

GEORGIA HERITAGE COUNCIL

GeorgiaHeritageCouncil.org

P-6 2363 North Cliff Colony Drive || Gainesville, GA 30501 || Phone: 770.297.4788

Email: chairman@GeorgiaHeritageCouncil.org

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FOR IMMEDIATE RELEASE

Georgia Heritage Council Appeals 'AUGUSTA FLAG' Case to Supreme Court of Georgia

GAINESVILLE, Georgia -- The Georgia Heritage Council, Inc. has appealed to the Supreme Court of Georgia a ruling in the Richmond County Superior Court that upheld the City of Augusta's removal of the Second National Confederate Flag from a display in the Augusta River Walk on the Savannah River. The flag and plaque were contained in a display recognizing the history of Georgia from pre-colonial times to the present.

The Council, a non-profit corporation that has as its purposes "to preserve and protect the history and heritage of Georgia...", brought an action in Superior Court of Richland County to compel the City of Augusta to replace the Second National Flag of the Confederacy and the concealment of an accompanying plaque. The flag was removed by then Augusta Mayor Bob Young at the request of the local chapter of the NAACP.

In a Motion for Summary Judgment, the Council argued that the unilateral action violated state law that protects the removal of any "publicly owned monument, plaque, marker or memorial" honoring Georgians that served in the military, including the "Confederate States of America." Further, the Council asserted that the action was a violation of free speech under the U.S. Constitution.

In a news release, Mayor Young stated that he removed the flag to "avoid protracted dialogue and misrepresentation of the flags." In the Order granting the City of Augusta's Motion for Summary Judgment, Judge Duncan D. Wheale found that the action was "appropriate" and that the statute did not apply since this portion of the River Walk was not a memorial honoring military service.

"We are extremely disappointed and surprised that the Court did not recognize that the state statute was designed precisely to protect public monuments of this type from such political action," stated Jeff Davis, Chairman of the Council. "The second National Flag of the Confederacy was a battle flag and, as such, honored the men that served in the military from Georgia." Davis also pointed out that the display contains the Moultrie Flag honoring the Revolutionary period in Georgia history that was a flag specifically designed as a battle flag in the defense of Sullivan's Island in the harbor of Charleston, South Carolina. "Certainly, these flags do honor and recognize military service and we believe that the state statute specifically applies under the facts and the law."

The flag was removed just before a convention of the South Carolina Chapter of the NAACP to be held at the hotel adjacent to the River Walk in October 2004.

"By substituting one political opinion over another in a public place, we also believe that the action of the Mayor, and acquiesced in by the Augusta Commission, flagrantly violates a basic right of free speech under the U.S. Constitution," continued Davis. "As the Supreme Court of the United States has recognized, 'no official, high or petty, can prescribe what is orthodox in politics, nationalism, religion or other matters of opinion'."

Woody Highsmith, GHC director for the Augusta area stated "there is a serious discrepancy in this decision. The actions of the former mayor and commissioners completely omits almost four years of the history of Augusta as originally depicted by the display at the Flag Terrace. This is but another attempt to revise or change the truth of history to suit the whims of a small group of people with an agenda designed to change or delete truthful history to their own interpretation."

Highsmith referred to Judge Wheale's statement during the trial that "the Second National Confederate Flag is a symbol of hate, unfortunately." Wheale further stated " the Second National Confederate Flag does not recount the military service of Confederate soldiers."

"Every veteran in Georgia is insulted by this ruling that in effect says the flags that drape their caskets and presented to their families in a military ceremony, have no military significance."

The Second National Flag was replaced by City of Augusta flag and the plaque that described the flag was covered.

For further information, contact:

Jeff Davis, Chairman, GHC, Gainesville, Ga. Telephone 770 297-4788

Woody Highsmith, Director, GHC, Augusta, Ga. Telephone 706 860-3396