

Affidavit

State of Georgia

County of Dekalb

Personally appeared before the undersigned officer,  
duly authorized to administer oaths, Sanford Atwood, President  
of Emory University, who, after being duly sworn, deposes and  
states that the facts contained in the foregoing complaint are  
true and correct.

Sanford S. Atwood

Sworn to and subscribed before me  
this 27th day of May, 1969.

[?] Bowden

Notary Public

[\*27 May 1969\*]

In the Superior Court for the County of DeKalb  
State of Georgia

Emory University, Plaintiff

vs.

Steve Abbott, John H. Ambrose,  
Gregory Coleman, Charles Yoemans,  
Larry Palmer, Mike Holmes, Rena Price,  
Walter Williams, William Perry Hankerson,  
Willie Orr, Sheryl Jones, James A. Brown,  
Gayle Bowden, Colleen Henderson, Pat Brown,  
Gail Williams, Lennice Reisberg, Steve  
Walker, Nick Garin, David Slier, Peter  
Maxwell, Beth Welch, James Arnold, Jim  
Ruttenber, Dave Brewer, John Catinas,  
David Welch, Velma Soloman, John Henry  
Hamilton, Jr., Mary McCallum, Leon B.  
Johnson, Jr., Robert Frederick, Barbara  
Pearson, Charlotte Scott and Beverly Bentley,  
Defendants

Civil Action No.

Complaint

The complaint of Emory University respectfully shows to  
the Court the following facts:

1.

The plaintiff, hereinafter referred to as “Emory”, is a corporation organized and existing under the laws of the State of Georgia, having its principal office and place of business in DeKalb County, Georgia. Emory conducts an institution of higher learning, both at the undergraduate and graduate levels on the campus of Emory located in DeKalb County, Georgia.

Each of the named defendants herein is a student at Emory University, resides on the campus at said institution, can be personally served in Dekalb County and is subject to the jurisdiction of this Court.

2.

In connection with the operation of said institution of higher learning Emory maintains a food facility known as Cox Hall. It also provides a place of public worship for its students, faculty and the friends and families of students and faculty on its campus, the same being known as Durham Chapel.

3.

Defendants are students attending Emory University, either in the undergraduate school or in one of the graduate schools conducted by Emory. Said defendants have the same privilege as other students at Emory to petition the school authorities for the redress of any alleged grievances.

4.

On Sunday morning, May 25, 1969, there was being conducted in Durham Chapel the regular Sunday morning University worship service when, without provocation, defendants John H. Ambrose, Gregory Coleman, Charles Yoemans, Larry Palmer, Mike

Holmes, Rena Price, Walter Williams, William Perry Hankerson, Willie Orr, Sheryl Jones, James A. Brown, Gayle Bowden, Colleen Henderson, Pat Brown and Gail Williams, and others whose names are not known to the plaintiff but are well known to the defendants named in this paragraph, wilfully and intentionally interrupted and interfered with the worship services being conducted in said Chapel, said defendants demanding that certain of their number be allowed to address the congregation assembled for the purpose of stating certain alleged grievances, propositions and contentions, wholly unrelated to the worship service being then conducted and said named defendants, along with others herein referred to, insisted upon disrupting same with full knowledge that the disruption of worship services in a violation of State law.

5.

(a) Thereafter, around lunch time on Sunday, May 25, 1969, defendants who were named in paragraph 4, and in addition thereto defendants Steve Abbott, Lennice Reisberg, Steve Walker, Nick Garin, David Slier, Peter Maxwell, Beth Welch, James Arnold, Jim Ruttenber, Dave Brewer, John Catinas, David Welch, Velma Soloman, John Henry Hamilton, Jr., Mary McCallum, Leon B. Johnson, Jr., Robert Frederick, Barbara Pearson, Charlotte Scott and Beverly Bentley, along with other persons whose names are not known to plaintiff but are well known to the defendants named in this paragraph, undertook wilfully and intentionally to block with their bodies the entrances to Cox Hall and the serving lines of the cafeteria operation conducted in said Cox Hall for the purpose of denying to students of Emory University, their relatives and friends, and other persons lawfully using said

facility the right to obtain food in the dining facilities provided in said Cox Hally, the said defendants named in this paragraph and others acting in concert with them, knowing that their actions deprived said students, their friends, relatives and others lawfully upon said premises of the right of the enjoyment of personal security, of their personal liberty and of their right to use the facilities of Cox Hall, all in violation of §79-205 of the Code of Georgia. The actions of the defendants named in this paragraph, in conjunction with said others whose names are not known to plaintiff, constituted a violent taking and keeping possession of lands, tenements and premises of plaiktiff [[plaintiff]] by force and threats without authority of law and in violation of Sections 26-3101 and 26-3102 of the Code of Georgia.

(b) On Monday, May 26, 1969, further acts similar to those set forth in (a) above took place at Cox Hall on the Emory University Campus. The participants in these acts exceeded in number those involved on Sunday, May 25, 1969.

6.

Some of said defendants named in the preceding paragraph, and said others in concert with them, at said time and place did display signs and placards, some of which contained obscene words thereon, and did display said signs to person present, including females, with full knowledge on their part that they were thus using profane and obscene language in the presence of females in violation of Section 26-6303 of the Code of Georgia.

7.

Plaintiff shows that the actions of defendants have substantially

interrupted the peaceful operation of the institution of higher learning conducted by plaintiff on its campus and said actions and the disruptive effect thereof have adversely affected and will adversely affect the right of plaintiff to conduct its institution of higher learning and the right of the overwhelming majority of the students of said institution to receive instruction and the education they have enrolled at Emory to receive.

8.

Plaintiff shows that it employs on its faculty more than 600 persons who are charged with the responsibility of disseminating knowledge to the student body at Emory. Plaintiff further shows that it has enrolled in its student body approximately 4500 students who pay tuition fees for the privilege of receiving instruction in various courses of study prescribed in its catalog and leading to various degrees upon completion of the required courses of study. Plaintiff owes an obligation to its students and its faculty to provide a proper academic atmosphere in which to conduct the institution of higher learning for which plaintiff is chartered and for which purpose plaintiff has operated for over 130 years.

9.

On information and belief plaintiff alleges as a fact that defendants intent to continue the disruptive activities heretofore described and to take other actions designed to disrupt the peaceful operation of Emory University and to destroy the academic climate essential to the conduct of an institution of higher learning. Plaintiff shows that said actions, if continued,

would constitute a continuing nuisance, as that term is recognized by Georgia law, and that without the intervention of this Court in the use of its equity powers by the granting of injunctive relief, plaintiff, its students and faculty will be irreparably injured and damaged and plaintiff has no adequate remedy at law.

10.

Plaintiff shows that the facts of this case present a situation authorizing the grant of a temporary restraining order without notice to the adverse parties for the reason that immediate and irreparable injury, loss and damage will result to the plaintiff and its students by reason of the acts of defendants before notice could be served upon them and a hearing had relative to the issuance of the temporary restraining order sought by plaintiff.

Wherefore, plaintiff prays:

1) That process issue requiring defendants to be and appear at a place and time as set by law to answer this complaint.

2) That until further order of this Court the defendants and any and all persons or organizations acting for them or in concert or confederation with them, be restrained as follows:

(a) From interfering with worship services conducted by plaintiff on its campus.

(b) From interfering in any manner with the operation of Cox Hall or the cafeteria maintained therein.

(c) From blocking or in any manner obstructing any of the entrances, exits or cafeteria lines of said Cox Hall.

(d) From forcibly entering and taking or keeping possession of any building or facility of plaintiff anywhere on the campus of Emory University.

(e) From obstructing [[obstructing]] in any manner any of the entrances to or exits from the campus of Emory University.

(f) From taking any action, either individually or in concert with others, designed to disrupt the peaceful operation of Emory University as an institution of higher learning.

g) Plaintiff prays that this be treated as a class action to apply to any student at Emory University who undertakes to disrupt the peaceful operation of said University as alleged herein.

3) That a day certain be fixed upon which defendants shall be required to show cause, if any they have, why they should not be temporarily enjoined from committing the acts complained of herein.

4) That copies of this complaint be served upon defendants.

5) That upon final hearing defendants be permanently enjoined from continuing the acts complained of herein.

6) That such other and further relief as seems proper to the Court be granted.

[?] Bowden

[?] Bowden

Attorneys for Plaintiff

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