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**Title:** Georgia lawsuit will challenge the state's flying of a Confederate flag.

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**Abstract:** Reports on the filing of a federal lawsuit challenging the constitutionality of Georgia's state flag, claiming its design is patently racist. Description of the state flag's design; Claims and contentions of individuals challenging the constitutionality of the state flag; Reaction of civil rights organizations to the state's flying of a Confederate flag.

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### **GEORGIA LAWSUIT WILL CHALLENGE THE STATE'S FLYING OF A CONFEDERATE FLAG**

Two heroes of the 1960s civil rights movement, U.S. House Rep. John Lewis and the Rev. C.T. Vivian, will be the lead plaintiffs in a federal lawsuit challenging the constitutionality of Georgia's state flag, Atlanta-based attorney Emmet Bondurant, who is handling the case, told the Amsterdam News.

Bondurant says that Georgia's flag, which features the state seal in white against a blue back-ground on one side, and a large replica of the Southern Confederacy's white stars and blue bars against a red background splashed across the remaining two-thirds of the flag on the right, is patently racist.

According to Bondurant, of the litigation firm Bondurant, Mixson & Elmore LLP, a federal lawsuit challenging the state's right to fly this flag could look at its First Amendment violations of church and state, because the Confederate flag's stars and bars emblem is also a replica of St. Andrew's X-shaped cross, a Christian religious symbol originally from Scotland. Or it could examine how the flying of the flag violates the rights of Georgia's African-American state employees who, under the 14th Amendment's equal protection clause and Title VII of the 1964 federal Civil Rights Act, have a right to work in a non-hostile environment.

The state's Confederate-honoring flag has flown over the state capitol in Atlanta for 45 years now. In 1955, one year after the U.S. Supreme Court ruled that racially segregated schools were unconstitutional, a lawyer named John Sammons Bell proposed adding the stars and bars to Georgia's state flag. And at the 1956 session of the Georgia General

Assembly, state Senators Jefferson Lee Davis and Willis Harden introduced and saw to the approval of Senate Bill 98, honoring the former Confederate States of America.

That bill, which added the Confederate flag to the righthand two-thirds of Georgia's state flag, was one of 13 the state Legislature passed in a maddash attempt to withstand the forces of desegregation. Other bills included legislation supporting Georgia's efforts to maintain segregated drinking fountains and rest rooms, and a resolution declaring the U.S. Supreme Court's Brown vs. Board of Education decision non-binding in the state of Georgia.

There have been efforts, since 1956, to remove the stars and bars from the state flag. But legislation proposed by state Rep. Janet Merritt in the late 1960s and early 1970s went nowhere, and a proposal by popular Gov. Zell Miller in 1992 to change the flag almost cost him his chance at re-election. And there appear to be few members of the current Legislature -- except for state Rep. Tyrone Brooks, who has introduced a bill to change the flag for numerous years now -- who would dare move to change the flag today. Among Georgia residents, polls show that 60 percent of Georgians don't want the flag changed; but in a poll among Blacks and whites, some 75 percent of Blacks want the flag changed, while 70 percent of whites want it to remain the same.

Yet, polls or no, Brooks has been one of many to vow that if the flag is not changed, the state will see a boycott 10 times worse than the \$20 million in lost tourism revenue suffered by the state of South Carolina before it removed the Confederate flag from its capitol dome.

Groups like the Georgia Heritage Coalition have vowed to maintain the current flag. Claiming a coalition "made up of individuals who wish to heighten the awareness of Georgia's historical legacy, and preserve historic sites and icons," at its website, the coalition cries out: "Help us stop hate groups such as the NAACP in theft attempt to change the beautiful and historic flag of Georgia! The Georgia state flag is under attack. Hate groups such as the [NAACP] have declared that any object that has the historical Confederate flag on it must be destroyed. Please be aware that the NAACP 1991 resolution proclaimed that all Confederate museums, flags and icons must be removed from any public places. Just as you have witnessed in South Carolina, moving the flag from the capitol dome was not enough. Now they want it removed totally."

But the NAACP, although instrumental in getting the state of South Carolina to remove a replica of the Confederate flag, is thus far supporting but not directing the flag removal movement in Georgia. Within Georgia, the strategy is to have noted civil rights leaders -- like Lewis and Vivian -- spearhead the movement. Rep. Lewis, who represents Georgia's 5th district, is the former head of the Student Nonviolent Coordinating Committee (SNCC). Lewis was among the more than 500 marchers beaten nearly to death in Selma, Ala., in 1965, for trying to lead Blacks in a voter registration march. And Vivian, the former national director of affiliates in Dr. Martin Luther King Jr.'s executive staff, has maintained his work as a civil rights advocate.

"They certainly are able, based on their first-hand experiences of racism, to explain to anyone how the use of the flag is a racist symbol," Bondurant said, "[and] how it can be used to threaten, intimidate and menace African-Americans."

Bondurant disputes Southern heritage vouchsayers who claim that maintaining the stars and bars is merely maintaining the pride of the South. "The Confederate battle flag

supports the idea of the Confederacy, which came into existence to preserve one form of white supremacy -- an extreme form -- slavery.

"From its inception," he added, "it was the symbol of a government whose sole purpose and aim was discriminatory."

Georgia, which took in nearly \$10 billion in tourist dollars in the early 1990s, could face a severe beating from an orchestrated boycott. But those planning any such boycott should not expect to see Bondurant joining their fight.

He told the AmNews: "I'm not planning for the lawsuit to fail. We will win." His firm will announce how the suit will proceed in the next few weeks.

PHOTO (BLACK & WHITE): Georgia's flag, with the state seal in white against a blue background, and a large replica of the Confederate States of America's white stars and blue bars against a red background, Is patently racist, activists say.

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By Karen Juanita Carrillo, Amsterdam New Staff

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