

NAACP

Derrick Johnson
*President and
Chief Executive Officer*

Leon W. Russell
*Chairman
National Board of Directors*

OFFICE OF THE EXECUTIVE

December 2, 2022

Via Email and Regular Mail

Desmond Duncker
401 Spring Water Dr.
Brevard, North Carolina 28712

Re: Cease-and-Desist Letter

Dear Mr. Duncker:

On or about October 26, 2022, the NAACP National Office sent a letter to you demanding that you immediately cease and desist making disparaging and defamatory statements against the National NAACP, the NAACP National leadership, the NAACP National staff, the North Carolina State Conference NAACP, and/or the North Carolina State Conference NAACP leadership. In the letter, we demanded that you confirm to the General Counsel, in writing, no later than Wednesday, November 2, 2022, at 2:00 p.m., EST that you will cease and desist from making defamatory statements against the National NAACP and the North Carolina State Conference. We further demanded that you cease and desist from supporting the Justice Coalition USA. To date, you have not provided written confirmation that you will cease and desist.

Article X, Section 2 of the Bylaws for Units of the NAACP states that “[t]he Board of Directors, upon satisfactory evidence that an officer or member of the Association...is guilty of conduct not in accord with the principles, aims and purposes of the National Association for the Advancement of Colored People...or guilty of conduct inimical to the best interests of...the Association may order suspension, expulsion or other disciplinary action against such officer or member, after a full hearing if requested by the respondent in accord with the provisions of this Constitution.”

By refusing to cease and desist, you have engaged in inimical conduct that is not in accord with the principles of the Association. Furthermore, you are a vocal member for the Justice Coalition USA, an organization that is undermining and discrediting the National NAACP and the North Carolina State Conference NAACP. In that capacity, you have engaged in conduct that is detrimental to the Association. On February 18, 2022, your coalition sent a letter to NAACP National Board members falsely accusing Administrator and NAACP National Board Member Gloria Sweet-Love of making misrepresentations regarding the North Carolina

State Conference NAACP. Your coalition accused the National NAACP of arbitrarily suspending Dr. T. Anthony Spearman's membership. Furthermore, your coalition accused the NAACP of making "libelous statements." In your correspondence, you encouraged Board members to review the Justice Coalition website.

The Justice Coalition USA website is dedicated to disparaging the National NAACP and the North Carolina State Conference. On the website, it states, "the Justice Coalition is a coalition of NAACP members seeking redress of issues of the NAACP National Organization illegally taking over Branches and State Organizations and to address the apparent corruption existing under the current national leadership." <https://justicecoalitionusa.org/>. The website essentially questions the legitimacy of the new structure of the NAACP.

<https://justicecoalitionusa.org/history-of-the-naacp-name/> Moreover, there is a section on the Justice Coalition website entitled "ALLEGED SCANDALS with Derrick Johnson."

<https://justicecoalitionusa.org/derrick-johnson/>

That section includes articles entitled "Member calls for resignation of Mississippi NAACP President" and "Derrick Johnson slush fund!!!" The website falsely accuses the National NAACP of illegally taking over the San Diego Branch NAACP. The website includes copies of letters and emails to and from NAACP leaders. <https://justicecoalitionusa.org/letters-to-the-national-organization/> <https://justicecoalitionusa.org/jc-to-legal-counsel/>

In addition, the Justice Coalition held press conferences on January 7, 2022, and February 11, 2022. During the January 2022 press conference, you alleged that the North Carolina State Conference election had "serious problems" and "numerous violations." You further alleged that "only half of the delegates were able to vote." You described the election as "flagrant". The January and February press conferences are posted on the Justice Coalition's website. <https://boxcast.tv/view/nc-justice-coalition-press-conference-623493> <https://justicecoalitionusa.org/press-releases/> This conduct is unacceptable.

Moreover, the Justice Coalition has been soliciting donations in support of litigation against the National NAACP. On the coalition's website, it states "[d]ue to the upcoming litigation against the National Leaders that have slandered the good name and reputation of the current State Leaders we are asking for donations to help with the fight for Justice within the NAACP." <https://justicecoalitionusa.org/donate/> Article X, Section 2 of the Bylaws for Units of the NAACP states that "[a]ny member who files litigation against the National NAACP or against any of its units without having pursued the remedies within the framework of the Association, shall be deemed as exhibiting behavior not in accord with the principles, aims and purposes of the National Association for the Advancement of Colored People, meriting suspension, expulsion, or other disciplinary action." By soliciting donations for a lawsuit against the National NAACP, you are engaged in behavior not in accord with the principles of the NAACP.

The Justice Coalition USA continues to promote the false narrative of disenfranchisement. On September 12, 2022, the Justice Coalition USA sent a letter to the President and CEO stating the National NAACP's Election Buddy system "disenfranchised many of our senior members who are not computer literate." The coalition described the system as a "flawed method" and requested a meeting with the President and CEO.

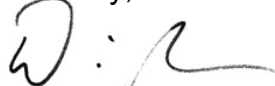
In November 2022, the Justice Coalition held another press conference disparaging and defaming the NAACP. The Justice Coalition's statement described the NAACP National leadership as "a dictatorship" and "autocratic" and accused NAACP National leadership of "hypocrisy" and "denying democracy."

Under Article X, Section 4 of the Bylaws for Units of the NAACP, "Where the President and CEO of the National Office is satisfied that there is danger of irreparable harm to the Association or Unit involved and that immediate action is necessary, he may order an officer or member suspended pending a full hearing if requested." I am satisfied that your continued membership in the Association presents a danger of harm to the National NAACP and the North Carolina State Conference NAACP. Action is necessary to prevent or mitigate that harm. Your conduct is undermining the mission of the Association and tarnishing the reputation of the Association. Such conduct cannot be tolerated. Accordingly, I hereby suspend your membership in the Association, effective immediately, pending investigation and a full hearing (if you so request).

Should you timely request a hearing regarding this matter, one will be provided as outlined in the NAACP Constitution and Bylaws for Units. Any such request for hearing – as well as any written response you would like to submit regarding the above allegations – must be sent within 15 calendar days from date of receipt of this letter and complaint. The 15-day period shall commence to run from the time service of the complaint is complete. Service of the complaint is deemed complete five (5) days after the complaint was mailed. Your hearing request must be sent via certified mail to the attention of Carmen Watkins, Senior Vice President, Membership Growth and Unit Sustainability, NAACP, 4805 Mount Hope Drive, Baltimore, Maryland 21215.

You are directed to cease and desist immediately from holding yourself out as a member of the NAACP. If you have any questions regarding this matter, you may contact Carmen Watkins, Senior Vice President, Membership Growth and Unit Sustainability, at cwatkins@naacpnet.org.

Sincerely,



Derrick Johnson
President and Chief Executive Officer

cc: Leon W. Russell, Chair, National Board of Directors
Gloria J. Sweet-Love, Chair, Committee on Membership and Units
Carmen Watkins, Senior Vice President, Membership Growth and Unit Sustainability
Janette McCarthy Wallace, General Counsel