2.5 million to be diverted from support of their education and work, they directly contradict Defendants' fiduciary and ethical obligations and the University's stated mission, thereby injuring Movants' interests as described in their attached Affidavits.

14. As a result of the timing and secrecy of the pleadings and Consent Order, Movants were not afforded an opportunity to meaningfully represent their interests. They have not delayed in seeking to intervene, and there is no unfairness to the existing parties that will result from allowing Movants' intervention at this stage.

15. Disposition of this case in the manner required by the Consent Order would impair Movants' ability to protect their interests as beneficiaries of the University's mission and resources. As a direct operation of the Consent Order, $2.5 million in University funds will be diverted from support of Movants' education and teaching to further activities and goals that propagate white supremacist ideology and also otherwise contradict the University's mission. Furthermore, the Order grants the propagators of such ideology, the SCV, the tool it craves as the focus of that ideology: the Monument.

16. The existing parties fail to adequately represent Movants' interests as the intended beneficiaries of University funds and mission. Plaintiff's interests are in fact antithetical to Movants' interests; Plaintiff seeks to further its Lost Cause, pro-Confederacy propaganda efforts.

For their part, Defendants have demonstrated a disregard of their duties to safeguard resources for students' education in an environment free from fear and intimidation. Defendants have collaborated with the Plaintiff and its counsel, "working directly with them" (Ex. 1 at 8) to help Plaintiff further its Lost Cause mission. *See* Ex. 1 at 9 ("This judicial settlement not only will insure the future of Silent Sam, but also the legal and financial support for our continued and very strong actions in the future."). Movants' affidavits expressly note that the Defendants' actions in this matter demonstrate that they do not represent the Movants' interests. *See* Ex. 2, ¶7; Ex. 3, ¶8; Ex. 4, ¶4; Ex. 5 ¶7; Ex. 6, ¶5; Ex. 7, ¶2 Ex. 8, ¶3.

17. Defendants' collaboration with the Plaintiff's efforts to deceive the Court as to the Court's jurisdiction and the legal foundations for the Consent Order underscore the existing parties' inability to adequately represent Movants' interests as the intended beneficiaries of University funds. As described in Exhibit 1, Defendants worked with Plaintiff to conceal SCV's lack of legal standing to pursue this litigation and failed to advise the court of the frivolousness of the legal claims on which the Consent Order is based. *See* Ex. 1.

18. Alternatively, Movants also meet the requirements for permissive intervention pursuant to Rule 24(b)(2), which requires that a timely applicant demonstrate that their "claim or defense and the main action have a question of law or fact in common. . . . In exercising its discretion, the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of other parties." N.C. Gen. Stat. § 1A-1, Rule 24(b)(2).

19. As defendant-intervenors, Movants have both questions of law and fact in common with the SCV's action concerning the SCV's lack of standing, and with the facts and law related to the ownership and subsequent disposition of the monument. *See Students for*

Fair Admissions v. Univ. of N.C., 319 F.R.D. 490, 493-94, (M.D.N.C. 2017) (granting students permissive intervention "to ensure that 'a full evidentiary record is created regarding[] UNC-Chapel Hill's consideration of race and ethnicity as part of its holistic review of applicant's files' in its admissions process").

20. Finally, Movants' intervention would not unduly delay or prejudice adjudication of the rights of the other parties. There has been minimal (if any) actual litigation of this matter. The current adjudication, embodied in the Consent Order, is based on misrepresentations and concealed facts that go to the Court's jurisdiction and the legal foundations of the judgment. Any delay caused by Movants' intervention is not undue but necessary to justly resolve this case according to the law rather than subterfuge.

21. Notably, under these circumstances, this Court has the power to set aside the Consent Judgment *sua sponte*. The Court has inherent authority under its equitable powers to set aside a judgment based upon a fraud upon the court and can raise the matter on its own. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246, 64 S. Ct. 997, 1001 (1944); *Martina Theatre Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d 798, 801 (2d Cir. 1960) ("Were the characterization accurate, the defrauded district court would have been empowered to take action *sua sponte* to expunge the judgment, and we would suppose that anyone, whether his hands were clean or dirty, could suggest that it do so.

22. Counsel for the Plaintiff and for Defendants have been notified of this Motion. The Plaintiff object to the Motion. Defendants have not informed the undersigned of their position.

WHEREFORE, Movants respectfully request that the Court grant their Motion to Intervene of right pursuant to Rule 24(a)(2) of the North Carolina Rules of Civil Procedure, or in the alternative, that they be granted permissive intervention, pursuant to Rule 24(b). Movants have attached to this Motion a proposed Order, and filed contemporaneously with this Motion their Motion for Relief from the Consent Judgment pursuant to Rule 60, and their Motion to Dismiss the Complaint pursuant to N.C. Rules of Civ. Proc. 12(b)(1) and 12(b)(6). Movants ask that these Motions be accepted as filed when the Court grants the Motion to Intervene.

A proposed Order is attached.

Respectfully submitted, this the 13th day of December 2019.

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*-admission *Pro Hac Vice* pending

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing MOTION TO INTERVENE, MOTION FOR RELIEF FROM CONSENT JUDGMENT AND STAY OF EXECUTION OF JUDGMENT, MOTION TO DISMISS and their attached exhibits have been served on all parties and/or counsel by U.S. Postal Service, first-class delivery, with a courtesy copy by direct transmission to the electronic mailing addresses shown below:

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This the 13th day of December, 2019.

Mark Dorosin

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
ORANGE COUNTY	19-CVS-1579

NORTH CAROLINA DIVISION SONS OF CONFEDERATE VETERANS, INC., Plaintiff, v. THE UNIVERSITY OF NORTH CAROLINA and THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS, Defendants.	**ORDER**

NOW COMES the Undersigned, upon the Motion to Intervene filed in this matter by Alyassa Boyd, De'Ivyion Drew, Elisabeth Jones, Michelle Robinson, Gina Balamucki, William Holland, and Liliya Oliferuk, (hereinafter "Intervenors"). Having reviewed the Motion and supporting affidavits, and the arguments of counsel, this Court concludes that Intervenors have direct and immediate interests relating to the subject of this action, that the disposition of the action may impair or impede Intervenors' ability to protect those interests, and those interests are not adequately represented by existing the parties. Therefore, it is hereby ORDERED that, pursuant to Rule 24(a)(2) of the N.C. Rules of Civil Procedure, the Motion to Intervene of rights is GRANTED, and that the Intervenors are admitted to this case with the full rights of parties, as Intervenor-Defendants. Intervenors'

Motions for Relief from the Consent Judgment and to Dismiss, filed contemporaneously with their Motion to Intervene, are hereby deemed filed as of the date of this order.

This the _____ day of December, 2019

_____

Superior Court Judge

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EXHIBIT
tabbies
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December 11, 2019

Via U.S. Mail and Email
Ripley Rand
555 Fayetteville Street, Suite 1100
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ripley.rand@wbd-us.com

Re: North Carolina Division Sons of Confederate Veterans, Inc. v. UNC and UNC Board of Governors, 19 CVS 1579

Dear Mr. Rand:

On behalf of our University of North Carolina Chapel Hill student and faculty clients, we write to raise concerns about the Consent Judgment, Declaratory Judgment and Order ("Consent Order") entered in the above-captioned matter, and to ask that the University of North Carolina ("UNC"), and the UNC Board of Governors ("BOG") act immediately to take any actions necessary to protect UNC's interests and to recover the 2.5 million dollars dedicated to paying that judgement.

As set out below, it appears that the Consent Order won court approval only because the parties concealed the plaintiff's lack of standing from the court and failed to advise the court of the frivolousness of the legal claims on which the Consent Order is based. It is apparent that in pursuing this Consent Order, the BOG sought to use the court system to circumvent laws that would otherwise prohibit the actions that the Consent Judgment requires—the transfer of the Confederate monument and UNC's payment of $2.5 million. These circumstances, along with the amount of the settlement payment, cause us to question whether the Board acted consistent with its fiduciary duties in approving this Consent Order.

We urge the BOG to carefully consider this information and to take all necessary action to meet is fiduciary obligations to protect UNC's interests and to recover the 2.5 million dollars to be paid to support a white supremacist organization whose values are antithetical to UNC's mission.

Our concerns are informed significantly by statements made by the president of the North Carolina Division of the Sons of Confederate Veterans (SCV), Kevin Stone, shortly after the Consent Order was filed. Mr. Stone made the statements in a letter to SCV's members explaining the negotiations with the BOG. See attached Exhibit 1, "Letter to the Men of the North Carolina Division." In the letter, Kevin Stone, who signed the Consent Order on the Plaintiff's behalf, explained how the parties secretly worked together to craft a meritless lawsuit in order to convey possession of the Confederate monument and 2.5 million dollars to a custodial trust for its care.

The below italicized excerpts from Exhibit 1 show that the SCV admitted to the following:

1. SCV's objective was

   to accomplish one of two things: either to have the memorial restored to its place of honour on campus while being properly protected; or to gain possession of the memorial and make an equally prominent public display for it at UNC's expense.

2. SCV knew before filing the Verified Complaint and the Consent Order that it had no standing to bring a lawsuit to achieve its objective, and that any law suit it wanted to bring would be meritless.

   As we have mentioned dozens of times, despite consulting every known legal source, including those parties who have had success with SCV suits in Virginia and Tennessee, we could not get past the issue in North Carolina law of legal standing in the Silent Sam case so to bring a suit. Even if we had filed suit, our complaint would have been challenged and dismissed immediately without result. After extensive consultation (with judges, retired judges, etc.), we were 100% certain that this would be the outcome.

3. SCV was given hope that it could obtain its objective in spite of the its lack of legal standing or ownership interest after it was approached by the BOG offering to negotiate.

   We were given some hope earlier this year when the Board of Governors approached us through Mr. Sturges and wanted to open negotiations. Our biggest advantage was the extremely adverse publicity they were receiving. They heard we were preparing to file a suit and wanted to avoid fighting with an organization represented by high-profile attorney Sturges. While they were not at all worried about losing, the prospect of another media circus on campus really had them worried, especially given that they have a hostile faculty at UNC and a very nervous donor pool that shies away from any controversy.

4. SCV then decided to file a lawsuit it knew was meritless.

   At that point this summer, we were despondent and thought that despite the exorbitant expense and almost certain waste of money and zero chance of winning, we were going to have to instruct our attorney to sue just so we could say we tried honourably.

   Thus, our attorney began work on a lawsuit and informed the Board of Governors that we would be launching major legal action. Because of that, we now announce that today we have indeed filed that legal suit against the Board of Governors and University, and our legal action has immediately met with an offer from them to settle.

5. SCV settled the case in a way to intentionally avoid the problem created by its conflicting positions regarding its lack of standing and made false allegations in the Complaint concerning its legal relationship to the Monument.

Further, we have not allowed the issue of standing to be mentioned in any way in the settlement so as not to hamper any future suits we may have to file regarding other memorials.

In addition, the settlement terms specify that we are not setting an automatic judicial precedent for other memorials across the state – this is a special case where the University chose to work uniquely with the SCV and create a carved out exception to the Monument Protection Act that would give us what we want while at the same time preventing any further damage to the law that has yet to be enforced by the state.

6. The BOG and SCV worked together on a legal theory that would allow disposition of the Monument without implicating N.C. Gen. Stat. 100-2.1 (the "Monument Protection Act") and avoid negative precedents interpreting that law, and intentionally kept their negotiations secret from the public and even some members of the BOG.

Prior to this point, we could not mention ANY of this to you at meetings or over the Tar Heel email list because all negotiations were required to be 100% confidential. For their part, knowledge by the media, the leftists, UNC faculty, and even other members of the Board not privy to the negotiations that their leadership was working with the SCV would have torpedoed the whole thing....

There have been those who say we've 'lost the respect' of the BOG, etc. while during this whole time, we were working directly with them and for the honour of our ancestors. What we have accomplished is something that I never dreamed we could accomplish in a thousand years and all at the expense of the University itself. This is a major strategic victory, and I look forward to continuing to move the Division forward.

The apparent misrepresentations to the court relating to SCV's standing to bring the lawsuit are particularly disturbing. Mr. Stone signed a verified complaint alleging under oath that the SCV had standing to bring the suit and then sent a letter to his members admitting not only that that claim had no merit, but also that the standing issue was being intentionally concealed from the court. It further appears that the BOG collaborated in concealing the standing deficiency from the court because the BOG needed this agreement to be in the form of a court-ordered agreement so it could circumvent the Monument Act, and other countervailing laws. If the court knew SCV lacked standing, the court would have to dismiss the case for lack of jurisdiction. If the court dismissed the case, the BOG would have no legal means of transferring the monument to SCV along with the $2.5 million for its maintenance.

Also troubling is that the parties asked the court to approve a Consent Order based on exceedingly faulty legal foundations—legal arguments that would be exposed as frivolous if they were tested through actual adversarial litigation. The legal theory underpinning the Consent Order is that the Monument was a "conditional gift" to non-party UDC. Consent Order, Conclusions of Law, ¶¶9, 11, 12. This legal conclusion is based upon statements made by a UDC member at the unveiling of the Monument, saying "may it stand forever as a perpetual memorial to those sons of the University who suffered and sacrificed so much at the call of duty." Consent Order, Finding of Fact, ¶32. The Consent Order concludes that UNC's failure to return the monument to its place after its removal violated that condition and therefore ownership interest in the Monument reverted to the UDC. Consent Order, Conclusion of Law, ¶12.

These conclusions of law are fundamentally flawed in several ways. First, the allegations in the Complaint fail to establish that the UDC actually owned the monument in the first place. The UDC raised money for the Monument, but it was always intended for UNC, and it was UNC officials who contracted with the sculptor for its creation. Consent Order, Findings of Fact, ¶¶22-31.

Second, if the UDC did own the Monument, it transferred ownership to UNC when it made the gift, and the allegations in the Complaint fail to establish any legal restriction on that gift. The Complaint cites only the UDC representative's aspirational statement during ceremonial remarks that the Monument "stand forever," but such statements could not have created a legal restriction on the donation. As a matter of law, a donor cannot restrict or condition a gift after it has been delivered. Any condition on a gift must be clearly stated prior to its delivery and cannot be made after the fact. *Courts v. Annie Penn Mem'l Hosp., Inc.*, 111 N.C. App. 134, 139, 431 S.E.2d 864, 866 (1993) (a gift inter vivos is absolute and takes effect at the time delivery is completed, provided there are no conditions attached). According to the Complaint, the Monument was already annexed to real property and the statements were made at the unveiling ceremony after it was already delivered.

Third, conditions subsequent are disfavored and must be clearly stated. *Ange v. Ange*, 235 N.C. 506, 508, 71 S.E.2d 19, 20 (1952) ("A clause in a conveyance will not be construed as a condition subsequent unless it expresses, in apt and appropriate language, the intention of the parties to this effect and a mere statement of the purpose for which the property is to be used is not sufficient to create such condition."); *Town of Belhaven, NC v. Pantego Creek*, LLC, 793 S.E.2d 711, 717 (N.C. Ct. App. 2016) (quoting *Prelaz v. Town of Canton*, 235 N.C. App. 147, 155, 760 S.E.2d 389, 394 (2014)) ("For a reversionary interest to be recognized, the deed must contain express and unambiguous language of reversion or termination upon condition broken. A mere expression of the purpose for which the property is to be used without provision for forfeiture or re-entry is insufficient to create an estate on condition."). The statement at the unveiling ceremony, "may it stand forever as a perpetual memorial to those sons of the University who suffered and sacrificed so much at the call of duty," does not satisfy the legal requirement to retain a reversionary interest. It is not a legally enforceable restriction on the gift but a statement of the purpose of the gift.

Finally, SCV bases its claim to the Monument not on the legal interest of the UDC that raised funds for the monument, but on the legal interest—whatever it might be—of the modern-day UDC, incorporated in 1992. This organization is not the same entity as the 19th Century UDC that helped raise funds for the Monument, and the Complaint fails to include any allegations that the modern UDC somehow inherited the property interests of the 19th century UDC. Thus, the modern-day UDC could have no legal interest in the Monument to assign to SCV.

Another serious concern raised by the Consent Order, and one that calls into question the BOG's compliance with its fiduciary duties, is that the amount of the monetary settlement far exceeds the damage award sought in SCV's Complaint. The relief requested in the Complaint is for "actual damages … in an amount sufficient to compensate for damage to the Confederate Monument." Complaint, Request for Relief, ¶J. Ordinarily this would amount to the cost of repair for damaged property. The most recent (2005) appraisal for the value of the monument according to the University is $125,000. Monument Appraisal, Exhibit 2. There is no legal basis for an award of $2.5 million based upon the legal claims and allegations set forth

in the Complaint, even if those claims and allegations were true. This raises substantial concerns about the BOG's compliance with its fiduciary duties and the unlawful disbursement of public funds.

Lastly, N.C.G.S. § 114-2.4 requires that the Attorney General review all proposed settlement agreements of more than $75,000, and "submit . . . a written opinion regarding the terms of the proposed agreement and the advisability of entering into the agreement, prior to entering into the agreement." It is unclear whether this necessary review by the Attorney General took place before the Consent Order was signed. Notably, while Chancellor Guskiewicz's written statement on December 6 asserts that the settlement agreement was "reviewed and authorized by the Attorney General," at a faculty meeting that same day when asked specifically if the AG's office had approved the settlement, he characterized the AG's involvement differently, stating: "as was indicated in the FAQ that went out today, this went through the UNC system office but the attorney general of North Carolina reviewed and approved the authority for the system office and the board of governors to enter into a settlement agreement."

This is matter of grave public interest, particularly as it concerns the dubious transfer of $2.5 million in public funds to support the work of a white supremacist organization, apparent improprieties in securing the court's approval of the Consent Order, and serious questions about the BOG's fidelity to its legal, ethical, and fiduciary duties. We therefore respectfully request that you act immediately to take any actions necessary to protect the interests of UNC and to recover the 2.5 million dollars of public funds allocated to expand and perpetuate the racist and destructive "Lost Cause" ideology.

Sincerely,

Jon Greenbaum

Elizabeth Haddix

Mark Dorosin
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

Encl. Exhibits 1 and 2

Cc w/encl: C. Boyd Sturges III, Attorney for Plaintiff
Josh Stein, North Carolina Attorney General

Exhibit 1

Men of the North Carolina Division,

After many months of confidential negotiations and eventual legal arbitration, we have found a solution for Silent Sam that I firmly believe is the best possible scenario. Since August of 2018 when he was ripped down, we have been looking for a way through our attorney, Boyd Sturges, to accomplish one of two things: either to have the memorial restored to its place of honour on campus while being properly protected; or to gain possession of the memorial and make an equally prominent public display for it at UNC's expense.

As to option one, having the memorial restored to McCorkle Place at UNC, we have been trying for over a year to find a way to bring suit against UNC, the UNC Board of Trustees, and the UNC Board of Governors, and anyone personally, like Carol Folt, who could be held responsible. As we have mentioned dozens of times, despite consulting every known legal source, including those parties who have had success with SCV suits in Virginia and Tennessee, we could not get past the issue in North Carolina law of legal standing in the Silent Sam case so to bring a suit. Even if we had filed suit, our complaint would have been challenged and dismissed immediately without result. After extensive consultation (with judges, retired judges, etc.), we were 100% certain that this would be the outcome. Further, the Governor, the Attorney General, the Board of Governors, the UNC Board of Trustees, the Town of Chapel Hill, and all related law enforcement agencies in Orange County were prepared to do everything possible and necessary to prevent the memorial from coming back to Chapel Hill. With the courts completely stacked against us, we knew the outcome would be doubly confirmed given that our Governor and his Attorney General were also against us, and would never enforce the law.

We were given some hope earlier this year when the Board of Governors approached us through Mr. Sturges and wanted to open negotiations. Our biggest advantage was the extremely adverse publicity they were receiving. They heard we were preparing to file a suit and wanted to avoid fighting with an organization represented by high-profile attorney Sturges. While they were not at all worried about losing, the prospect of another media circus on campus really had them worried, especially given that they have a hostile faculty at UNC and a very nervous donor pool that shies away from any controversy. They suggested that we try to reach a solution for Silent Sam via the legislature and get the House and Senate to sign off on a deal that would satisfy the law,

us, and UNC.

This we did. We made proposed changes to the Monument Protection Law that would have made it a felony to destroy a monument and that would have closed any loopholes that were left in the law, including enforcement and standing, in the version that was passed in 2015. The trade-off for a stronger law was that Silent Sam would be given to us along with an unspecified amount of funding (presumably between $300,000 and $500,000) to locate the memorial as we wished on easily accessible property in the central part of the state where it would be displayed very prominently. One thing that was crystal clear throughout was that Silent Sam would not come back to UNC's campus because of the possibility of casualties tied to ongoing protests and clashes between pro- and anti-monument groups.

With the help of the House leadership, we got enough support there to proceed to the Senate with a draft of a much stronger amended Monuments Law. In the Senate, however, the plan floundered...with the combination of the just-ended budget stalemate and the loss of some more conservative seats in the 2018 elections and thus, with the lack of a super-majority to override a potential gubernatorial veto, they did not have the courage or the heart to make the deal happen. [We will continue to work strongly in the next session for the adoption of this stronger legislation.]

At that point this summer, we were despondent and thought that despite the exorbitant expense and almost certain waste of money and zero chance of winning, we were going to have to instruct our attorney to sue just so we could say we tried honourably.

Thus, our attorney began work on a law suit and informed the Board of Governors that we would be launching major legal action. Because of that, we now announce that today we have indeed filed that legal suit against the Board of Governors and University, and our legal action has immediately met with an offer from them to settle.

As part of that settlement, what we've ended up with is legal possession of Silent Sam, and over $2 million in a dedicated trust (that we requested) for the perpetual care of Silent Sam and the purchase of land on which to prominently display him, to build a small museum for the public, and to build a comprehensive Division headquarters for the benefit of the membership.

Further, we have not allowed the issue of standing to be mentioned in any way in the

settlement so as not to hamper any future suits we may have to file regarding other memorials. In addition, the settlement terms specify that we are not setting an automatic judicial precedent for other memorials across the state – this is a special case where the University chose to work uniquely with the SCV and create a carved out exception to the Monument Protection Act that would give us what we want while at the same time preventing any further damage to the law that has yet to be enforced by the state.

Prior to this point, we could not mention ANY of this to you at meetings or over the Tar Heel email list because all negotiations were required to be 100% confidential. For their part, knowledge by the media, the leftists, UNC faculty, and even other members of the Board not privy to the negotiations that their leadership was working with the SCV would have torpedoed the whole thing. On our part, with a minority of disgruntled and impatient members in our ranks, and those who have admitted that they gladly share information with our enemies, there was a very distinct risk that loose and uninformed talk would have ended the whole thing, and that nothing would be accomplished. A breach of this confidentiality would have killed the whole deal. This is why we could not share extensive details until now. It was not our desire or choice. Although it made things much harder on everyone, I believe that the result was/is worth the trouble.

I am giving you more details than I will be giving the media and others because I want you to know what was involved in this exhausting process. Full credit is to be given to our attorney, Mr. Sturges, as it was only through his expertise, his good connections with and respect by all the parties involved, and his influence that we were approached by the enemy and were able to work with officials at the very highest levels of the University and State government.

There have been those who say we've 'lost the respect' of the BOG, etc. while during this whole time, we were working directly with them and for the honour of our ancestors. What we have accomplished is something that I never dreamed we could accomplish in a thousand years and all at the expense of the University itself. This is a major strategic victory, and I look forward to continuing to move the Division forward. I will update everyone as soon as we have the land deal completed and can proceed with our dedication of a new site and prominent display for Silent Sam and our new Division headquarters.

We will continue to seek advantageous solutions like this and you can be sure that we are working hard not only for you as members but also for our shared ancestors and

heritage. It is what drives us. This judicial settlement not only will insure the future of Silent Sam, but also the legal and financial support for our continued and very strong actions in the future.

I accept full responsibility for the actions taken by our Attorney, and I am the only person in the Division with full knowledge of these plans. I did this to maintain operational security as previously indicated, and also it was my duty as your elected Commander as I did not want any other men on my staff to suffer if this strategy failed. I was fully within my Constitutional authority to do so, and I believe my actions were and are in the best interests of the Division, the Memorial, and future generations of North Carolinians that will be able to visit and appreciate Silent Sam in a fitting and historically accurate environment and place of Honour.

"To you, Sons of Confederate Veterans, we will commit the vindication of the cause for which we fought. To your strength will be given the defense of the Confederate soldier's good name, the guardianship of his history, the emulation of his virtues, the perpetuation of those principles which he loved and which you love also, and those ideals which made him glorious and which you also cherish. Are you ready to die for your country? Is your life worthy to be remembered along with theirs? Do choose for yourself this greatness of soul?

"Not in the clamor of the crowded street. Not in the shouts and plaudits of the throng. But in ourselves are triumph and defeat."

[General Stephen D. Lee]

We have much to do, and we will continue until victory is ours, for the honour and memory of our ancestors, for our history, and for our children and their legacy.

See you on the front lines...

Kevin Stone

Commander NC Division SCV

DO SUMTHIN'

EXHIBIT 2

RECEIVED
, 2018

2005 APPRAISAL REPORT

HISTORIC COLLECTION

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

ANNE M. DOUGLAS
Historic Collection Curator

FACILITIES PLANNING
GILES F. HORNEY BUILDING
CAMPUS BOX 1090
CHAPEL HILL, NC 27599-1090
douglas@fac.unc.edu

T 919.962.9064
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Merritt Leigh Hampton, ISA, 703 East Franklin Street, Chapel Hill, NC 27514

919-260-9884, cmlhampton@nc.rr.com

Appraisal for Replacement Values for Insurance Purposes Prepared for The Historic Properties Department of the University of North Carolina at Chapel Hill Completed January 2006

This appraisal is provided subject to the terms and conditions hereinafter set forth, all of which are a part thereof.

This appraisal was made at the request of the Historic Properties Department (Client) of the University of North Carolina at Chapel Hill and is intended solely for its use. It is not an indication or certification of title or ownership of any of the valued objects. The identification of the interest of the Client is simply that which has been represented to Merritt Leigh Hampton, ISA (Appraiser) by such party and no inquiry or investigation has been made nor is any opinion given as to the truth of such representation.

The Appraiser has no present or contemplated future interest in the appraised items or any interest that would bias the appraisal report. Employment to make the appraisal and compensation for it were not contingent upon values found. The appraisal was based only on the readily apparent identity of the items appraised, and no further opinion or guarantee of authenticity, genuineness, attributions of authorship has been made.

The values noted represent the Appraiser's opinion as to the Replacement Value of the items and are to be used only for the function of obtaining insurance coverage or insurance reimbursement and any other use renders them null and void. The values are based on the whole ownership and possessory interest undiminished by any liens, fractional interests or any other form of encumbrance or alienation. The values expressed herein are based on the Appraiser's best judgment and opinion and are not a representation or warranty that the items will realize that value if offered for sale at auction or otherwise. The values expressed are based on current information and no opinion is hereby expressed as to any future value nor, unless otherwise stated, as to any past value.

Unless otherwise stated herein, values expressed are based on the general expertise and qualifications of the Appraiser as to the appropriate market and valuation for the items and purpose involved. Where an appraisal is based not only on the item, but also on data or documentation supplied herewith, this appraisal shall so state by making reference thereto and, where appropriate, attaching copies hereto. For all objects valued in this appraisal, the Appraiser or a Client-approved agent of the Appraiser personally viewed, examined and counted multiples of where applicable, all appraised items.

Stated values are given per item unless clearly stated as being per lot. The total of individual item values shall not be construed as an appraisal value for the whole lot, but merely as the addition of single values. Where values are given by lot, the value per lot is for the whole and no opinion is given as to individual values. Where the appraisal is based on a sample of a larger whole, it has been so stated and it is based on the assumption that the sample delivered is representative and fair. No opinion or warranty is hereby made as to the fairness or representative nature of any large whole from which the sample was drawn.

Unless expressly stated, the conditions of the items are good for its type with serious deficiencies and repairs noted. Ordinary wear and tear common to the items is not noted. For appraised items that have been damaged, the Appraiser and/or her agent has personally viewed and examined the items after the damage occurred.

The term Replacement Value is to be interpreted as the price at which the item would most commonly be purchased by the public at retail, and within the scope of this appraisal report, consideration is given with regard to artistic merit, quality, desirability, form characteristics and period of execution. As applicable,

two types of replacement costs have been considered: Replacement Cost New refers to the cost of replacing, at current prices, the appraised item with a new item of like kind, quality and similar utility; Replacement Cost Comparable is based on the cost of replacing the appraised item at current prices with a comparable item of like kind, quality, similar utility, age and obsolesce.

This report was prepared in accordance with the principals and procedures for the evaluation and valuation of personal property as prescribed by the International Society of Appraisers, the American Society of Appraisers and in conformity with Uniform Standards of Professional Appraisal Practice. This appraisal report was structured to comply with the Internal Revenue Code, Section 20.2031-1(b) and Revenue Procedure 65-19 and 66-49. The appraisal also complies with the requirements of the Treasury Regulations as of January 2006 as well as with the Revenue Rulings and Revenue procedures.

Inasmuch as the Client owns and manages the electronic database documenting the +/- 1,800 items appraised, the Appraiser has relinquished report out-put to the Client. It is herein agreed between the Client and Appraiser that only one official certified copy of the appraisal exists and it is a printed text report output on January 20, 2006. The Curator of the Historic Properties Department as the Client's official representative retains said report. The sole official appraisal report is identifiable by the embossed seal of the Appraiser over her signature. No change to any item in the appraisal may be made by anyone other than the Appraiser, and the Appraiser shall have no responsibility for any such unauthorized changes.

A photocopy of the official appraisal will be retained, with the original hand-written notes made by the Client, the Appraiser and her agents, by the Appraiser and shall be the only other documentation of the official appraisal. All other reports generated via the database by the Client, with or without appraised values, are not the official appraisal and the Appraiser has no responsibility or liability in regards to any such data and/or reports. Note that many but not all items appraised were photographed as part of the appraisal process and said digital photographs are the property of and controlled by the Client. When the Client has completed importing the photos into the database, it has been agreed that a printed report will be generated and supplied to the Appraiser to be retained in the appraisal file.

Possession of the official appraisal report or any photocopy of the official appraisal report, or any database-generated report including appraised values, does not carry with it the right of publication, nor may the same be used for any purpose by anyone other than the Historic Properties Department Curator for the purpose of insurance coverage or claim, without previous written consent of the Appraiser.

The Appraiser's records will be maintained in the strictest confidence and no one will be allowed access to them without the Client's prior written authorization, unless the Appraiser is legally compelled to release them, in which case the Client will be notified.

Should, in conjunction with this appraisal, additional services of the Appraiser be requested by the Client, its agents or attorneys, or the court (such as for added time researching for other value purposes, pre-trial conferences, court appearances, court preparation, et cetera), compensation for same shall be at the customary hourly rate charged by the Appraiser at that time. The Client shall pay this fee upon receipt of a statement.

The contractual agreement between the Client and the Appraiser for the Appraiser to provide this appraisal, as it exists, limits the Appraiser's liability to no more than one-fourth of the total of the invoiced appraisal fee.

SIGNED BELOW ON JANUARY 20, 2006
BY MERRITT LEIGH HAMPTON, ISA
ACCREDITED BY THE INTERNATIONAL SOCIETY OF APPRAISERS
AND PROPRIATOR OF WHITEHALL PROFESSIONAL SERVICES:

Merritt Leigh Hampton ISA 1/20/06

WHITEHALL PROFESSIONAL SERVICES

APPRAISALS • CONSIGNMENTS • ESTATE SALES • AUCTIONS

Merritt Leigh Hampton, ISA, 703 East Franklin Street, Chapel Hill, NC 27514

919-260-9664, cmlhampton@nc.rr.com

SIGNATURE ADDENDUM TO THE
APPRAISAL FOR REPLACEMENT VALUE FOR INSURANCE PURPOSES
FOR THE HISTORIC PROPERTIES COLLECTION
OWNED BY THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

I, David P. Lindquist, American Society of Appraisers Retired, contributed substantially to the identification of the items and the establishment of the values reported in the attached appraisal, and accept responsibility and accountability for said identification and valuations.

Signed: _____ Date: 1/20/06
David P. Lindquist *January 20, 2006*

HISTORIC PROPERTY OFFICE

Sculpture	SILENT SAM	1
1984.0695.	Bronze sculpture of Confederate soldier, approx. 7' high, on 8' high granite base. Given in 1913 by UDC and various UNC alumni as confederate memorial. Plaques are located on three sides of the base one says "...duty is the sublimest word..."	
	Quality: Unknown *Condition:* Good Location: Campus Grounds / McCorkle Pl.	
Remarks:	*Restored in 1986 by Karkenloulies of Cincinnati in 1986. Finish comes with 10 year warranty.*	

2005 valuation: $125,000.00



STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF ORANGE	19-CVS-1579
NORTH CAROLINA DIVISION SONS OF CONFEDERATE VETERANS, INC., Plaintiff, v. THE UNIVERSITY OF NORTH CAROLINA and THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS, Defendants.	**AFFIDAVIT OF ALYASSA "ANGEL" BOYD**

I, Alyassa "Angel" Boyd, do hereby say under oath the following:

1. I am of legal age and competent to provide this affidavit. All the information herein is based on my own personal knowledge unless otherwise indicated.

2. I am an African American woman in my third year as an undergraduate at the University of North Carolina School at Chapel Hill (UNC-CH). I am seeking to intervene in this case because of my particular interests as an African American student at UNC-CH. UNC's $2.5 million payout to a white supremacist organization dedicated to cultivating ignorance and racist beliefs is a slap in the face to me as a black student at a university that claims to support racial diversity and scholarship.

3. Last year, I could not even walk through McCorkle Place without feeling at times terrorized because of people there with Confederate flags, protesting the removal of the monument. They were always there on weekends, and my parents (who are also African American) and I were threatened by their presence. I did not feel comfortable there at all.

4. The BOG settlement further contributes to a hostile environment on campus.

5. As a result of the legacy of African American slavery and Jim Crow, I am the first person in my family to attend a flagship university like UNC-CH. This means that I have more opportunities to work for the betterment of society and for my community. The continuing fight over the monument and its legacy, and now these actions by the BOG, have made it more difficult to pursue those opportunities.

6. It is also important to me to be a voice for other undergraduate black students who continue to be harmed by the ongoing struggle over the monument and its disposition, and who are also devastated by the BOG decision to pay $2.5 million to an organization dedicated to white supremacy, but are afraid to intervene in this case and feel they have to "toe the line" or suffer the consequences.

7. Because of its actions to pay a $2.5 million settlement to an organization whose values are against the stated mission of the university, the BOG cannot represent my interests in this matter.

This, the 11 day of December, 2019

Alyassa Boyd

North Carolina

Orange County

I, the undersigned notary public, hereby certify that ALYASSA BOYD personally appeared before me this day and acknowledged the due execution of this AFFIDAVIT.

Witness my hand and official seal, this the 11th day of December, 2019.

Notary Public

My commission expires 8/9, 20 20

EXHIBIT 3

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

19-CVS-1579

NORTH CAROLINA DIVISION SONS OF CONFEDERATE VETERANS, INC., Plaintiff, v. THE UNIVERSITY OF NORTH CAROLINA and THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS, Defendants.	**AFFIDAVIT OF DE'IVYION DREW**

I, De'Ivyion Drew, do hereby say under oath the following:

1. I am of legal age and competent to provide this affidavit. All the information herein is based on my own personal knowledge unless otherwise indicated.

2. I am a second-year Robertson Scholar at the University of North Carolina - Chapel Hill (UNC-CH) and Duke University, and I am an African American woman.

3. Within minutes of learning of the Consent Order entered in the above-captioned case, I drafted and delivered the attached letter to the UNC System Administration for consideration by the UNC Board of Governors (BOG), which I hereby incorporate in this Affidavit. See Attachment 1, December 3, 2019 Letter to UNC Administration.

4. I am moving to intervene in this case to protect my multiple direct and immediate interests relating to the BOG's transfer of the Confederate monument known as "Silent Sam" to the Sons of Confederate Veterans (SCV) and 2.5 million dollars in University funds to support the SCV's "devotion to and reverence for the principles represented by the Confederate States of America." SCV Articles of Incorporation. Attachment 1 only begins to express how the "settlement" between my university and the Sons of Confederate Veterans hurts me personally.

5. First, regardless of my race, as a student of this University, I have an interest in the BOG's and UNC's mishandling and misuse of funds (as described in Exhibit 1 attached to our Motion to Intervene) that could be used for educational purposes or to otherwise support the University's stated mission which impact me directly and personally. The actions by UNC and the BOG with respect to the "settlement" in this manner; their secret negotiations; lack of transparency; false statements to the court, the University community and the public; the Consent Order that they fabricated to illegally transfer 2.5 million dollars to an organization that glorifies and seeks to perpetuate the false and dangerous "Lost Cause" ideology which is a major obstacle for racial equity and reparative measures in our country-- all violate the BOG's duties to me as a student of this University as well as the University's mission.

6. Second, as a black student of this University, I have an additional interest in the disposition of the Confederate monument known as "Silent Sam," (the "Monument") because of the injury that Monument has caused to me personally every day that it stood on the campus of UNC-CH. The clear message of that Monument is that I am inferior because of the color of my skin, that I deserve-- and my ancestors deserved-- to be enslaved, brutalized and exploited to enrich white people, and that white supremacy is celebrated by my university. That message harms me and disrupts and impedes my access to an education at UNC. That message is in direct opposition to the University's stated mission "to serve as a center for research, scholarship, and creativity and to teach a

diverse community of undergraduate, graduate, and professional students to become the next generation of leaders," "leading change to improve society and to help solve the world's greatest problems."[1]

7. Finally, my interest in this case stems from the fact, as referenced in Attachment 1, that my ancestors were enslaved by a UNC graduate. My grandfather was denied access to a college education because of his race. The legacy of UNC's role in the institution of slavery, embodied by that Monument at the entrance to its flagship campus since 1913 and pervasive through its history of racial exclusion, will now be perpetuated through a $2.5 million trust which the SCV will use to spread the lies which caused members of my own family not only to be terrorized, but also excluded from economic opportunity, housing, education, land ownership and political access.

8. My interests are not adequately represented by the existing defendants in this action, as evidenced by the manner in which they went about "settling" the SCV's meritless claims. I participated in many of the meetings the University held regarding what to do with the Monument, in which the University's leadership claimed to be listening to what we, the students, wanted to see happen. Paying off a Confederate organization to take the Monument as its own was never raised as a possible solution. It's clear to me now, based on all the information identified in Exhibit 1 attached to our Motion to Intervene, that the University was never going to do what was in the students' interest or address its legacy of institutionalized racism

[1] https://www.unc.edu/about/mission/

This, the 12 day of December, 2019

North Carolina

Orange County

I, the undersigned notary public, hereby certify that DE'IVYION DREW personally appeared before me this day and acknowledged the due execution of this AFFIDAVIT.

Witness my hand and official seal, this the 12th day of December, 2019.

Notary Public

My commission expires 8/9, 2020.

Attachment 1

De'Ivyion Drew
Chapel Hill, NC, 27514

December 3rd, 2019

UNC System Administration
910 Raleigh Road
P.O. Box 2688
Chapel Hill, NC, 27514

To University of North Carolina System Administration,

Achievement of a collegiate education is a dream for many. Those who are forced to focus on being a family provider because financial restrictions, those who have lived in this country their entire lives but lack the documents to enroll in quality education, and others who for various circumstances have obstacles to obtaining what should be a human right, a right to be an educated and informed citizen in this country. Thirteen students. Thirteen students could receive full coverage for tuition and fees to attend UNC Chapel Hill off of the $2.5 million decision that was made last Wednesday. That represents financial support for thirteen families IN PERPETUITY. Generational investments in the value of education have major impacts for families who can not pay otherwise and for those who can bring our country to new futures that aren't even conceived of at the moment. This number is so important to me, as someone who is on an all-expense covered full scholarship to the University of North Carolina. Imagine how much more $2.5 million can be of value to students who attend this University now, who are crippled with medical costs, loan repayments, and living expenses that prevent them from reaching their full potentials as scholars at the University and of the World. Donations and investment related funds that were meant for our success, student success, in perpetuity, were stolen from us in this settlement. There is no way that the Sons of Confederate Veterans, a group that believes that Diversity is Antibiblical, is in ANY way in alignment with the goals of the UNC System or the University.

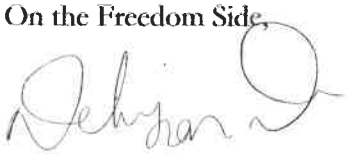
My name is De'Ivyion Drew, and I am a second-year Robertson Scholar at UNC Chapel Hill & Duke University, and I identify as a black woman fiercely in love with my University and what it can be. This semester, I was enrolled in Race and Memory at UNC as a part of the Race and Reckoning Initiative. As a class, we examined slave logs, photographs of former enslaved housekeepers, escheatment documents, and the history of those who have enforced and romanticized white supremacy in affiliation to the University. The Department of my major, African, African American, and Diaspora Studies is housed in Battle Hall, named after Kemp Plummer Battle, someone who would do everything in his power to hinder their efforts as a department. He created this History Department to conserve Confederate and Southern History, much like the settlement is set to accomplish in perpetuity. I wish to highlight this history as someone that in physically affected by it, because this University's history is one of my own. James B. McCallum from Robeson County, son of John McCallum, who graduated from the Class of 1860 at UNC Chapel Hill with a combined real and personal estate value of $38,900 at the time and owning 17 slaves, one of which is my ancestor.

My grandfather, William Earl McCallum that lives in Lumberton, North Carolina experienced segregated schools in one of the poorest counties in the nation. He never received a collegiate education. Impoverishment of people of color, especially Black people, is assisted by shifting money that is dedicated to promoting education and supporting future citizens enrolled at the University toward NC Sons of Confederate Veterans. Monuments are now transformed from a bronze cast to racial terror, financial oppression, and a commitment through Confederate Summer Camps to continue the Lost Cause ideology that many at UNC view as an obstacle for racial equity and reparative measures in the United States. UNC Board of Governors Chair Randy Ramsey said, "This resolution allows the University to move forward and focus on its core mission of educating students." This $2.5 million dollars can cause more irreversible community damage and conflict, and if the University is truly a reflection of its state, then supporting the principles of the Confederacy couldn't possibly be aligned with the mission of educating students of the UNION, the army that fought for the United States of America. The Confederacy utilized every effort to destroy America and its principles, all to preserve the states right to own slave capital IN PERPETUITY.

Wednesday's settlement can not possibly achieve resolve of students and the university, whose home communities are in danger. There was no promise that groups who share the same sentiment as the Sons of Confederate Veterans won't return to campus as a group to terrorize and brutalize students.

Wherever this object of remembrance is moved without the approval of the North Carolina Historical Commission, UNC students safety and ability to succeed at this university are in jeopardy not only by the Sons of Confederate Veterans at home, in jeopardy at school because a lack of $2.5 million dollars that was never mentioned as a possibility when petitioned years earlier for mental health resources or innovative projects, like the Asian American Center, and in jeopardy of a UNC System that sees more value in preserving confederate comfort and finds peace in settling instead of trailblazing solutions they know students need and have needed for decades. Sons of Confederate Veterans have plans to create a new headquarters with the settlement money, which is in direct violation of the certain limited expenses that the trust can be used for, therefore should be revoked. Sacrifice of home safety in exchange for "campus safety" does not ensure that I can fully engage with my educational endeavors. It is never too late to make the right decision.

On the Freedom Side,



De'Ivyion Drew

EXHIBIT
4

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

19-CVS-1579

NORTH CAROLINA DIVISION SONS OF CONFEDERATE VETERANS, INC., Plaintiff, v. THE UNIVERSITY OF NORTH CAROLINA and THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS, Defendants.	**AFFIDAVIT OF WILLIAM HOLLAND**

I, William Holland, do hereby say under oath the following:

1. I am of legal age and competent to provide this affidavit. All the information herein is based on my own personal knowledge unless otherwise indicated.

2. I am a white male second-year undergraduate student at the University of North Carolina School at Chapel Hill (UNC-CH). I am seeking to intervene in this case because of my particular interests as a UNC-CH student. I am outraged that I am paying tuition to a university whose Board of Governors (BOG) so flagrantly violated its fiduciary duties by giving $2.5 million to an organization whose racist ideology is completely opposite in purpose to the university's stated mission.

3. Since the monument known as "Silent Sam" was removed from campus, I have been yelled at and threatened by neo-confederate demonstrators, some of them brandishing weapons, near campus. As a UNC student and employee who lives on campus, I am anxious about my safety and the safety of my classmates. UNC's $2.5 million payout to display and protect the statue rewards white supremacists for their attacks on

me and my peers, and further emboldens them to continue their practice of racist and homophobic intimidation toward students and our neighbors. Neo-confederates in adjacent Chatham County have shown as much, chanting "2.5 mil" and "We got Silent Sam," while laughing and waving confederate battle flags in front of the courthouse.

4. I am intervening to ensure adequate representation of my interests as a student experiencing increasing cost of attendance and denial of student services purportedly necessitated by UNC's lack of funds. It disgusts me that the university I attend would shirk its basic academic and moral responsibility to work toward an honest reckoning with the past, and instead would pay reparations to white supremacists. With this egregious subsidy, the university would prop up the so-called "Sons of Confederate Veterans" and the false, ahistorical, and racist "Lost Cause" ideology they promote, while refusing to adequately address its racist history and the needs of students and workers.

5. I am concerned that the redirection of funds from UNC Chapel Hill to bolster racist neo-confederate projects harms the university's ability to teach students. A course I had registered to take in the spring 2020 semester was cancelled because my major's department is unequipped in terms of its number of faculty to match enrollment, even with increasing class sizes. It strikes me that the university will need to focus its immediate fundraising efforts on recovering the money paid to this confederate trust fund, rather than sustaining its educational functions.

6. Further, I recognize the payout as causing harm to the university's ability to recruit and retain a diverse student body and workforce, which are crucial to a healthy learning environment. Since the BOG's settlement was announced, several Black students and faculty members have expressed their reluctance or inability to recommend studying or working at UNC to prospective colleagues who are people of color. I feel that on this campus, where Black people are already abysmally underrepresented in the undergraduate population, any shift toward a more homogenous demographic would be harmful to every student's education. It is my understanding, given what Black community members have shared with me, that the university cannot begin to reverse this harm without first withdrawing its gift to SCV.

This, the 11 day of December, 2019

William B Holland

William Holland

North Carolina

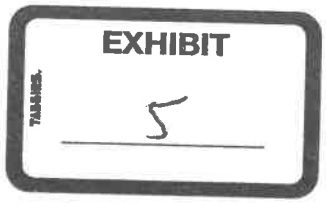
Orange County

I, the undersigned notary public, hereby certify that WILLIAM HOLLAND personally appeared before me this day and acknowledged the due execution of this AFFIDAVIT.

Witness my hand and official seal, this the 11th day of December, 2019.

Notary Public

My commission expires 8/9, 2020.



STATE OF NORTH CAROLINA

COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

19-CVS-1579

NORTH CAROLINA DIVISION SONS OF CONFEDERATE VETERANS, INC., Plaintiff, v. THE UNIVERSITY OF NORTH CAROLINA and THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS, Defendants.	**AFFIDAVIT OF ELISABETH JONES**

I, Elisabeth Jones, do hereby say under oath the following:

1. I am of legal age and competent to provide this affidavit. All the information herein is based on my own personal knowledge unless otherwise indicated.

2. I am a second-year student at the University of North Carolina School of Law, a graduate of UNC-Chapel Hill (2015), and an African American woman. I chose to attend this University for my undergraduate and graduate education because it touted a commitment to elevating the voices of traditionally marginalized communities in our state. The "deal" that UNC struck in this case is completely antithetical to that commitment. I am seeking to intervene as a party in this case because of my particular interests as an African American student in ensuring that this "deal" is undone.

3. I am one of the many students who has participated over the last year in what we were told was a genuine and meaningful process of getting input from students about what UNC should do with the Confederate monument known as "Silent Sam" ("the

monument"). When I saw the Consent Order in this case and found out that it resulted from secret negotiations between the BOG's lawyer and the Sons of Confederate Veterans (SCV), I realized that my university was giving only lip-service in the hearings and conversations with students about what to do, all the while ignoring the voices of those truly most affected.

4. There were lots of good ideas discussed in the faculty and student meetings held with UNC leadership on campus regarding what to do with the monument, but in the end, I felt like we were having to placate white supremacists. The $ 2.5 million payout confirms that I was right about that.

5. As one of the relatively few UNC students who is African American, I have a particular interest in this case. I experienced deep disappointment in my university and personal pain every time I had to walk by that monument, because it glorified the violent enslavement of African Americans. The purpose of that monument was to tell people like me-- who actually built this campus-- that we do not belong here. The fact that my university, whose mission is to serve as a "center of scholarship," "settled" a fraudulent lawsuit concerning the monument with a payout of $2.5 million to an organization dedicated to spreading a false historical narrative that denigrates African Americans and sows hatred and ignorance, causes me substantial injury.

6. UNC and BOG's actions in negotiating with the SCV devalues my education at this university, and undermines the investment I have made (and am still making) in my degrees from this university.

7. The BOG has violated its fiduciary and ethical duties to my university and to me as a UNC student, and I have a unique and particular interest in ensuring that the harm of that violation is addressed. As evidenced by the information provided in Exhibit 1 attached to our Motion to Intervene, my interests are not adequately represented by either the BOG or UNC.

This, the 11 day of December, 2019

Elisabeth P Jones

Elisabeth Jones

North Carolina

Orange County

I, the undersigned notary public, hereby certify that ELISABETH JONES personally appeared before me this day and acknowledged the due execution of this AFFIDAVIT.

Witness my hand and official seal, this the 11th day of December, 2019.

Notary Public

My commission expires 8/9, 2020.

EXHIBIT 6

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

19-CVS-1579

NORTH CAROLINA DIVISION SONS OF CONFEDERATE VETERANS, INC., Plaintiff, v. THE UNIVERSITY OF NORTH CAROLINA and THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS, Defendants.	**AFFIDAVIT OF GINA BALAMUCKI**

I, Gina Balamucki, do hereby say under oath the following:

1. I am of legal age and competent to provide this affidavit. All the information herein is based on my own personal knowledge unless otherwise indicated.

2. I am a current UNC Law student, UNC undergraduate alumna, and longtime Chapel Hill resident. In my years in this community, I have seen neo-confederate groups, including the Sons of Confederate Veterans (SCV), use my campus as a place of worship for white supremacist ideology, in large part because of the presence of the monument known as "Silent Sam" (hereinafter, "the monument").

3. While on campus, I have been harassed and threatened by members of neo-confederate groups. I have personally seen a member of a neo-confederate group assault a fellow student. I am aware that two members of a neo-confederate group were convicted of urinating on and vandalizing a monument on UNC's campus dedicated to the free and enslaved Black people who built UNC. I am aware that members of neo-confederate groups have openly carried guns on campus while demonstrating. I have seen one

member of a neo-confederate group attack with a knife the truck removing the monument's base.

4. I have a particular interest in the study of confederate monuments. I was a 2019 Monument Lab fellow and grant recipient and am currently participating in another grant related to monuments and public art. Through this work, I have learned a great deal about confederate monuments, the Confederate and neo-confederate cause, and UNC's historical association with white supremacy. It is not hyperbolic to say that white supremacy built UNC. Slavery, including the proceeds from enslaved people inherited by the state and sold, helped fund the University. Enslaved people built the earliest buildings and structures on our campus, many of which are still in use.

5. It is clear to me that UNC and the Board of Governors (BOG), has not even begun to recognize or reckon with its own history; on the contrary, incidents like UNC Police not arresting neo-confederates open carrying guns on campus confirm for me that UNC is not interested in letting white supremacy go, nor is it genuinely interested in protecting my safety or that of my fellow students, faculty, or staff. In fact, with its $2.5 million payment to the SCV, the BOG has shown that it is willing to pay vast sums to keep white supremacist ideology thriving.

6. Given Julian Carr's speech at the dedication of the monument (which explicitly espouses white supremacy and relays his experience whipping a Black woman at UNC's gates), as well as the purpose in erecting the monument (to further the false "Lost Cause" narrative which demonized and defamed African Americans to justify slavery and its successor, Jim Crow), it is clear that the monument stands for white supremacy. No university should pay any sum of money at all for the upkeep of such a cause.

7. My university's actions regarding the monument and the Consent Order in this case deeply pain me as a student. The BOG's actions demonstrate clear support of hateful, racist ideology that is inimical to my university's professed values and goals. Nor is it any victory that even under the terms of the fraudulent Consent Order, the monument, with a $2.5 million makeover, will likely become a threat to another community.

8. White supremacy and its symbols are a threat to all of us; a white supremacist group with $2.5 million added to its previously meager holdings is a threat to all of us. UNC has no business funding a white supremacist group's re-erection of Silent Sam, particularly when this group has caused myself and other members of my campus community so much harm.

9. The BOG's actions are harmful to my and so many other students' physical safety and emotional health. Their actions also take away resources that would otherwise be used to fund our education. UNC Law is facing a large tuition increase because, we are told, there are not enough resources for us. And yet the BOG appears eager to give resources to a white supremacist group. This begs the question: what does the BOG believe is a valuable expenditure of millions of dollars of resources? It appears that funding a white supremacist group is fairly high on the list. This is unacceptable.

9. If members of the BOG wish to donate vast sums to neo-confederate groups, they may do so as private individuals. They may not do so in their capacity as members of the UNC System's highest governing body and using public funds. The UNC System's mission, adopted by the BOG, is "to discover, create, transmit, and apply knowledge to address the needs of individuals and society... seek[ing] an efficient use of available resources to ensure the highest quality in its service to the citizens of the State." The Consent Order represents a $2.5 million voluntary gift from the BOG to a white supremacist entity whose mission is to propagate painful historical myths, made at the real fiscal expense of UNC students, faculty, and staff who are daily carrying out the mission the BOG has betrayed.

10. In light of all the above, I wish to intervene in this case to protect my interests related to the monument and this lawsuit as a student who has been utterly failed by my university and the BOG.

This, the 11th day of December, 2019

Gina Balamucki

Gina Balamucki

North Carolina

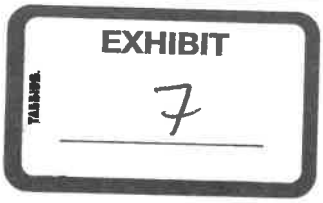
Orange County

I, the undersigned notary public, hereby certify that GINA BALAMUCKI personally appeared before me this day and acknowledged the due execution of this AFFIDAVIT.

Witness my hand and official seal, this the 11th day of December, 2019.

Notary Public

My commission expires 8/9, 2020.



STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF ORANGE	19-CVS-1579
NORTH CAROLINA DIVISION SONS OF CONFEDERATE VETERANS, INC., Plaintiff, v. THE UNIVERSITY OF NORTH CAROLINA and THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS, Defendants.	**AFFIDAVIT OF LILIYA OLIFERUK**

I, Liliya Oliferuk, do hereby say under oath the following:

1. I am of legal age and competent to provide this affidavit. All the information herein is based on my own personal knowledge unless otherwise indicated.

2. I am a third-year student at UNC Law. I seek to intervene in the above-captioned case because I have been injured by the University's collaboration with the Sons of Confederate Veterans (SCV) and the agreement to fund a $2.5 million charitable trust that will support the furtherance of a white supremacist narrative and false history, and for the repair, upkeep, and maintenance of a Confederate monument that should never have been erected on campus to begin with.

3. In my time at Carolina, I have watched neo-confederate and white supremacist groups converge on our campus to pay homage to the monument. These groups, including the SCV, ACTBAC, League of the South, all of which share overlapping membership, come with the intent to intimidate and harm our community, and they come angry and often armed. In my time here I have watched as a neo-Confederates with a history of violence assaulted an undergraduate student. I have watched as a neo-Confederate pulled a long knife to stab the wheels of a vehicle removing the plinth the

monument stood on, and I have watched as armed neo-confederates were casually escorted off campus with a friendly handshake from the same campus police force that sent an undercover officer to spy on me and other students for weeks.

4. For years the University has dismissed the threats that have been aimed at students by members of neo-Confederate groups. One former local official lamented on social media referenced the Kent State shooting and that he was missing his chance to carpet the lawn with the bodies of students. Earlier this summer, an SCV member mused about putting a bullet in our heads. Yet another group of neo-Confederates posted my address and the contact information for a legal clinic I volunteer with, encouraging supporters to harass me and my supervisor. All the while, a Board of Governors member was denouncing student activists as terrorists.

5. The monument was put up at the height of the Jim Crow era, during a time when similar monuments were being put up across the South as part of a campaign of racist intimidation and exclusion. It was created to honor the sons of wealthy slaveholding families who volunteered to take up arms for the Confederate cause-- which, in the words of Julian Carr at the monument's dedication was the "welfare of the Anglo Saxon Race." It is in overt symbol of white supremacy and does not belong on our campus, nor does it belong in another community where it has the capacity to do the same kind of harm.

6. The continuing impact of the university's white supremacist legacy goes far beyond the monument. It echoes through its halls, where Black students and faculty are forced to attend and teach classes in buildings named after avowed white supremacists. The university has done little to reconcile with this legacy, and this huge monetary payment to a Confederate group only demonstrates a commitment to perpetuating that legacy.

7. It is a betrayal of the students, staff, and faculty, to take $2.5 million of public funds from the university to support a group that has harassed and intimidated students like me. Worse, this subsidy only increases the likelihood of further harassment and harm to students, because it emboldens groups like the SCV by vastly increasing its resources and ability to further its racist rhetoric and activities.

This, the 11th day of December, 2019

Liliya Oliferuk

North Carolina

Orange County

I, the undersigned notary public, hereby certify that LILIYA OLIFERUK personally appeared before me this day and acknowledged the due execution of this AFFIDAVIT.

Witness my hand and official seal, this the 11th day of December, 2019.

Notary Public

My commission expires 8/9, 2020.

EXHIBIT 8

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF ORANGE	19-CVS-1579
NORTH CAROLINA DIVISION SONS OF CONFEDERATE VETERANS, INC., Plaintiff, v. THE UNIVERSITY OF NORTH CAROLINA and THE UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS, Defendants.	**AFFIDAVIT OF MICHELLE ROBINSON**

I, Michelle Robinson, do hereby say under oath the following:

1. I am of legal age and competent to provide this affidavit. All the information herein is based on my own personal knowledge unless otherwise indicated.

2. I am an Associate Professor in the Department of American Studies at UNC.

3. I seek to intervene in this act because of my personal dismay and disgust by the BOG's decision to pay $2.5 million in public money to support a white supremacist organization. The University system continues to ignore the recommendations and interests of Black faculty at UNC regarding the racist legacy of the University and the monument. I, along with many other Black faculty members have communicated in no uncertain terms the moral necessity of permanently removing the monument to the confederacy from this campus, as well as the devastating effects for students, staff, and faculty who encountered that statue and legacy it symbolizes every day. However, the BOG's recent decision did nothing to alleviate this harm.

4. It is obvious that the BOG capitulated to white supremacist pressures. Not only is the proposed resurrection of the statue misguided and thoroughly imbued with white supremacist ideologies, the proposed funds for its reinstallation and dedicated to

its protection are a deliberate, direct and deeply painful attack against people of color on this campus.

5. I have spent many hours in large and small discussions and meetings and contemplation of this crisis--not to mention a few of the campus protests, where I dedicated my efforts to listening to the positions of individuals who converged on campus to express their support for the rehabilitation of the statue. The time dedicated to helping the University honestly engage its racial history has impacted progress on my own research which, in turn, will impact my prospects for future promotion. I know that many of my colleagues, particularly colleagues of color, have had similar experiences and face similar challenges.

6. The BOG settlement payment of $2.5 million to a white supremacist group only reinforces my ethical obligation to inform prospective students of the racist and oppressive climate at this University and to encourage them to consider safer spaces where they may thrive. It is also my responsibility to explain to students that funds that could have gone to support their educational opportunities are now being diverted to support a white supremacist ethos. The BOG' decision also obligates me to draw our current students' attention to the option of protesting "with their feet."

7. I seek to intervene in this action because it appears the only way to protect my interests and responsibilities as a professor at this university to help mitigate the toxicity of this action by the BOG and its disdain for my own and others' dignity.

8. The professed mission of the Sons of Confederate veterans (according to their website), to communicate a "true history" of the South: that confederate soldiers fought the "Second American Revolution" to preserve the values of liberty enshrined in the Constitution, is not only fraudulent but entirely repugnant. To circulate these white supremacist claims, and to provide financial support for organizations that do, is the deepest insult to the psychological safety of students, staff, and faculty, particularly POC and indigenous persons.

9. Furthermore, sustaining (rather than resolving) the toxic white-supremacist climate, as the BOG has done, impacts my ability to succeed as a scholar and teacher at a Research I University. By legitimizing the untenable claims and white supremacist ideology of the SCV, they devalue the lives and histories of individuals represented on my syllabus and ridicule scholarship that examines historical events with scholarly rigor.

This, the 12 day of December, 2019

Michelle Robinson

North Carolina
Orange County

I, the undersigned notary public, hereby certify that MICHELLE ROBINSON personally appeared before me this day and acknowledged the due execution of this AFFIDAVIT.

Witness my hand and official seal, this the 12th day of December, 2019.

Notary Public

My commission expires 8/9, 2020.