

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MAR 24 1987

LUTHER D. THOMAS, Clerk  
By: *LB* Deputy Clerk

C87 - 565A

Civil Action No. \_\_\_\_\_

HOSEA WILLIAMS, individually  
and on behalf of all black  
citizens of the State of  
Georgia,

Plaintiffs,

v.

SOUTHERN WHITE KNIGHTS,  
KNIGHTS OF THE KU KLUX KLAN,  
an unincorporated association,  
and its agents, servants,  
employees, and assigns,

FORSYTH COUNTY DEFENSE LEAGUE,  
an unincorporated association  
doing business as The Committee  
to Keep Forsyth and Dawson  
Counties White, and its agents,  
servants, employees and  
assigns,

THE INVISIBLE EMPIRE, KNIGHTS  
OF THE KU KLUX KLAN, INC., a  
Louisiana corporation, and its  
agents, servants, employees  
and assigns,

DAVID HOLLAND, individually and  
as Grand Dragon of the Southern  
White Knights, Knights of the  
Ku Klux Klan, Inc.,

MARK WATTS, individually and  
as President of the Forsyth  
County Defense League,

DANIEL CARVER, as Grand Dragon  
of the Invisible Empire,  
Knights of the Ku Klux Klan,  
Inc.,

DOUGLAS MCGINNIS, HAROLD  
PALMOUR, TONY DeWAYNE RICH,  
JUNIOR REESE STATON, JOE  
THOMAS STEWART, ROY JAMES  
SWEATMAN, and THOMAS JAMES  
GAYTON,

Defendants.

## I. Nature of the Action

1. This is a civil action brought by black citizens of Georgia, suing individually and on behalf of all others similarly situated, against certain Ku Klux Klan groups and white citizens. Plaintiffs seek declaratory and injunctive relief and damages for a series of violent acts, intimidation, and threats. Plaintiffs allege that these actions were committed with the intent of depriving the plaintiffs, as black citizens, of their rights and privileges secured by the Constitution and laws of the United States.

## II. Jurisdiction

2. This action arises under 42 U.S.C. §§ 1981 and 1985(3). Jurisdiction is invoked pursuant to 28 U.S.C. §§ 1331 and 1343. Plaintiffs seek, inter alia, a declaration of rights under 28 U.S.C. § 2201.

## III. Parties

### A. Plaintiff

3. Hosea Williams is a black citizen of the United States. He resides in Fulton County, Georgia.

### B. Defendants

4. The Southern White Knights, Knights of the Ku Klux Klan (hereinafter Southern Knights) is an unincorporated association with headquarters in Dekalb County, Georgia. Its address is P.O. Box 476, Redan, Georgia.

5. The Invisible Empire, Knights of the Ku Klux Klan (hereinafter Invisible Empire) is a Louisiana corporation doing business in the State of Georgia. It maintains an office on the Atlanta Highway, Oakwood, which is located in Hall County.

6. The Forsyth County Defense League (hereinafter Defense League) is an unincorporated association also doing business as The Committee to Keep Forsyth and Dawson Counties White. Its address is Pirkle Road, which is located in Dawson County.

7. David Holland is the Grand Dragon of the Southern Knights. He is a white citizen of the United States and resides in Gwinnett County, Georgia.

8. Daniel Carver is the Grand Dragon of the Invisible Empire. He is a white citizen of the United States and resides in Hall County, Georgia.

9. Mark Watts is the President of the Defense League. He is a white citizen of the United States and resides in Dawson County, Georgia.

10. Douglas McGinnis is a white citizen of the United States and resides in Jackson County, Georgia.

11. Harold Palmour is a white citizen of the United States and resides in Forsyth County, Georgia.

12. Tony DeWayne Rich is a white citizen of the United States and resides in Forsyth County, Georgia.

13. Junior Reese Staton is a white citizen of the United States and resides in Forsyth County, Georgia.

14. Joe Thomas Stewart is a white citizen of the United States and resides in Cherokee County, Georgia.

15. Roy James Sweatman is a white citizen of the United States and resides in Forsyth County, Georgia.

16. Thomas James Gayton is a white citizen of the United States and resides in Forsyth County, Georgia.

#### IV. Class Action

17. This action involves a class of all black citizens of the State of Georgia and a subclass of all black citizens, who participated in a peaceful public protest in Forsyth County, Georgia, on January 17, 1987, as well as white citizens acting in concert with and in support of said black citizens in both classes.

##### (a) The Primary Class

The named plaintiff Hosea Williams brings this suit on his own behalf and on behalf of all black citizens of Georgia, as well as all white persons acting in concert with them, who seek to travel freely on the streets and highways of Georgia, to make and enforce contracts, to peacefully assemble and protest grievances, to be free from assaults and other criminal acts, and to receive equal protection of the laws. Additionally, he also brings this complaint on behalf of all black citizens of Georgia who seek the right to live free from harassment, intimidation, and physical harm at the hands of the defendants, solely because of their race. The relief sought by the Primary Class is declaratory and injunctive.

##### (b) The Subclass

The plaintiff brings this suit on his own behalf and on behalf of all black citizens, as well as white persons acting in support of said black citizens, who participated in a peaceful protest march in Forsyth County, Georgia, on January 17, 1987 (hereinafter Protest Marchers). Said plaintiffs seek to travel freely on the streets and highways of Georgia, to make and

enforce contracts, to peacefully assemble and protest grievances, to be free from assaults and other criminal acts, and to receive equal protection of the laws. Additionally, these plaintiffs also bring this complaint on behalf of said black citizens who seek the right to live free from harassment, intimidation, and physical harm at the hands of the defendants, solely because of their race. The subclass seeks damages.

18. The plaintiff sues on his own behalf and as a class representative pursuant to Rule 23 of the Federal Rules of Civil Procedure. The prerequisites of Rule 23(a) and of Rules 23(b)(2) and (b)(3) are satisfied. Each class is so numerous as to make joinder of all of its members impracticable; there are numerous questions of law or fact common to each class; the claims of the individual named plaintiff are typical of the claims of each class; and the individual plaintiff will fairly and adequately protect the interests of each class. In addition, the defendants' actions were taken on grounds generally applicable to each class, so that injunctive and declaratory relief with respect to each class as a whole is appropriate. Finally, the questions of law or fact common to the members of each class predominate over any questions affecting only individual class members, and a class action is superior to other available methods for the fair and efficient adjudication of this controversy.

#### V. Statement of Facts

19. The Southern Knights is a membership organization dedicated to the principles of purity and supremacy of the white race. It is one of the most militant white racist organizations

in the South. Membership is restricted to white persons of non-Jewish ancestry who must swear an unqualified allegiance to the Southern Knights and the white race.

20. The Invisible Empire is a membership organization dedicated to the principles of purity and supremacy of the white race. It seeks to achieve this goal through the use of violence and intimidation of black citizens. Membership is restricted to white persons of non-Jewish ancestry who must swear an unqualified allegiance to the Invisible Empire and the white race.

21. The Defense League is a membership organization dedicated to preventing black citizens from owning or renting property in Forsyth and Dawson Counties. It attempts to achieve this goal through the use of violence and intimidation. Membership is restricted to white persons of non-Jewish ancestry, who promise to uphold the goals of the organization.

22. No black person has owned or rented a residence or resided in Forsyth County, Georgia since 1917, when all black residents were forced by whites to leave.

23. The named plaintiff and other members of the Subclass informed Forsyth County law enforcement officials of their intent to conduct a march on January 17, 1987, between two points on Bethelview County Road, in Forsyth County (hereinafter Protest March(ers)). Though no permit was required for said march, approval of the route was obtained and provisions were made by law enforcement officials to provide security.



24. The purpose of the Protest March was to protest racial discrimination in Forsyth County that prevented blacks from making and enforcing contracts for the rental and purchase of residences and to protest other forms of discrimination against black citizens.

25. Sometime prior to January 17, 1987, defendants learned that plaintiff Hosea Williams and a group of black persons, along with sympathetic white persons, planned a march on Georgia Bethelview County Road.

26. After learning of the Protest March, the defendants, Southern Knights, Invisible Empire and Defense League, along with a number of their officials, agents, and members, made plans to harass and intimidate the Protest Marchers and to interfere with law enforcement officials attempting to protect them.

27. On January 17, 1987, approximately 75 Protest Marchers, led by Hosea Williams, chartered a bus in Atlanta, Georgia, that took them to Bethelview County Road, approximately three miles from the Forsyth County Courthouse.

28. Immediately prior to the arrival of the Protest Marchers on Bethelview County Road, the defendants gathered at a nearby location in Forsyth County to make further plans to harass and intimidate the marchers and to interfere with law enforcement officials attempting to protect them. Defendant David Holland and others addressed this group.

29. Defendant David Holland told the defendants and a large boisterous crowd of white persons, many dressed in Klan uniforms and paramilitary dress, that blacks would not be permitted to

live in Forsyth County. Using a loud speaker, he shouted, "Send those niggers back to the watermellon fields of Atlanta. We won't stand for it. I say let's give them a good Forsyth County welcome. We'll keep them out of here for 70 more years. Let's disburse and go greet those filthy half-ape niggers." At this time, the defendants and a large group of hostile and angry whites left the staging area and went to Bethelview County Road to await the arrival of the Protest Marchers.

30. At approximately 11:30 a.m. on January 17, 1987, the named plaintiff and members of the Subclass arrived by chartered bus at Bethelview County Road, outside Cummings, Georgia, and began the Protest March along the planned route.

31. A large and angry crowd of white persons, many clothed in paramilitary and Klan dress, crowded the Protest Marchers along both sides of Bethelview County Road, shouting racial epithets, throwing bottles, rocks and other objects at the marchers, and interfering with law enforcement officials attempting to protect the marchers and to ensure their free access to travel. The defendants aided, abetted, and encouraged the crowd of white persons to harass and intimidate the Protest Marchers and to interfere with law enforcement officials attempting to protect the marchers.

32. Plaintiff Hosea Williams and a number of Protest Marchers were physically injured by objects thrown at them by whites along the march route.

33. Defendants Harold Palmour, Douglas McGinnis, Tony DeWayne Rich, Junior Reese Staton, Joe Thomas Stewart, Roy James



Sweatman threw objects at the Protest Marchers and/or interfered with law enforcement officials attempting to protect them. Said defendants were acting upon the encouragement of the other named defendants. Defendants Staton and Sweatman are members of the Defendant League. Defendant Douglas McGinnis is a member of the Invisible Empire.

34. Approximately 70 Forsyth County Sheriff's Deputies, Georgia State Troopers, and Georgia Bureau of Investigation officers, many dressed in riot helmets, attempted to protect the Protest Marchers from the defendants and other militant whites, as the marchers walked on Bethelview County Road. After approximately 20 minutes of marching, the Protest Marchers were ordered by law enforcement officials to reboard their chartered bus because their safety could not be guaranteed. The Protest March was not conducted as planned due to defendants' actions described herein.

35. The actions of the defendants described herein were taken against the plaintiffs solely because of their race and their support of the black Protest Marchers.

#### VI. First Cause of Action

36. Plaintiffs re-allege paragraphs 1 through 35.

37. The actions of the defendants in preventing the named plaintiff and the other Protest Marchers from completing the Protest March as planned and delivering their protest against the denial of blacks owning and/or renting residences in Forsyth County violated 42 U.S.C. § 1981.

VII. Second Cause of Action

38. Plaintiffs re-allege paragraphs 1 through 35.

39. The actions by the defendants in preventing the named plaintiff and the other Protest Marchers from freely using Bethelview County Road and from protesting housing and land ownership discrimination violated 42 U.S.C. § 1985(3).

VIII. Third Cause of Action

40. Plaintiffs re-allege paragraphs 1 through 35.

41. The actions by the defendants in preventing or hindering the constituted authorities of Forsyth County and the State of Georgia from giving and securing to the named plaintiff and the other Protest Marchers full and free access to Bethelview County Road and from protesting housing and land ownership discrimination violated 42 U.S.C. § 1985(3).

IX. Relief

The plaintiffs request this Court:

1. Certify this case as a class action, both as to the Primary Class and the Subclass.
2. Declare that the actions described herein deprived the named plaintiff and the Subclass of rights guaranteed them by 42 U.S.C. §§ 1981 and 1985(3).
3. Grant permanent injunctive relief enjoining all defendants, and those acting in concert with them, from engaging in any violent or intimidating actions which would have the purpose, or would reasonably be expected to have the effect, of intimidating or interfering with the exercise by black citizens, and those acting in concert with them, of the rights protected

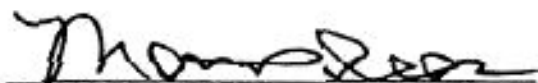
and guaranteed by the laws cited in the preceding paragraph. Further, enjoin the defendants, and those acting in concert with them, from taking any action to deny black citizens free access to and use of public highways in the State of Georgia, from preventing black persons from contracting to rent or purchase residences in any county in Georgia, and from intimidating, harassing, or physically harming a black person solely because of his or her race.

4. Award the named plaintiff and the other members of the Subclass compensatory damages against the defendants in an amount adequate to compensate for the violation of their rights. Award the named plaintiff and the other members of the Subclass punitive damages against the defendants for the willful violation of their rights.

5. Award plaintiffs reasonable costs and attorney's fees.

6. Grant plaintiffs such other relief as the Court deems necessary and just.

Respectfully submitted,



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