

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	IN THE COURT OF COMMON PLEAS NINTH JUDICIAL CIRCUIT
Charleston Chapter of the United Daughters of the Confederacy Petitioner, vs. Charleston County School District and Charleston County School District Board Respondents	CASE NO: 2024-CP-10- SUMMONS

TO THE RESPONDENTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to serve your reply to the Petition attached hereto and served herewith upon the subscriber, at his office at 1408 Russell Street, Suite 11, Orangeburg, SC 29115, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Petition within the time aforesaid, Petitioners will apply to the Court for default judgment and the relief demanded in the Petition.

July 15, 2024

BILL CONNOR LAW FIRM, LLC.

s/ William M. Connor, V
William M. (Bill) Connor, V, S.C. Bar 71928
1408 Russell Street, Suite 11
Orangeburg, SC 29115
P: 803-937-5571 / F: 803-937-6647
office@billconnorlaw.com
Attorney for the Petitioners:
United Daughters of the Confederacy,
Charleston SC Chapter

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	IN THE COURT OF COMMON PLEAS NINTH JUDICIAL CIRCUIT
Charleston Chapter of the United Daughters of the Confederacy <div style="text-align: right;">Petitioner,</div> vs. Charleston County School District, Charleston County School District Board <div style="text-align: right;">Respondents</div>	CASE NO: 2024-CP-10- <div style="text-align: center;">PETITION</div>

COMES NOW YOUR PETITIONER, by and through their undersigned attorney of record, and would respectfully show unto this Honorable Court as follows:

INTRODUCTION

1. This is an action by the United Daughters of the Confederacy, Charleston South Carolina Chapter, to protect and preserve an important piece of the state’s history, a highway marker erected of the great Commander of the Army of Northern Virginia, General Robert E. Lee (hereinafter sometimes referred to as the “Lee Marker”) to designate the road the “Lee Memorial Highway”.

2. As set forth herein, the Respondents have, in violation of the Heritage Act, South Carolina Statutes Annotated Section 10-1-165, caused the removal of the Lee Marker from the place where it has stood on school district property in Charleston since its erection and then unveiling May 10, 1948, in violation of said Act and caused the transferred of the marker to City of Charleston control.

3. Petitioner files this action requesting that this Court issue the following relief:
 - (a) A declaration that the Respondent's decision and action to cause the removal of the Lee Marker without authorization by the South Carolina legislature violates the Heritage Act, South Carolina Statutes Annotated § 10-1-165;
 - (b) A declaration that the Attorney General of the State of South Carolina, Respondent Alan Wilson, is one of the persons who have an obligation under South Carolina Statutes Annotated § 10-1-165 to enforce the Heritage Act;
 - (c) A declaration that Petitioners have standing to enforce the Heritage Act, South Carolina Statutes Annotated § 10-1-165, particularly in light of the Attorney General's default on his responsibility to enforce same;
 - (d) A writ of mandamus to the Defendants, ordering them to affect the return of the Lee Marker to the said location of erection and unveiled and for the County of Charleston School District to keep possession of the Lee Marker pending the outcome of this case.

PARTIES

4. Petitioner, Charleston Chapter of the United Daughters of the Confederacy, was organized in Charleston, South Carolina, in 1894 with the mission of honoring the memory of those who sacrificed for the Confederate States during the American Civil War from 1861-1865, including Robert E. Lee and the South Carolinians he led in the Army of Northern Virginia during the American Civil War.

5. Respondents, Charleston County School District and the Members of the School Board of the Charleston County School District who are the duly elected and installed governing officials with the responsibility of oversight of executive actions, including those of this lawsuit and responsible for the removal of the Lee Memorial Highway Marker.

BACKGROUND

6. In March of 1948, the members of Charleston County School District 20 voted to accept and erect the Lee Memorial Highway Marker at the M. Rutledge Rivers Junior High School.
7. In 1948, the News and Courier newspaper of Charleston South Carolina (Newspaper of record) publicized the following about the May 10, 1948 unveiling of the Lee Memorial Highway Marker: “The marker was donated by the City of Charleston and has been erected by the UDC chapter on the grounds of Rivers high school, which parallels Lee Memorial Highway. Mrs. Tristram T. Hyde is chairman of arrangements, with Mrs. Henry Muller, president of the Charleston Chapter, and Mrs. T. Ritchie Simmons, president of the state UDC, as her committee.” (See Exhibits 1 and 2)
8. Further, said newspaper article continued “The measure to create the highway was introduced in the general assembly by Mr. M.F. Winter, former representative from Berkeley County at the request of Mrs. Alice Gaston Walden of Columbia, chairman of the committee to have the road so designated and Mrs. H.M. Winter, vice president.” (See Exhibits 1 and 2)
9. Said School District 20 was later consolidated into the Unified Charleston School District known as the Charleston County School District with associated Board, which is the successor

municipal body controlling the real property of the Lee Marker and taking on the obligations of the former School District 20, including responsibility for the Lee Marker.

FIRST CAUSE OF ACTION:

**DECLARATORY JUDGMENT OF VIOLATION OF THE HERITAGE ACT,
SOUTH CAROLINA STATUTES ANNOTATED 10-1-165**

10. Petitioner repeats and realleges each and every allegation set forth above as if set forth fully herein.
11. The Lee Memorial Highway Marker is protected by the South Carolina Heritage Act, South Carolina Statutes Annotated 10-1-165.
12. The South Carolina legislature has not affirmatively acted to authorize Charleston County, School District to remove, even temporarily, the Lee Memorial Highway Marker.
13. Upon information and belief, Respondents were in violation of the SC Heritage Act, South Carolina Statutes Annotated 10-1-165, by causing the removal of the Lee Memorial Highway Marker without affirmative authorization from the South Carolina legislature and remain in violation until the return of the Lee Memorial Highway Marker to the said location it was erected and unveiled in 1948.

WHEREFORE, your Petitioner respectfully prays that this Honorable Court orders the following relief:

- (a) An Order declaring that the Respondents' action in removing the Lee Marker without specific authorization from the South Carolina legislature violates the Heritage Act, South Carolina Statutes Annotated § 10-1-165;
- (b) An Order declaring that Petitioner has standing to enforce the Heritage Act, South Carolina Statutes Annotated § 10-1-165 in this matter, particularly in light of the Attorney General's failure to enforce the same;
- (c) An Order prohibiting the Respondents from causing the transfer of possession of the Lee Marker to any party outside of the jurisdiction of the State of South Carolina and/or outside of the jurisdiction of the Attorney General to oversee and enforce the same;
- (e) A writ of mandamus against the County of Charleston School District, Ordering the Respondents to re-erect the Lee Marker at its former said location;
- (f) Such other and further relief as this Court may deem just and proper.

July 15, 2024

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s/ William M. Connor, V
William M. (Bill) Connor, V, S.C. Bar 71928
1408 Russell Street, Suite 11
Orangeburg, SC 29115
P: 803-937-5571 / F: 803-937-6647
office@billconnorlaw.com
Attorney for the Petitioner:
United Daughters of the Confederacy,
Charleston, SC Chapter

EXHIBIT 1

Charleston Chapter of the United Daughters of the Confederacy

v.

Charleston County School District and Charleston County School District Board

Lee Memorial Marker to Be Unveiled Monday

The Charleston chapter of the United Daughters of the Confederacy has extended invitations to the unveiling of the marker to be dedicated to the memory of General Robert E. Lee Monday morning at 10 o'clock. *May 10 - 1948*

The marker was donated by the city of Charleston and has been erected by the UDC chapter on the grounds of Rivers high school, which parallels the Lee Memorial highway.

Mrs. Tristram T. Hyde is chairman of arrangements, with Mrs. Henry Muller, president of the

Charleston chapter, and Mrs. T. Ritchie Simmons, president of the state UDC, as her committee.

The marker will be unveiled by Arthur Joye Jenkins, son of Mrs. Ralph M. Byrd, of the Citadel, and the late Mr. Arthur Jenkins. He is the descendant of a long list of Confederate officers. Mr. G. L. Buist Rivers will be the speaker.

The Lee Memorial highway comprises U. S. highway No. 52 from Charleston to its junction with State highway No. 31; State highway No. 31 to its intersection by State highway No. 2, between St. Matthews and Columbia; State highway No. 2 from the intersection through Columbia to Greenville.

The measure to create the highway was introduced in the general assembly by Mr. M. F. Winter, former representative from Berkeley county, at the request of Mrs. Alice Gaston Walden, of Columbia, chairman of the committee to have the road so designated, and Mrs. H. M. Winter, vice chairman.

EXHIBIT 2

Charleston Chapter of the United Daughters of the Confederacy

v.

Charleston County School District and Charleston County School District Board

