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December 1, 2022

Re: 26 October 2022 *Cease and Desist* Letter to my Client O'Linda Watkins

Ms. Janette McCarthy Wallace
General Counsel, NAACP
(jlouard@naacpnet.org) and Certified Return Receipt USPS Letter

Dear Ms. Wallace:

I respond to the letter signed by Derrick Johnson to O'Linda Watkins which, in part, said, the "National NAACP hereby demands that you immediately cease and desist from supporting the Justice Coalition USA campaign against the National NAACP and the North Carolina State Conference NAACP and that you will cease and desist from supporting Justice Coalition USA."

Facts

My client has led NAACP Branch 5421 in the Moore County headwaters of the Cape Fear river for 25 years. She has served as State Conference Chair of *Women In the NAACP* (WIN) for 17 years, and as the State Assistant Secretary for 8 years. She lives in the nearly all-Black neighborhood of Needmore, where her great grandparents settled after Liberation, in 1865. She is a Gold Life Member of the NAACP and fighting against falsehoods is in her DNA. She has never disparaged Deborah Maxwell, nor knowingly endorsed any untrue statement in her NAACP work. When you live under the loaded guns and gun stores that some of Moore County elected leaders traffic in, *truth* and *trust* in her NAACP work and life are absolute necessities.

I believe I could write a similar biography for many NAACP warriors who joined the Movement in the 1960's in North Carolina where many historians trace its re-birth, and who later through their experience and spirit into local NAACP Branches across the State. Some now are being suspended for sticking to the *Truth* and, like Ms. Watkins, to the NAACP Constitution and By-Laws while challenging untruths.

Law

I now turn to the *Legal* misstatements in Mr. Johnson's letter to my client. In my NAACP litigation practice I often consult with our colleagues at the **NAACP LDF**. Since its founding by Charles Hamilton Houston and Thurgood Marshall, the **LDF** has remained a loyal champion of the interests of the Black masses. Recently the Racist Right campaign to insert **Lies** into national policy debates has created a third dimension to the traditional legal dialectics where a search for truth is primary. The LDF has been publishing an excellent series on the challenge of our generation and I commend that to you and your Board.

Truth is an absolute defense against the false accusations. The personal attack on Ms. Watkins by Mr. Johnson stems, we believe, from a vicious personal attack on a young A&T graduate and employee of the NC NAACP—Jazmine Childs-- at the NC State Conference convention in Winston-Salem a few years back. Hundreds of witnesses were there. Your predecessor, General Counsel Brad Berry, his advice apparently rejected, sat off to one side, while his client, Mr. Johnson, made a few general remarks and then launched into a series of personal attacks on Ms. Childs and her support group of elder women led by Ms. Watkins and friends.

Ms. Childs had filed a sex harassment complaint in 2017. When your client failed to act promptly and effectively to stop the harassment as required by the 'Ruth Bader Ginsburg Rules' from *Boca Raton* and *Burlington Industries* (1990's), your client became liable for massive damage awards in the lawsuit her attorneys filed in Durham Superior Court. Ms. Childs had retained NC's most respected sex harassment law

firm--*Kennedy, Kennedy, and Kennedy* from Winston-Salem. I trust you are aware of the firm's historic role in race and sex harassment case law. I always recommend to civil rights lawyers I mentor to read the firm's victory in *Peggy S. Bryant v. Thalhimer Brothers, Inc. and Scruggs*, 113 N.C. App.1, 437 S.E.2d 519, (1993).

Conclusion

After Johnson's personal attack on Ms. Childs in Winston-Salem, the Kennedys moved the Durham Superior Court where the original suit was filed, to add your client as a defendant. The Court granted the motion. Every intemperate and hostile invective your client made toward the young woman that day lifted higher the ceiling of possible damages. And I believe added to the Mr. Johnson's retaliatory motive to remove this NAACP warrior and leader of the group supporting and advising Ms. Childs. As always, I beseech you to share these facts with your full Board.

I write with sincere hope we have read the same civil rights law books and studied the same law books and share a common understanding about how sex harassment cases unfold in reality. Please call if you have any questions where my client stands.

Truly,

/s/

Al McSurely, Attorney at Law

c: O'Linda Watkins