



July 10, 2020

Ms. Lisa Thayer-Welch, Garrett County State's Attorney  
Office of State's Attorney  
Courthouse, Room 200  
313 East Alder St.  
Oakland, MD 21550

Dear Ms. Thayer-Welch...

The Maryland Lynching Memorial Project has recently received a number of complaints about an effigy depicting a lynching that is currently displayed on the front lawn of a private home on Chestnut Ridge Road near Grantsville. It is my understanding that this offensive display has been in place since 2013 and has understandably generated controversy and complaints since then.

I would like to respond to these inquiries accurately and am writing to ask for clarification as to what Garrett County has done or is planning to do to address this racist display.

As you are probably aware, recent developments on both the legislative and judicial fronts have a bearing on the situation:

- [SB 161](#), enacted in May, prohibits the display of certain hate items and/or symbols (including a noose) on public or private property with the intent of threatening or intimidating a person or group;
- [SB 606](#), also enacted in May, closes a loophole in the state's hate crimes law so that it is no longer necessary that hate is the only motivating factor for a crime to be considered a hate crime;
- an [opinion](#) issued by the Maryland Court of Special Appeals last fall, rejected a free speech challenge to Maryland's hate crime law. Citing the US Supreme Court decision in *Wisconsin vs. Mitchell* (1993) the Maryland high court ruled that "the First Amendment does not protect bias-motivated speech when it is coupled with non-verbal conduct otherwise proscribed"

Given these recent developments, it is unclear to me why the Grantsville display is not considered an act of intimidation or harassment (already criminalized) that is exacerbated by clearly racist undertones that evoke the legacy of racial terror lynching in this country and in Maryland. That message is not lost on anyone who drives past this display regardless of what the property owner may claim about his motivation. The growing number of complaints that have been registered clearly indicates that the public perceives the display as racist and hateful. I would ask you to try to imagine the message that is sent about Garrett County to visitors and tourists driving past that effigy. What does it say to black people?

*More*

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Even if this deliberate, public affront could not be prosecuted as a hate crime, it must be considered, at the very least, to be an ongoing bias incident. A [report](#) issued earlier this year by the Civil Rights Division of the Maryland OAG points out that "a bias incident can be as frightening and demoralizing as a hate crime... Such incidents... still serve to generate fear and anxiety in those targeted. Moreover, people who engage in bias incidents may eventually escalate into criminal behavior."

I am certain you recognize that our state and our nation have reached a watershed in the quest for racial justice. We are long past the time when it might be acceptable to just shrug our shoulders at the Grantsville effigy and write it off as a matter of "free speech". The undeniable social and racial awakening that is sweeping over our nation now offers an opportunity to take a meaningful action in this case that can set an example for others and advance the cause of racial justice and reconciliation in Garrett County and in Maryland. I hope you will seize this opportunity.

We at the Maryland Lynching Memorial Project are prepared to offer any assistance your office may request to help you respond to this matter in a way that will ensure that all citizens of Garrett County, and the nation, are able to live their lives in dignity without fear, intimidation or harassment.

Thank you for your consideration.

Respectfully,



Will Schwarz  
President

Cc: Paul Edwards, Garrett County Commissioner  
James Hinebaugh, Garrett County Commissioner  
Larry Tichnell, Garrett County Commissioner  
Kevin Null, Garrett County Administrator  
Gorman Getty, III, Garrett County Attorney  
Zenita Hurley, Chief Counsel for Civil Rights, Maryland Office of the Attorney General  
Heather Iliff, MD Nonprofits President & CEO