

IN THE CIRCUIT COURT OF GRENADA COUNTY, MISSISSIPPI

**JAMES L. JONES and SUSAN
M. KIRK**

APPELLANTS

v.

NO. 24-CV-359 LA

**CITY OF GRENADA, MS, and
GRENADA CITY COUNCIL**

APPELLEES

NOTICE OF APPEAL

COMES NOW the Appellants, James L. Jones and Susan M. Kirk, by and through counsel, and file this notice of appeal of the decision of the City of Grenada, by and through the Grenada City Council, dated September 9, 2024, and as grounds thereof state as follows:

I. JURISDICTION AND VENUE

1. This action is brought pursuant to the laws of the State of Mississippi, specifically under Miss. Code Ann. § 11-51-75, seeking judicial review of the Grenada City Council's decision to move the Confederate monument to an unsuitable and inappropriate location, and further seeking a permanent injunction.

2. Venue is proper in this Court pursuant to Miss. Code Ann. § 11-51-75.

II. PARTIES

3. Appellant James L. Jones ("Appellant Jones") is a resident of the City of Grenada and Grenada County, Mississippi, residing at 1006 Lindley Drive, Grenada, Mississippi 38901. Appellant Jones is the descendant of a Confederate veteran and serves as the camp chaplain of the Sons of Confederate Veterans 2287, a national organization dedicated to preserving the history and legacy of Confederate soldiers. As such, he has a direct and personal interest in the preservation of the Confederate monument at the courthouse square in Grenada, which honors the service and sacrifice of his ancestors and other Confederate veterans.

4. Appellant Susan M. Kirk (“Appellant Kirk”) is a resident of the City of Grenada and Grenada County, Mississippi, residing at 650 Scenic Drive, Grenada, Mississippi 38901. As a long-time resident, she has an interest in preserving the historical and cultural heritage of the community, including the Confederate monument at the courthouse square. Appellant Kirk believes the monument’s removal would irreparably alter the cultural landscape of the city, diminishing its historical value and undermining the local identity and heritage.

5. City of Grenada is a municipal corporation organized under the laws of the State of Mississippi.

6. Grenada City Council is the governing legislative body of the City of Grenada, responsible for municipal decisions, including the recent vote to place the Confederate monument in an unsuitable and inappropriate location.

III. FACTUAL BACKGROUND

7. The Confederate monument at the center of this dispute was erected in 1910 in downtown Grenada, on the courthouse square, and has stood in its current location for over 100 years. It was commissioned by the Daughters of the Confederacy and stands as a tribute to the soldiers of the Confederate States of America and their President, Jefferson Davis.

8. The courthouse square is the most suitable and historically significant location for the monument, given its prominent placement in the heart of the city, representing a cultural and historical symbol for the community. The courthouse serves as a civic hub, and the monument’s presence there reflects its integral role in the city’s history and cultural heritage.

9. The nearby confederate cemetery could be considered an alternative location, but Appellants assert that the courthouse square, where the monument has stood for over 100 years, remains the most appropriate and suitable place for the monument given its significance to the

history of Grenada and its Confederate legacy. Appellants' primary goal is to keep the monument at the courthouse square.

10. On August 27, 2020, the Grenada City Council voted to remove the Confederate monument by a 4-3 vote. At the time of this vote, the Council had not determined or even discussed a specific location to which the monument would be relocated.

11. On September 9, 2024, the Grenada City Council revisited the issue of relocation and voted 5-2 to move the monument to 4333 Commerce Street, a location which is not "more suitable" as required under Mississippi law.

12. The relocation of the monument to 4333 Commerce Street is inappropriate and does not satisfy the statutory requirement of being "more suitable" than its current location at the courthouse square. The courthouse square, where the monument was originally erected, has significant historical and cultural value. The relocation site at Commerce Street lacks similar relevance, historical context, and public visibility.

13. Mississippi law, specifically Miss. Code Ann. § 55-15-81, prohibits the removal or relocation of war memorials unless it is determined that relocation is necessary to place the monument in a more suitable location.

14. Appellees have failed to comply with the statutory requirement of identifying a "more suitable" location, and the decision to relocate the monument to 4333 Commerce Street is arbitrary, capricious, and unsupported by any factual or cultural justification, given the monument's significant historical relevance to its current location.

15. Expert analysis from historians and cultural preservationists confirms that the courthouse square is the most suitable location for the monument, due to its proximity to other historically significant sites in the city and its status as a central public space for civic life in

Grenada. In contrast, the proposed location at 4333 Commerce Street offers no such historical or cultural context, and even lacks public access, making it a significantly inferior location.

16. Miss. Code Ann. § 55-15-81 restricts the removal, relocation, or alteration of war monuments unless the governing body determines that relocation is necessary to place the monument in a more suitable location.

17. The City of Grenada’s proposed relocation site at 4333 Commerce Street does not meet the statutory requirement of being more suitable for displaying the monument. The courthouse square is the most suitable location due to its central placement, historical significance, and cultural relevance to the community.

18. The decision to relocate the monument to 4333 Commerce Street is arbitrary and capricious and should be overturned by this honorable court.

19. Public interest favors the preservation of historical monuments, especially in their original, historically relevant locations, and ensuring that local governments comply with statutory and procedural requirements.

WHEREFORE, Appellants respectfully demand that this Court reverse and vacate said action by the City of Grenada, by and through the Grenada City Council, dated September 9, 2024, and direct that said monument be returned to its original location on the courthouse square until such time as a truly “more suitable” location for the monument is chosen.

Dated: September 18, 2024.

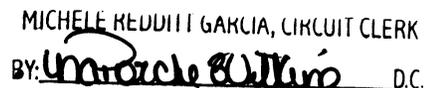
Respectfully submitted,



John W. (“Don”) Barrett (MSB #2063)
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FILED
GRENADA COUNTY

SEP 18 2024

MICHELE REDDITT GARCIA, CIRCUIT CLERK
BY:  D.C.

Fax: (662) 834-2628
dbarrett@barrettlawgroup.com

Counsel for Appellants

CERTIFICATE OF SERVICE

I, John W. ("Don") Barrett, hereby certify that a true and correct copy of the foregoing document has on this the 18th day of September 2024 been served on the following via U.S.

Postal Service and by hand delivery:

City of Grenada, Mississippi
Grenada City Hall
108 S. Main St.
Grenada, MS 38901

Grenada City Council
c/o Mr. Lewis Johnson, Ward 3
City Councilman
Grenada City Hall
108 S. Main Street
Grenada, MS 38901

Clerk of the City of Grenada
Ms. Lois Freelon
108 S. Main St.
Grenada, MS 38901


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APPELLEES

APPELLANTS' DESIGNATION OF RECORD

1. All minutes of every meeting of the City Council of Grenada, beginning with the August 27, 2020 meeting, to the present time, together with all copies of all motions, orders, or resolutions presented and passed by the City Council at such meetings, which pertain to or concern the Confederate Monument subsequently removed from the courthouse square in Grenada, Mississippi.

2. All audio or video recordings or transactions thereof of the City Council meetings referred to above; and

3. All written materials concerning or referencing or giving notice of said meetings or containing any information related to the re-location of said monument.

4. September 17, 2024 letter from Mike Chaney, Commissioner of Insurance.

Attached hereto as Exhibit A.

Dated: September 18, 2024.

Respectfully submitted,

By: 

John W. ("Don") Barrett (MSB #2063)

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GRENADA COUNTY

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Clerk of the City of Grenada
Ms. Lois Freelon
108 S. Main St.
Grenada, MS 38901



John W. (“Don”) Barrett

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SEP 18 2024

MICHELE REDDITT GARCIA, CIRCUIT CLERK
BY: Umerle Bullard D.C.

Exhibit A

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GRENADA COUNTY

SEP 18 2024

MICHELE REDDITT GARCIA, CIRCUIT CLERK

BY: Yanetle Bulleró D.C.



MISSISSIPPI INSURANCE DEPARTMENT

501 N. WEST STREET, SUITE 1001
WOOLFOLK BUILDING
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DAVID BROWNING
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TELEPHONE: (601) 359-3569
FAX: (601) 359-2474
WATS: 1-800-562-2957 (Incoming-USA)

September 17, 2024

To Whom It May Concern:

I, Mike Chaney, served as a Mississippi State Senator for District 23 in 2004, and was a co-author of Senate Bill 2078, which was passed by the Mississippi Legislature in 2004.

The intent of Senate Bill 2078 was to protect certain historical monuments and memorials by prohibiting their alteration or relocation, without approval of the proper governing authority.

Section 2 of the statute states, *"No person may prevent the public body responsible for maintaining any of the items, structures or areas described above from taking proper measures and exercising proper means for the protection, preservation, care, repair or restoration of those items, structures or areas. The governing body may move the memorial to a more suitable location if it is determined that the location is more appropriate to displaying the monument."*

The intent of the bill is to honor the sacrifices of those who lost or risked their lives for democracy. If it is necessary to relocate the monument, the intent of the law is that it be relocated to a suitable location, one that is fitting and equivalent, appropriate and respectful.

A handwritten signature in black ink, appearing to read "Mike Chaney", written over a horizontal line.

Mike Chaney