



## ASSOCIATION FOR THE STUDY OF AFRICAN AMERICAN LIFE AND HISTORY®

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15 May 2024

Dear ASALH Member,

I want to take this opportunity to bring you up to date on the most recent developments in the lawsuit filed in the Superior Court of the District of Columbia against ASALH and me by Barbara Spencer Dunn, and eighteen other ASALH members, including two members of the ASALH Executive Council, (Valerie Holt and Jarvis Givens).

As you may recall, counsel for ASALH filed a motion to dismiss that lawsuit which was opposed by counsel for the plaintiffs. The judge set a hearing for argument on the ASALH motion to dismiss for February 2, 2024.

After hearing arguments for counsel for the plaintiffs and from ASALH's counsel, the judge issued an oral order dismissing the lawsuit. The judge ruled that the court was precluded by rulings of the D.C. Court of Appeals and by the D.C. Code from granting the declaratory and injunctive relief requested by the plaintiffs in the lawsuit because the plaintiffs could obtain the relief that they sought through the provisions of Article III, Section 2h of the ASALH Constitution. At that time, the judge found that the plaintiffs had not shown that they had even attempted to pursue the requested relief pursuant to that section of the ASALH Constitution, or that ASALH had thwarted any attempt by plaintiffs to pursue relief pursuant to that section of the ASALH Constitution.

The judge ruled that she would not substitute her judgment for that of the membership of ASALH as evidenced by the October 30, 2023 vote of the ASALH membership.

The lawsuit was dismissed, but plaintiffs were given the right to re-file the lawsuit if they could show that ASALH had acted to prevent plaintiffs from moving forward with the process provided by Article III Section 2h of the ASALH Constitution. The judge requested, and ASALH agreed, that ASALH would provide plaintiffs with a current ASALH membership list by February 9, 2024. That was done.

The plaintiffs began their effort to circulate a petition to remove me as President of ASALH pursuant to the provisions of Article III, Section 2h of the ASALH Constitution. The plaintiffs complained that the current ASALH membership list that had been provided to them (which included the names of over 1500 ASALH members) was insufficient and demanded that ASALH provide them with the ASALH membership list as of December 31, 2023. ASALH reminded counsel for plaintiffs that their petition could only be signed by current members of ASALH

which made the December 31, 2023 membership list useless to them in their petition effort. For that reason, ASALH declined to provide the December 31, 2023 membership information.

During this time, I communicated with the ASALH membership my disagreement with the lawsuit, and I encouraged ASALH members to not become a party to plaintiffs' efforts to have ASALH members sign onto their removal petition. The plaintiffs then complained that my addressing the ASALH membership and opposing their removal petition effort was obstructionist and a violation of the judge's order. I believe that just as plaintiffs had the right to circulate a removal petition, I had the right to express to the ASALH membership my opinion about the lawsuit and the removal petition. I especially expressed that the plaintiffs' characterization of themselves as "concerned ASALH members" was misleading and did not identify to ASALH members who were the authors of the petition. In addition, all of us who have joined ASALH and who have served it for years are "concerned ASALH members." But we are not plaintiffs in a lawsuit against it.

On March 3, 2024, plaintiffs filed a motion with the same judge seeking reconsideration of her February 2, 2024 order that dismissed their lawsuit. Plaintiffs' motion raised many of the same arguments they had made during the February 2nd hearing. Counsel for ASALH filed an opposition to plaintiffs' motion for reconsideration noting that plaintiffs' motion had neither documented an error of law that had been made by the judge in her original ruling, nor had plaintiffs' motion provided any newly discovered law or evidence that would make the judge's original ruling incorrect.

On May 14, 2024, the judge issued an order denying plaintiffs' motion for reconsideration of her order that dismissed their lawsuit. In her seven-page order, the judge ruled that plaintiffs' motion (1) failed to cite to any legal authority in support of the request that the judge revisit her earlier ruling; (2) raised new arguments that were previously available but had not been advanced by plaintiffs at the hearing which was procedurally improper and required that the motion be denied; (3) failed to cite any provision in the Bylaws or other authority entitling plaintiffs to the December 31, 2023 membership list and given the fact that only members in good standing may be counted in a removal petition, the December 31, 2023 membership list had no bearing upon plaintiffs' ability to pursue removal proceedings; and (4) is comprised of nothing more than internal organizational petty politics, undoubtedly exacerbated by plaintiffs' initiation and continued pursuit of this litigation. Additionally, the judge ruled that ASALH was under no obligation to facilitate plaintiffs' effort to remove me as President of ASALH.

In denying plaintiffs' motion for reconsideration, the judge dismissed the lawsuit again, but this time with prejudice which means that plaintiffs cannot file this lawsuit again. In my view that is the appropriate action in this matter. Under District law, plaintiffs, like any other litigant, have the right to appeal the judge's order to the D.C. Court of Appeals. We do not know if that will happen, but I certainly hope that after having been soundly rejected twice in their lawsuit, plaintiffs will realize that they just cease this organizationally destructive activity and join us in working to strengthen ASALH.

ASALH does not need to be distracted from its very important work of promoting and defending our history. It is unfortunate that plaintiffs are pursuing what the judge found termed "petty

politics.” As I noted earlier, this is an indication of their lack concern for ASALH and its mission. Please join with me in keeping the ASALH mission uppermost in what we do. With your support I will continue to work for ASALH and promote Dr. Woodson’s vision.

Sincerely,

A handwritten signature in black ink that reads "W. Marvin Dulaney". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

W. Marvin Dulaney  
National President