

# The State of South Carolina

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**DAVID M. PASCOE**  
Solicitor

July 22, 2020

General Glenn M. Walters, USMC  
The Citadel, Office of The President  
171 Moultrie Street  
Charleston, SC 29409

Dear General Walters,

I hope this correspondence finds you well. As a 1989 graduate, I am writing in both my public and personal capacity to urge you to remove the Confederate battle flag from Summerall Chapel.

I cannot overstate how grateful I am to my Alma Mater and how proud I am to be a part of its long tradition. The values forged in me by The Citadel shaped who I am today. Chief among those values are duty, honesty, and intolerance for wrongdoing. I am proud of my education at The Citadel and of great alumni such as yourself who lead our country in public and private enterprises.

Notwithstanding my love of our institution, the presence of the Confederate battle flag in our sacred chapel is a moral stain that runs contrary to The Citadel's teachings. Simply put, the flag persists as a symbol of slavery, prejudice, and defiance of the American promise in the right of *all* people to be free. It was wrong to allow it to fly atop the Statehouse and on its grounds. It is an anathema that it should hang in a building dedicated to any faith, let alone the Christian fellowship many of us shared together in that chapel.

The Nation is waking up to the need to right this historical wrong. The United States Armed Forces has effectively banned the flag from its installations. The State of Mississippi has removed the Confederate symbol from its state flag. And, of course, our State removed the flag from the Statehouse grounds after a homegrown terrorist brandished the symbol and murdered nine worshipers *who welcomed him* to their prayer group at Mother Emanuel Church just a block from Marion Square where our original campus was located and cadets march every year for Corps Day. Mother Emanuel joins our school as one of the great monuments of the South. Surely, we have greater solidarity with our brothers and sisters down the street than with some long dead idea harbored in the hearts of today's Klan and neo-Nazis.

The plaque inside Summerall Chapel explains that the Confederate flag is “a tribute to the courage and valor shown by American manhood in fighting for a cause.” This claim is not faithful to true history. The flag’s importance rose only *after* the Civil War as a symbol of KKK terror and Jim Crow segregation. It has always been a symbol of suppression, oppression, and lynching; it has never been one of courage, valor, or honor. The latter is a falsehood with deep historical roots.

I am aware of the June 10, 2014 opinion from the Attorney General’s Office concluding the Confederate flag hanging in Summerall Chapel is protected by the South Carolina Heritage Act. I believe that opinion—which is merely that, an opinion with no precedential weight in South Carolina courts—is incorrect. Opinions issued by the Attorney General’s Office do not have the force of law and our courts at times disagree with that office. The Citadel’s reliance on this flawed, nonbinding opinion as an excuse to permit the flag to remain is contrary to the values for which our school stands.

The opinion concludes that because the flag was gifted by the Cadet Yacht Club and has a recorded tribute from General Summerall it is therefore protected as a monument by the Heritage Act. The only authority cited for this proposition are earlier Attorney General opinions reasoning that because “[v]irtually all [Confederate war monuments] were presented to South Carolina towns and villages by private groups such as the United Daughters of the Confederacy, SCV or other similar groups devoted to the preservation of Confederate heroism and heritage” the Heritage Act must therefore protect such monuments. Applying this broad reasoning, it would be equally protected if the KKK had gifted it in remembrance of the Civil War. Such an interpretation is untenable and outcome oriented. The opinion belies the values of our great institution and should not be given credible weight in your decision about whether to take down the flag. If the Attorney General or other interested party seeks to challenge the flag’s removal and protect a racist symbol in a place of worship, let a court of law decide whether the flag is protected and must be returned. However, I am confident we would prevail in court.

General Walters, I respectfully ask that you remove the Confederate battle flag from Summerall Chapel. The flag’s continued presence is incompatible with our devotion to the United States of America and love of the best parts of our tradition at The Citadel. It is wrong that this has been tolerated for so long. The flag should go.

Thank you for your consideration and for your service to our country. If I can be of any assistance to you, please do not hesitate to contact me.

Sincerely,



David M. Pascoe, Jr.  
First Circuit Solicitor

cc: Chairman Fred L. Price, Citadel Board of Visitors  
Mark C. Brandenburg, Esquire