



ALAN WILSON
ATTORNEY GENERAL

February 17, 2022

The Honorable John J. Tecklenburg, Mayor
The City of Charleston
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Dear Mayor Tecklenburg,

As you are aware, the South Carolina Supreme Court recently upheld the constitutionality of the South Carolina Heritage Act in *Pinckney v. Peeler*, 434 S.C. 272 (2021). This Office argued in favor of the Heritage Act's validity, which seeks to protect a diverse state history. In relevant part, the Heritage Act protects monuments or memorials to the "War Between the States" and "structures . . . dedicated in memory of or named for [a] historic figure." S.C. Code 10-1-165(A).

Last month I received a letter from thirty-six members of the General Assembly concerned that a memorial to Robert E. Lee (the "Lee Memorial") was removed from the old Rivers High School building at 1002 King Street in Charleston, South Carolina in the summer of 2021. The members asked this Office to file suit.

In an effort to determine the City of Charleston's position, we spoke with the city's attorney on February 15. The city attorney advised that the City does not believe that the removal of the Lee Memorial violates the Heritage Act because the Lee Memorial was erected as a marker for a highway that was never constructed. We disagree. The removal of the Lee Memorial violates the Heritage Act. Robert E. Lee was a notable and historic figure in the "War Between the States." Thus, the Lee Memorial plainly constitutes a monument or memorial to the "War Between the States" or a structure dedicated in memory of a historic figure. Under the law, the City of Charleston has no right to remove this tribute to General Lee. Only the General Assembly may do so.

Accordingly, in an effort to uphold the rule of law and the "grand compromise of the Heritage Act," this Office strongly urges the City of Charleston to restore the Lee Memorial to its original condition. Unless the Lee Memorial is restored to its rightful place in preserving history, we will go to court to uphold the Heritage Act. The rule of law must prevail.

Sincerely,

Alan Wilson