

North Augusta



South Carolina's Riverfront

MINUTES OF AUGUST 10, 2020

Robert A. Pettit, Mayor

*J. Robert Brooks, Councilmember
Pat C. Carpenter, Councilmember
Fletcher L. Dickert, Councilmember
David W. McGhee, Councilmember
Eric H. Presnell, Councilmember
Kevin W. Toole, Councilmember*

ORDER OF BUSINESS

VIRTUAL SPECIAL CALLED STUDY SESSION

The Virtual Special Called Study Session for the City Council meeting of the City of North Augusta of August 10, 2020, having been duly publicized, was called to order by Mayor Pettit at 6:02 p.m. using GoToMeeting online conferencing software and streamed online for public viewing at the City Facebook page: “City of North Augusta – Public Information” and City YouTube page: “City of North Augusta Public Information” and recessed at 7:04 p.m.

Per Section 30-4-80(e) notice of the meetings was sent out by email to the current maintained “Agenda Mailout” list consisting of news media outlets and individuals or companies requesting notification. Notice of the meetings was also posted on the outside doors of the Municipal Center, the main bulletin board of the Municipal Center located on the first floor, and the City of North Augusta website.

Members present were Mayor Pettit, Councilmembers Brooks, Carpenter, Dickert, McGhee, Presnell, and Toole. Councilmember Dickert was absent.

Also in attendance were Rachelle Moody, Interim City Administrator; Kelly F. Zier, City Attorney; Richard L. Meyer, Director of Parks, Recreation and Tourism; Thomas C. Zeaser, Director of Engineering and Public Works; John C. Thomas, Director of Public Safety; Ricky Jones, Manager of Information Technology and Sharon Lamar, City Clerk. Calhoun Park Committee members present were Trina Mackie, John Felak, and Mark Newell. The members of the public and the media were provided access to the meeting via live-streaming video.

ITEM 1. PARKS, RECREATION AND TOURISM: Calhoun Park Committee – Presentation to Council

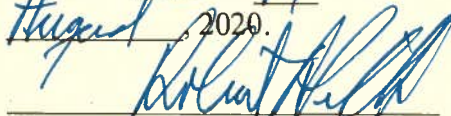
Mayor Pettit introduced Calhoun Park Committee Member Trina Mackie who presented the Calhoun Park Committee report and recommendation to Council. She shared the names of the Committee's members, the task of the appointed committee and the background of the Hamburg Massacre and Meriwether Monument that led to the Committee's appointment. The Committee suggested a two-phased approach. Phase I would install three Interpretive Signs to provide historical context of the events of July 1876, the background about why the Meriwether Monument is located in Calhoun Park, and an accurate message to reflect today's attitudes. Phase II recommends the installation of a new sculpture in the park to honor the African-American victims of the Hamburg Massacre. Mayor Pettit reminded this is only a time of discussion. Should Council choose to take any action, a resolution would be requested and scheduled for a later regular City Council meeting. Councilmembers shared their thoughts on the Committee's suggestions. Please see ATTACHMENT #1 for a copy of the Calhoun Park Committee's report.

ITEM 2. PARKS, RECREATION AND TOURISM: South Carolina Attorney General's Opinion Related to the Meriwether Monument – Council Discussion

Kelly Zier, City Attorney, led Council in a discussion of the South Carolina Attorney General's recent opinion related to the Meriwether Monument. He stressed the "opinion" has no weight in a court of law. He pointed out the AG's findings and also suggested possibilities to consider to approach the State Legislature to determine who actually has ownership of the monument. There was a general consensus of Council for Mr. Zier to prepare a resolution for consideration at a future regular City Council meeting. Please see ATTACHMENT #2 for a copy of the South Carolina Attorney General's statement.

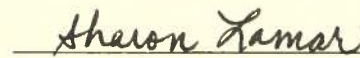
APPROVED THIS 17 DAY OF

August, 2020.



Robert A. Pettit, Mayor

Respectfully submitted,



Sharon Lamar
City Clerk

ATTACHMENT #1

Meriwether Monument Committee Report to Council

Submitted by the Calhoun Park Committee

This report is submitted in accordance the directives contained within City Council *Resolution 2019-10, A RESOLUTION PROVIDING FINDINGS ABOUT THE HAMBURG INCIDENT OF 1876 AND APPOINTING MEMBERS OF A COMMITTEE TO EVALUATE OPTIONS FOR AN ADDITIONAL DISPLAY IN JOHN C. CALHOUN PARK.*

The members of the committee were Charles Allen, Pat Carpenter, Tony Carr, John Felak, Trina Mackie, David McGhee, Milledge Murray, Mandy Nelson, Mark Newell, and Bob Pettit. The Committee represented a variety of elected and volunteer community leaders of different backgrounds appropriate to complete the assigned task.

Overall Considerations and Premises

1. City Council has previously decided the Meriwether Monument should remain unaltered in Calhoun Park. The Thomas McKie Meriwether Monument, a focal point of J.C. Calhoun Park was dedicated February 16, 1916, "...to the young hero of the Hamburg Riot." Mr. Meriwether died at 24 years of age during "the Hamburg Riot".
2. The flood of 1929 essentially destroyed Hamburg, forcing residents to relocate. The Carrsville area (on Barton Road) of the City became home for a large percentage of African-Americans who relocated uphill from Hamburg.
3. First Providence Baptist Church, founded in 1860 in Hamburg, was relocated to Carrsville following the 1929 flood, approximately the same time the Society Building was constructed (1930). Both of these remain in Carrsville today.
4. Historical markers relevant to the City of Hamburg and the events which happened there in July 1876 are positioned at two locations in the city.
 - a. The Carrsville area is the location of both a roadside marker about the Hamburg Massacre and a Hamburg Granite Memorial to the eight men who died in the Hamburg Incident of 1876. These were dedicated in March 2016.
 - b. Roadside markers providing information about the City of Hamburg and the Hamburg-Charleston Railroad are located within the cloverleaf at Route 1 and Martintown Road.

Discussion

1. Calhoun Park is inextricably linked to the Hamburg Massacre as a result of the Meriwether Monument being at a prominent location within the park. The committee focused jointly on the educational opportunity to counter the message on the Meriwether Monument and the need for a display or sculpture acknowledging and honoring the seven African-American men killed in the Hamburg Massacre.
2. The Meriwether Monument has stood in the center of Calhoun Park since 1916, honoring the one white person who lost his life in the Hamburg Massacre. The words

on the monument reflect the attitudes of the citizens of North Augusta when it was dedicated in 1916, but they clearly do not reflect the opinions and attitudes of North Augusta and its citizens in 2019. This committee of citizens believes permanent changes to Calhoun Park are necessary to affirm today's attitudes differ from those expressed on the Meriwether Monument and to explain the events that took place in nearby Hamburg in July 1876.

5. The stories of the African American achievements and the Hamburg Massacre of 1876 represent diametrically opposite experiences. To attempt to create an educational experience about both within Calhoun Park would do justice to neither. Therefore, this committee believes there are two areas within the City suitable for the displays and experiences: Calhoun Park primarily for the Hamburg Massacre and Carrsville for African American achievements.
6. The committee initially believed the Hamburg Massacre Marker and the Hamburg Granite Memorial would be more appropriately located in Calhoun Park, since the information conveyed by each relate to the events which occurred in 1876 in Hamburg. As discussed in paragraph 7.c. (below), the Committee now concludes that they remain in their present location.
7. Having differing informational markers about the Hamburg Massacre in two locations (Carrsville and Calhoun Park) would make it difficult to provide a complete educational presentation at either location.
 - a. Calhoun Park is a well maintained and centrally located public space and is a logical place to present information about the events of July 8th and 9th, 1876. The primary basis for this conclusion is the necessity to counter the prominent message on the Meriwether Monument located within the park.
 - b. Carrsville is location within the City of North Augusta appropriate to be designated as an African-American historical district, with emphasis on African-American accomplishments, especially those during and after Reconstruction. The Society Building and First Providence Baptist Church are well suited to be focal points of the district.
 - c. The parishioners and leaders of both First Providence Church and Second Providence Church believe the Hamburg Granite Memorial is uniquely significant to African-Americans and to Carrsville, and they are opposed to relocating it to Calhoun Park. The wishes of these African-American leaders should be respected and honored.
8. An African-American historical district in Carrsville would also be a logical choice for telling the story of Hamburg from its founding through its destruction. Artifacts from Hamburg's history, such as currency, printed pamphlets, Harpers Weekly articles and cartoons, and postal envelopes would be excellent additions to any future display. The First Providence Baptist Church and Society Building are suited to be the nucleus of what could become the African-American historical district.
9. Educational features and exhibits about the accomplishments by African-Americans during Reconstruction could be key elements of the display incorporated within the

existing structures of First Providence Baptist Church and the Society Building. This area could also be a repository of information about any and all residents of Hamburg from its inception to its destruction in 1929, perhaps focusing on those who relocated to Carrsville.

10. Both the First Providence Baptist Church and the Society Building are privately owned, necessitating discussions with the owners. The Society Building would be an ideal facility to serve as a museum with information about African-American leaders of the Reconstruction era and their accomplishments. It may also be a suitable location for displays of Hamburg artifacts and exhibits. Of course, any information about the Hamburg Massacre which is developed and included as part of exhibits, displays or visuals within the Society Building or First Providence Church is appropriate, and best left to future curators to assemble.

Recommendations for Calhoun Park

1. The committee recommends a two-phased approach to enhance Calhoun Park as an educational display concerning the Hamburg Massacre of 1876. Phase One includes actions which can be taken almost immediately and without a large expenditure of funds. Phase Two, as recommended, will invite participation by persons or groups inside and outside the City and may necessitate a public/private partnership to raise funds.

Phase One encompasses positioning three Interpretive Panels to provide historical context of the events of July 1876 and the background providing information about why the Meriwether Monument is located in Calhoun Park. The panels would be positioned at the southerly edge of the concrete slab which surrounds the monument. (Figure 1) Conveying the appropriate and accurate message to reflect today's attitudes is essential. See Figure 2 for an example of an Interpretive Panel now positioned in Calhoun Park. This initial phase, to purchase and erect interpretive panels, could be completed at a cost of \$8,000 to \$10,000.

- a. The following text would be inscribed on the Interpretive Panel on the leftmost panel of the installation:

"After the Civil War, the nearby Town of Hamburg, SC became a town where free blacks and freed slaves settled. Important local government positions were held by African-American leaders from the Town of Hamburg. The most notable were Prince Rivers, Samuel Lee, and John Gardner.

The 1868 South Carolina elections produced the first majority black state legislature in U.S. history. A new South Carolina constitution was drafted. Aiken County was formed from parts of Edgefield, Lexington, Barnwell, and Orangeburg counties. It was the only county formed in South Carolina during the Reconstruction Era (1865-1877). March 10, 1871 is celebrated as Founders Day in Aiken County."

- b. The following text would be inscribed on the Interpretive Panel on the middle panel of the installation:

“The Hamburg Massacre occurred nearby on July 8, 1876. A gun battle occurred between about 200 men from local rifle clubs and African-Americans serving in Company A, Ninth Regiment of the South Carolina National Guard and others barricaded in a warehouse. Seven African-Americans were killed, four of whom were executed. The Black casualties were First Lieutenant Allen Attaway, Corporal Nelder John Parker, James Cook, David Phillips, Albert Myniart, Moses Parks, and Hampton Stephens. The sole white casualty was Thomas McKie Meriwether.

The Hamburg Massacre was a historic event in our Nation's history. It became a key issue in the disputed presidential election of 1876 between Rutherford B. Hayes and Samuel J. Tilden. The Electoral College votes from South Carolina, Florida, and Louisiana were contested, and ultimately a special Congressional committee awarded all the contested votes to Hayes, enough to swing the Electoral College to him.

Known as the Compromise of 1877, this agreement led to the removal of Northern soldiers from the South, allowing white Southerners to successfully deny African-Americans their rights. This bargain between Southern Democrats and the Republicans brought Reconstruction to an end by ending the Northern occupation of the South.”

- c. The following text would be inscribed on the Interpretive Panel on the rightmost panel of the installation:

“In 1914, the S. C. Legislature passed a bill authorizing \$400 for a headstone on the grave of Thomas McKie Meriwether, ~~the one white person killed in the Hamburg Massacre.~~ A 1915 amendment authorized placing the monument within the town of North Augusta. Local leaders chose this prominent location as the site for the monument. Private funds supplemented the funds authorized by the S.C. Legislature. The monument was dedicated February 16, 1916.

Inscriptions on the monument reflect attitudes of people during that period. Those words do not represent the attitudes of the people of North Augusta today. We are a community of people of different races and ethnic backgrounds, bonded together by unity and common rights of citizenship. We choose to learn from our past and ensure that North Augusta's future reflects a high standard for all of its citizens. The events and legacy of Hamburg do not define us.”

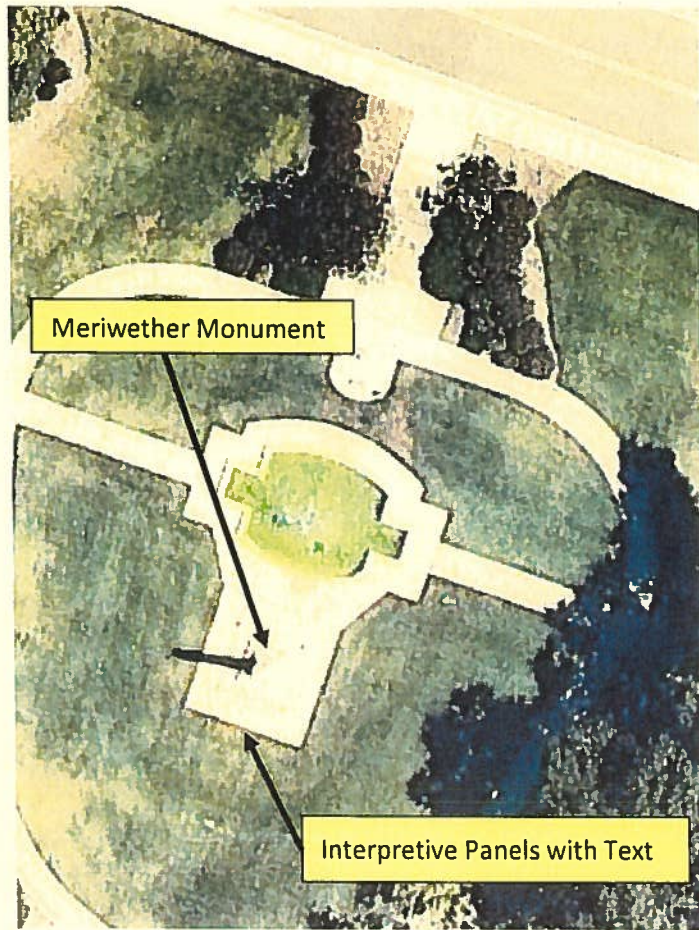


Figure 1. Calhoun Park Showing the Location of the Phase One Interpretive Panels

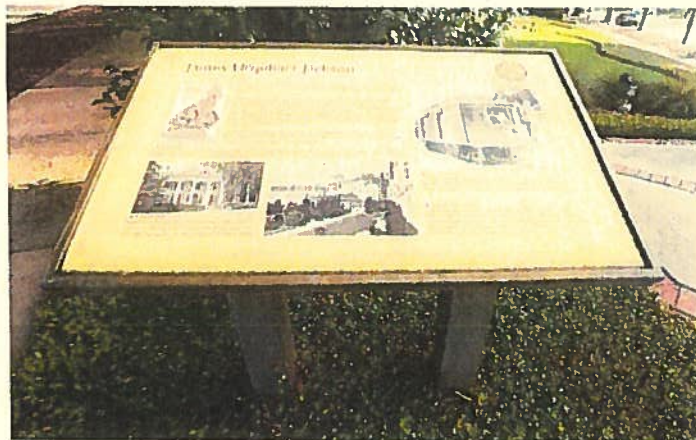


Figure 2. Interpretive Sign Now Existing in Calhoun Park

2. Phase Two envisions the installation of a new sculpture in Calhoun Park, whose theme would be *“Unity to embody the conviction that our community consists of many races and cultures enjoying full rights of citizenship.”*

Committee members believe it is important that the African-American victims of the Hamburg Massacre must also be honored in Calhoun Park with an appropriate sculpture. This would be in addition to the Interpretive Panels discussed in Phase One.

The Committee recognizes it does not have the experience or qualifications to create such a sculpture and to place it appropriately within the park.

The Committee believes this presents an opportunity for issuing a request for proposal (RFP) inviting any interested group or individual to submit a proposal encompassing design of a sculpture, its placement within the park and any additional features to enhance Calhoun Park. The design concept would necessarily include a sculpture, and the inclusion of educational concepts, landscaping, and other improvements that would add to the overall setting would be encouraged. It is hoped that a sizeable number of parties would take advantage of the opportunity to create an iconic focal point at the most prominent location within the City. A proposed RFP is attached for consideration for this competition.

Text, titles, or educational material should state verifiable facts about the Hamburg Massacre, without expressing conclusions or opinions about the events which took place. Providing an opportunity for the viewer simply to become knowledgeable of, and reflective about, the incident is the objective.

The city government of North Augusta will have full responsibility for any permanent additions to Calhoun Park to include final decision authority for accepting any of the design concepts submitted through this RFP.

The committee believes the funds necessary to construct a suitable sculpture at Calhoun Park will be a Capital Project, perhaps in the range of \$200,000. The committee also believes there would be an opportunity for shared public and private funding for the display. Raising the funds necessary for this would take time and require an organized campaign.

Finally, the Committee recommends active support, including a financial commitment toward development of the African-American historical district in Carrsville. This does not necessarily mean formally establishment of such a district, but that possibility is not removed. An initial step would be relocating the roadside markers providing information about the City of Hamburg and the Hamburg-Charleston Railroad (now located within the cloverleaf at Route 1 and Martintown Road) to Carrsville.

Conclusions

The committee urges the momentum to provide a fuller picture of the Hamburg Massacre not be lost. The national and local focus on monuments dedicated to historic events and people continues. There must be an educational perspective of the events at Hamburg - in the context of the attitudes of 1876 and the opinions which led to the Meriwether Monument being erected in Calhoun Park.

The Council's decision to leave the Meriwether Monument unaltered shapes the conclusion that Calhoun Park should be the single location within the City focused on the Hamburg Massacre. The wishes of the African-American community to have the marker and the memorial remain in Carrsville dictates that two separate areas will have descriptive information about the Hamburg Incident. While this may not be the ideal situation, having the marker and memorial in Carrsville will provide an additional enticement for visits to Carrsville.

The sheer size of the Meriwether Monument presents challenges. A dramatic memorial or sculpture designed/created by one or more talented and visionary artists, serving as a counterpoint to the monument, can serve as an appropriate memorial to the seven African-American men who lost their lives as a result of actions on July 8th and 9th, 1876.

The two-phased approach is necessary. The design, fund raising and construction of an appropriate memorial/sculpture will require many months. Relocating existing markers to Calhoun Park could easily be done, and serve to again bring the focus to the issue.

The second, more extensive, phase will be to request design suggestions for a sculpture/memorial suitable for Calhoun Park to honor the African-American men killed during the Hamburg Incident. As discussed above, the sculpture/memorial must stand alone and be iconic so as not to be overwhelmed by the Meriwether Monument. Having the design be competitive provides the best vehicle to achieve a dramatic addition to Calhoun Park.

Collectively, the Interpretive Panels and the commemorative sculpture will debunk the white supremacy message on the Meriwether Monument, and not allow it to remain, unchallenged, in the memory of the citizens of North Augusta.

Proposed Statement of Work for Sculpture in Calhoun Park

OVERVIEW

The City of North Augusta, South Carolina desires to establish a memorial to be installed in the city-owned Calhoun Park. This memorial will be a counterpoint to the Thomas McKie Meriwether Monument located prominently in Calhoun Park. The text on the Meriwether Monument focuses on Anglo-Saxon heritage (Attachment 1). This text is incongruous and offensive to present day residents of North Augusta.

The City believes a new sculpture installed in Calhoun Park as a key part of the memorial is the appropriate way to achieve the stated objective. The City also believes that designing the memorial requires persons with special talents and is soliciting design proposals. The City would likely have to enter into a public/private partnership to fund the memorial design, fabrication and installation.

This document provides the history, project objective, design requirements, submission requirements and selection process for persons interested in making a proposal.

HISTORY

In the now-extinct town of Hamburg, SC (near present-day North Augusta), events which occurred over the course of six days in July 1876 influenced the outcome of the Presidential Election of 1876 between Rutherford B. Hayes and Samuel Tilden, and ultimately led to the end of Reconstruction in the United States. The events in Hamburg began on July 4 and culminated in a gun battle over several hours that ended in the early morning hours of July 9.

Mr. Meriwether, a white man, was killed early in the fight between the town militia composed of African-Americans and a militant group of local white citizens. His death enraged the white citizens, and by daybreak on the morning of July 9, seven African-Americans were dead. Three died while trying to escape from the second floor of the Sibley Building where they had gathered prior to the gunfire beginning. Four African-Americans were shot after being selected from 25-30 who had been captured and held in a group. Three died immediately and the fourth died the next day in a hospital in Augusta, Georgia, across the Savannah River from Hamburg. This event is referred to today as the Hamburg Massacre.

In 1916, under an act of the South Carolina general assembly, an obelisk was erected by the state in memory of Mr. Meriwether in North Augusta's Calhoun Park. Calhoun Park is prominently located in the North Augusta; it is triangular in shape, and bounded by Georgia, Carolina, and Forest Avenues. Today, there are two prominent features in Calhoun Park; the statue of the City's founder, James U. Jackson, and the obelisk in remembrance of Thomas McKie Meriwether (Figure 1). There is also a fountain within a small water feature.

OBJECTIVE

The objective is to create a memorial in reverence, respect, honor, and veneration for the African-Americans who died in the Hamburg Massacre. The intent is not to simply present information about the Hamburg Massacre, but to be a destination for visitors to recognize and contemplate the profound influence that the Hamburg Massacre had on our Nation.

While the memorial will incorporate many aspects, a sculpture honoring the seven African-American men who were killed at Hamburg be the primary aspect. The sculpture should be the focal point of the memorial. Other aspects of the memorial should include light and historical information.

DESIGN

The following guidelines are set forth for memorial design:

1. The existing Meriwether Monument's location, structure, and text will remain unchanged.
2. The new memorial shall:
 - a. Be within a defined, distinct area in the park.
 - b. Include a sculpture designed as a counterpoint to the Meriwether Monument; it must be of a size, character and setting to not give the impression the Meriwether Monument is dominant.
 - c. Include lighting: as either a focal point or supporting effects.
 - d. Include permanently-installed features (sculptures, kiosks, plaques, etc.), separate from the sculpture, to convey historical information.
 - e. Present the historical information to visitors providing a counterpoint to the text on the Meriwether Monument. The information should include, at minimum:
 - i. a summary of the events which transpired at Hamburg,
 - ii. the names of the African-American men killed during the incident, with acknowledgement of the circumstances of their deaths,
 - iii. the accomplishments of the African-American citizens during that period, to include the founding of Aiken County.
 - iv. information connecting the events at Hamburg in the context of the Nation's Reconstruction experience. (Attachment 2)

ELIGIBILITY

This request for proposals is open to United States-based designers – artists, sculptors, architects, landscape architects, etc. Proposals may be submitted from individuals or a collaborative team. Proposals will be accepted from designers of all levels: students, amateurs and/or professionals.

EVALUATION CRITERIA

1. Effectiveness in honoring the African-Americans who died at Hamburg
2. Creativity and originality
3. Use of lighting
4. Provision of historical information providing a counterpoint to the Meriwether Monument
5. Location of the memorial within Calhoun Park
6. Appropriateness of scale to the Meriwether Monument and Calhoun Park

SUBMISSION, REVIEW & SELECTION PROCESS

Persons or teams wishing to submit a proposal must indicate their interest to STAFF PERSON at EMAIL ADDRESS by DATE.

Questions regarding memorial design should be submitted by DATE; responses to questions will be emailed to all interested parties by DATE.

Preliminary designs should be submitted to STAFF PERSON at EMAIL ADDRESS by DATE. Only electronic submissions will be accepted.

Preliminary design submissions should include: 1) sketch of the memorial layout within Calhoun Park, 2) sketch and description of a sculpture or monument proposed, 3) sketch and/or description of historical information pieces, and 4) sketch and/or description of how light will be incorporated. Budget proposals are NOT required for preliminary design submissions. Photos of another memorial serving as inspiration are acceptable.

Proposals will be evaluated by a review committee. Incomplete proposals will not be reviewed. Three finalists will be selected and provided further instructions to prepare a full proposal with details of the proposed memorial, sketches, a scale mode layout, specifications (with component materials identified), and budget for design, fabrication and installation. Submission date for full proposals is yet to be determined.

The full proposals will be publically displayed at the North Augusta Municipal Building for residents to view and provide comments.

Resident comments will be collected and considered by the review committee. The review committee will select two proposals for Council review. North Augusta City Council will make final determination regarding the winning proposal.

All design submittals remain the intellectual property of the submitter and will not be used or shared in any way, other than as specified in this document, without the written permission of the submitter.

Following conclusion of the final selection process, models not selected will be available for submitted pick-up.

TIMELINE

Request for Proposals Issued	Start Date
Deadline for preliminary proposal	+ Six Weeks from Start Date
Finalists Selected and Notified	+ Eight Weeks from Start Date
Full Proposals Due	+ Twelve Weeks from Start Date
Public Display of Presentations	+ Thirteen Weeks for Start Date
Final Design Selected by City Council	+ Sixteen Weeks from Start Date
Notice to Proceed Issued	+ Twenty Weeks from Start Date

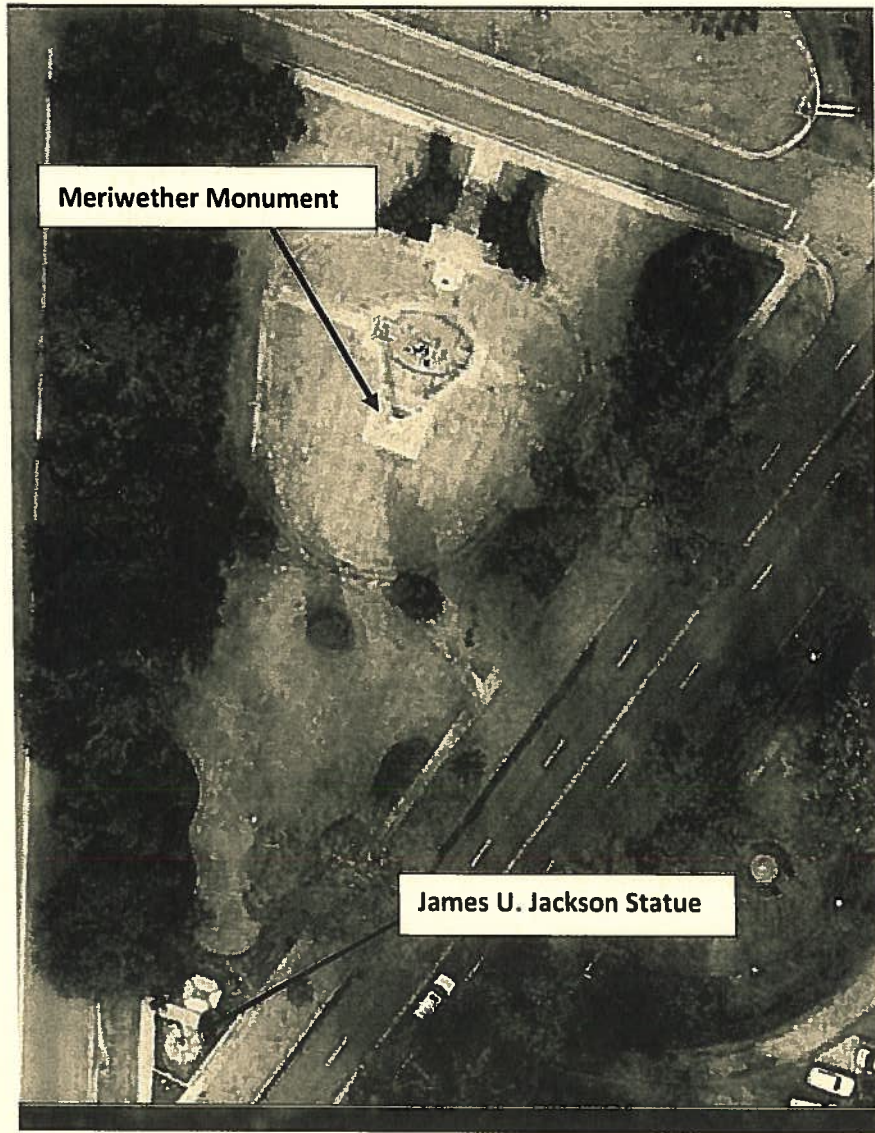


Figure 1. Calhoun Park (Total area is one acre.)

ATTACHMENT 1

Text on the Meriwether Monument.

Dec 4, 1852 – July 8, 1876

Who on 8th July 1876, gave his life that the civilization builded by his fathers might be preserved for their childrens children unimpaired.

Second Panel

In youths glad morning the unfinished years of manhood stretching before him, with clear knowledge and courageous willingness, he accepted death and found forever the grateful remembrance of all who know high and generous service in the maintaining of those civic and social institutions which the men and women of his race had struggled through the centuries to establish in South Carolina.

What more can a man do than to lay down his life.

Third Panel

In life he exemplified the highest ideal of Anglo-Saxon civilization. By his death he assured to the children of his beloved land the supremacy of that ideal.

“As his flame of life was quenched, it lit the blaze of victory”

Fourth Panel

This memorial is erected to the young hero of the Hamburg Riot, by the state, under an act of the general assembly, with the aid of admiring friends.

ATTACHMENT 2

Hamburg, located on the banks of the Savannah River was a prosperous town as the western-most terminus of the Charleston-Hamburg Railroad, completed in 1833.

Hamburg declined economically after 1854 when the railroad line crossed the river and directly connected Augusta, Georgia with the coast.

Following the end of the Civil War, the town was predominantly populated by African-Americans.

The African-Americans in Hamburg were celebrating the Centennial anniversary of the signing of the Declaration of Independence on July 4, 1876. The militia was executing series of precision drills on the main thoroughfare, 100-150 feet wide and overgrown with grass, except the part used as a carriage-road.

Thomas Butler and Henry Getzen came along in a carriage and demanded the marchers move aside to allow them to pass.

Doc Adams, Commander of the militia halted the company, and he expressed his displeasure with Butler and Getzen for interfering. He told them there was plenty of room on each side to pass by. When it became apparent they were unwilling to go around the militia, Adams opened ranks and allowed them to drive through.

The next day, Thomas Butler returned and requested a warrant against Doc Adams for blocking the street. The hearing was scheduled for Saturday afternoon, July 8th 1876.

The attorney for Thomas Butler, Matthew C. Butler (previously a Confederate General), initiated talks between both sides. While the talks were going on a crowd of 200-300 armed white men assembled in Hamburg and demanded the militia should surrender their arms.

The militia gathered in the second story of the Sibley building. The militia refused to give up the arms.

The armed white men, gathered on the river bank, soon began to fire toward the Sibley Building. The militia returned the fire, and McKie Meriwether was shot through the head, and instantly died.

An artillery piece from Augusta fired four charges of canister at the building without injuring any one. While activity around the cannon attracted the attention of many of the white men, the men in the armory escaped from the rear by means of ladders, and hid anywhere they could find shelter. One African-American man, James Cook, was hit by five or six bullets as he exited from the rear of the Sibley building and died.

The white men took about twenty-five African-American men as prisoners following their escape from the Sibley building and placed them within a circle of armed men. Six of these men were subsequently murdered.

Allen T. Attaway was the first one taken out of the "ring" and shot to death. David Phillips was similarly killed. Albert Myniart, Moses Parks, and Hampton Stephens were also similarly killed.

Corporal Nelder John Parker was captured and taken to the prisoners' location and later wounded by a shot in the back. He was taken to a hospital in Augusta where he died the next day.

Three African-American men were wounded, but survived. Butler Edwards was shot in the head after being told to run. Willis Davis was shot in the arm near the elbow. Pompey Curry was called out from the "ring." He was shot in the leg as he ran, but also survived.

The next morning, July 9, Prince Rivers, the African-American judge in Hamburg convened a coroners' inquest. When the inquest was over, Rivers issued arrest warrants for eighty-seven white men, including Mathew C. Butler, future South Carolina Senator, and Ben Tillman, future South Carolina governor.

No one was ever convicted of the murder of the African-Americans.

ATTACHMENT #2



ALAN WILSON
ATTORNEY GENERAL

July 21, 2020

Kelly F. Zier, Esq.
City Attorney for the City of North Augusta
PO Box 6516
North Augusta, SC 29861

Dear Mr. Zier:

We received your request dated June 19, 2020 seeking an opinion on whether the Heritage Act applies to the Meriwether Monument located in North Augusta. This opinion sets out our Office's understanding of your question and our response.

Issue:

Based upon your letter and our subsequent telephone conversation, we understand that the sole question presented is whether the Heritage Act would prevent the City of North Augusta from taking local action with respect to the Meriwether Monument located in John C. Calhoun Park. In 2017 our Office declined to opine on an identical question because of ongoing litigation concerning the constitutionality of the Heritage Act.

Your letter enclosed a lengthy report outlining the history of the Monument and related events. Because this Office cannot make a factual finding, we set out the facts you have presented to us here based upon that report.

The Monument was erected pursuant to a Joint Resolution of the General Assembly, Joint Resolution No. 540, 1914 S.C. Acts 946, which subsequently was modified by Act No. 229, 1915 S.C. Acts 427. The Monument was erected in 1916 and stands in a public park to this day.

The Monument consists of a four-sided obelisk with an inscription on each side. The text inscribed on the Monument reads in full:

Dec. 4, 1852 – July 8, 1876 / In memory of Thomas McKie Meriwether, who on 8th of July 1876, gave his life that the civilization builded by his fathers might be preserved for their childrens children unimpaired.

In youths glad morning the unfinished years of manhood stretching before him, with clear knowledge and courageous willingness he accepted death and found forever the greatful remembrance of all who know high and generous service in the maintaining of those civic and social institutions which the men and

Kelly F. Zier, Esq.
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July 21, 2020

women of his race had struggled through the centuries to establish in South Carolina. What more can a man do than to lay down his life.

In life he exemplified the highest ideal of Anglo-Saxon civilization. By his death he assured to the children of his beloved land the supremacy of that ideal. "As his flame of life was quenched, it lit the blaze of victory."

This memorial is erected to the young hero of the Hamburg Riot, by the State, under an Act of the General Assembly, with the aid of admiring friends.

The provided report indicates that the "Hamburg Riot" referenced here is the Hamburg Massacre, which culminated in a battle on July 8, 1876 between a white mob and Black soldiers serving in Company A, Ninth Regiment National Guard of the State of South Carolina - an authorized and lawfully organized South Carolina state militia.

Thomas McKie Meriwether, age twenty-three, was a member of the white mob that besieged the Black militia and other assembled Black men in the Sibley building. He became the sole white casualty when he was shot in the ensuing gun battle. Seven Black men were killed, including some who were summarily executed after they had been captured and held prisoner by the mob. The names of the known Black casualties were First Lieutenant Allen T. Attaway, Corporal Nelder John Parker, James Cook, David Phillips, Albert Myniart, Moses Parks, and Hampton Stephens.

South Carolina Attorney General William Stone investigated the events of the Hamburg Massacre at the request of Governor Chamberlain. Eighty-seven white persons were criminally charged in connection with the massacre. None were ever tried for it. The massacre became a key catalyst and rallying point for a resurgence of white supremacy in South Carolina that opposed Reconstruction and ultimately succeeded in a political takeover.

The City of North Augusta is considering whether and how to take any action with respect to the Meriwether Monument. Your sole question to us is whether the Heritage Act protects the Monument such that the City cannot take unilateral action.

Law/Analysis:

The scope of the protections of the Heritage Act is defined by S.C. Code Ann. § 10-1-165(A) (2011), which reads in full:

No Revolutionary War, War of 1812, Mexican War, War Between the States, Spanish-American War, World War I, World War II, Korean War, Vietnam War, Persian Gulf War, Native American, or African-American History monuments or memorials erected on public property of the State or any of its political subdivisions may be relocated, removed, disturbed, or altered. No street,

bridge, structure, park, preserve, reserve, or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or rededicated. No person may prevent the public body responsible for the monument or memorial from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.

Our Office is not aware of any prior court decision addressing the applicability of the Heritage Act to the Meriwether Monument. Therefore, a court faced with this question would seek to apply the Act consistent with the rules of statutory construction. In the words of the South Carolina Supreme Court,

The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature. Under the plain meaning rule, it is not the court's place to change the meaning of a clear and unambiguous statute. Where the statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning. What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will. Therefore, the courts are bound to give effect to the expressed intent of the legislature.

Hodges v. Rainey, 341 S.C.79, 85, 533 S.E.2d 578, 581 (2000) (internal citations and quotations omitted).

Turning to the text of the Heritage Act, we observe that the first sentence establishes protections for monuments to specific wars ranging from the Revolutionary War to the Persian Gulf War, and for "Native American, or African-American History monuments." S.C. Code Ann. § 10-1-165(A) (2011). There is no indication that the Meriwether Monument is a monument to any of the specific wars listed in Section 10-1-165(A). As noted above, Thomas Meriwether was killed in 1876 at the age of twenty-three. He would have been twelve years old at the conclusion of the Civil War on April 9, 1865, and presumably did not serve therein. Additionally, we do not see any basis to conclude this is an "African-American History monument." Although the massacre was a significant event in the history of race relations in South Carolina, the Monument omits any reference to the Black victims of the massacre.

The next sentence of the Heritage Act protects any "street, bridge, structure, park, preserve, reserve, or other public area of the State or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event." S.C. Code Ann. § 10-1-165(A) (2011). For the purposes of this opinion, we will focus on the requirement of a "historic figure or historic event." There is one person named on the Monument, Thomas Meriwether, and one event, the "Hamburg Riot."

As to Mr. Meriwether, your provided report states: “[f]or over 100 years the Meriwether Monument has occupied a place of prominence in the center of North Augusta, yet, until recently, few people knew much about it or the text it contains.” We are not aware of any public accomplishments of Thomas Meriwether or any notable distinctions of the kind that are generally considered historically significant, apart from having been killed while participating in the massacre. The question of whether a particular person is historically significant is admittedly a difficult one in certain cases. It may be fair to characterize the Monument itself as an attempt to ascribe to Meriwether that level of historic significance. However, we believe that this is a case where a name was recorded but the owner did not leave a public legacy of the kind that monuments typically intend to memorialize.

The Hamburg Massacre, on the other hand, is a historic event without question. Your report recounts how the massacre was a key catalyst and rallying point for a resurgence of white supremacy in South Carolina that opposed Reconstruction and ultimately succeeded in a political takeover.

However, we are mindful that we are not discussing a Hamburg Massacre monument, but the Meriwether Monument. The historical record included in your report indicates that the Monument was originally conceived as a headstone to be placed upon Meriwether’s grave. The reference to the “Hamburg Riot” is incidental and occurs in the context of calling Meriwether the “young hero” of it.

The Meriwether Monument, in our view, is offensive for what it stands for – White Supremacy. It fails even to mention the many African Americans murdered at Hamburg, instead honoring the one white man killed there as a testimonial to “the highest ideal of Anglo-Saxon civilization.” As the North Augusta City Council declared in its 2019 Resolution, “[t]he Monument to Thomas McKie Meriwether contains text offensive to and inconsistent with the beliefs of current day North Augusta citizens.” We wholeheartedly agree. As we have recognized previously, racial discrimination is “odious to a free people” and “[t]he days of Jim Crow are long gone. The clock must not be turned back.” Op. S.C. Att’y Gen., 1989 WL 406179, No. 89-89 (September 8, 1989).

However, if such an abhorrent reverence of Jim Crow is to be removed, it must be done through the proper legal process. We cannot imagine that the General Assembly intended the Heritage Act to protect such an obviously hateful testament to the racial practices of the past as this Monument is. Nevertheless, this Office possesses no authority to determine with finality whether or not the Heritage Act applies to a particular monument or memorial.

Regardless, however, of whether the Heritage Act is applicable to the Meriwether Monument – a fact-specific question which an opinion of the Attorney General cannot resolve – the fact remains that the Monument itself states that it was erected “by act of the General Assembly” long before the Heritage Act was enacted. The local newspapers at the time recounted how Rep. J.P. DeLaughter of Edgefield, who had not made a speech on the floor of the

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House in his two years as a Legislator, worked tirelessly to overcome the veto of Governor Blease of the legislation requiring the Meriwether Monument's erection. According to the Edgefield Advertiser of March 11, 1914,

[i]n picturesque terms, Mr. DeLaughter, painted a word picture of the scenes of the Hamburg riot in 1876 in which young McKie Meriwether laid down his life to redeem Radical rule. Mr. DeLaughter told the House that Mr. Meriwether snatched a rifle from the hands of his aged father, rushed into the fighting at Hamburg and died for his State and white supremacy.

"He was a hero," declared Mr. DeLaughter.

As odious as this narrative is, as abhorrent as the message of the Meriwether Monument is, it is clear that the General Assembly has not repealed the legislation that placed the Monument in North Augusta. This Office, of course, possesses no authority to repeal an Act of the General Assembly. Moreover, as our Supreme Court has written,

[i]t is worse than folly, in a legal argument or legal opinion, to hold that we have been living under a usurpation, and hence are at liberty to abide by such laws . . . as are pleasing, and to disregard such as are odious. . . . [N]evertheless, the laws which [are] . . . placed upon the statute books are nonetheless binding upon us until repealed. . . .

Walker v. State, 12 S.C. 200, 242, 1879 WL 49462007 (1879).

Thus, North Augusta must seek relief from the General Assembly to repeal or modify the laws erecting the Meriwether Monument before such action can occur. See Joint Resolution No. 579 of 1914; Joint Resolution 540 of 1914; Act No. 229 of 1915. As the Court of Appeals has stated, "[t]he responsibility for the justice or wisdom of legislation rests exclusive with the legislature, whether or not we agree with the law it enacts." Busby v. State Farm Mut. Auto Ins. Co., 280 S.C. 330, 337, 312 S.E.2d 716, 720 (Ct. of App. 1984). Regardless of how offensive to human decency the Meriwether Monument is, it may only be removed at the direction of the General Assembly.

Conclusion:

In our opinion, the Meriwether Monument is an abhorrent testament to Jim Crow and is thus offensive. Moreover, the Monument is a grossly inaccurate account of the Hamburg Massacre in 1876. The Monument mourns the death of a single white man, while ignoring the murders of many African Americans.

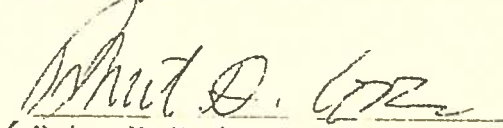
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However, we possess no authority to determine with finality whether the Heritage Act is applicable here. We cannot imagine that the General Assembly intended to protect such a racist symbol when it enacted the Heritage Act. Nevertheless, as we only recently stated, the Attorney General cannot “serve as judge and jury as to the applicability of the Heritage Act for the hundreds of monuments and memorials in South Carolina” and that “any question about the applicability of the Act to a particular monument must necessarily be resolved by a court. . . .” Op. S.C. Att’y Gen., 2020 WL _____, (July 14, 2020).

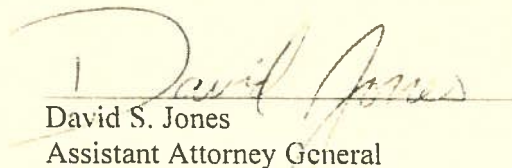
Here, however, there is no need to resolve the Heritage Act’s applicability to answer your question. The Meriwether Monument was erected pursuant to legislation enacted by the General Assembly in 1914-15 and this legislation has never been repealed. As our Supreme Court has explained, no matter how “odious,” an act of the Legislature must be followed until amended or repealed. Only the Legislature may amend or repeal an Act.

Accordingly, it is our advice that North Augusta proceed directly to the General Assembly for relief from the offensive nature of this Monument. This Office supports and would applaud the General Assembly’s repeal of these statutes erecting the Meriwether Monument.

Sincerely,



Robert D. Cook
Solicitor General



David S. Jones
Assistant Attorney General