

NO. 40

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 8, 2019

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FRIDAY, MARCH 15, 2019

**Friday, March 15, 2019**  
**(Local Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator McELVEEN.

**ADDENDUM TO THE JOURNAL**

The following remarks by Senator SCOTT were ordered printed in the Journal of February 28, 2019:

**Remarks by Senator SCOTT**

This is the last day of the month and the last day of Black History Month for this year. Black History Month was created for the purpose of remembering and observing the contributions that African Americans have made to our society. Often times, we recognize those whose names were more prominent, but there were many others whose legacies were rich, yet they received little acclaim and recognition. Today, I'd like to address you briefly about one such person and two of his accomplishments. His name is rarely mentioned, yet his achievements stand tall for all to see. His famous work has not only been viewed by tourists here in America, but by people from all over the world. His name is Philip Reid, an African American craftsman and artisan. Philip Reid, was an African American master craftsman and artisan who played a key role as the foreman in the casting of the statue of Andrew Jackson at the Battle of New Orleans and the Statue of Freedom sculpture atop the United States Capitol building in Washington, D.C.

He was born into slavery in the historic city of Charleston, South Carolina's around 1820. During his youth, he was purchased by ironworker Clark Mills, for the sum of \$1,200.00. Mills later moved to Washington, D.C., and brought his young mulatto slave, Philip, along with him. Mills owned a foundry in Bladensburg, Maryland, and quickly recognized Reid's skill in ironworking and included him as an essential part of his construction team.

Reid's first success occurred in 1853, when his master, Mills, won the competition to build an equestrian statue of Andrew Jackson which was commissioned for Lafayette Park. The park that sits in front of the White House and is also known as the President's Park. In order to construct the Jackson statue, a temporary foundry was erected south of the White

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House. It was during this period, through trial and error, that Mills, Reid and other workmen produced the first bronze statue ever cast in America. The accomplishment was extraordinary because of the lack of any formal training for any of the workers. Historians are not sure of how much of a part Reid actually played in designing the equestrian statue of Andrew Jackson, but credit has been given to him for being the craftsman and artisan who shared in both, the design and casting of the statue. Today, this statue stands and is viewed annually by thousands who visit Lafayette Square in Washington, DC.

Reid's second and most acclaimed contribution to our nation occurred when he helped save the Statue of Freedom in 1860. The Statue of Freedom is a colossal bronze figure standing 19 1/2 feet tall and weighs approximately 15,000 pounds. Her crest peaks at 288 feet above the East Front Plaza of the U.S. Capitol. She is a female, allegorical figure, whose right hand holds the hilt of a sheathed sword, while a laurel wreath of victory and the Shield of the United States are clasped in her left hand. Her chiton is secured by a brooch inscribed "U.S." and is partially covered by a heavy, Native American style fringed blanket thrown over her left shoulder. She faces east toward the main entrance of the building and the rising sun. She wears a military helmet adorned with stars and an eagle's head which is itself crowned by an umbrella like crest of feathers. Although not actually called "Columbia", she shares many of her iconic characteristics. Freedom stands atop a cast-iron globe encircled with one of the national mottos, E pluribus unum. The lower part of the base is decorated with faces and wreaths. Ten bronze points tipped with platinum are attached to her headdress, shoulders, and shield for protection from lightning. Mississippi U.S. Senator and U.S. Secretary of War Jefferson Davis (who would later become President of the Confederacy) was in charge of the Capitol construction and its decorations. According to David Hackett Fischer in his book *Liberty and Freedom*, Crawford's statue was very close to Jefferson Davis's idea in every way but one -- above the crown Crawford added a liberty cap, the old Roman symbol of an emancipated slave. It seemed a direct affront to a militant slaveholder, and Jefferson Davis exploded with rage. The northern sculptor and the southern slaveholder had already clashed over a liberty cap in the interior decoration of the Capitol. The Statue of Freedom, is the crowning feature of the Dome of our United States Capitol. The initial full-size plaster model of "Freedom" was completed by American sculptor Thomas Crawford in his studio in Rome, Italy, but he died suddenly in 1857 before it left his studio. Shipped by his widow,

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packed into six crates, it finally arrived in Washington in late March 1859 and was then assembled and put on display in the Old Hall of the House, now National Statuary Hall. In May 1860, self-taught sculptor Clark Mills was awarded the contract by the Secretary of War to cast "Freedom" at his foundry off Bladensburg Road, just inside the District of Columbia. The casting of the statue began in June of that same year. Reid was still owned by Mills when the government paid him \$400 a month to lease his Bladensburg foundry for the casting of the statue designed by Thomas Crawford. The federal government paid Reid \$1.25 a day for "keeping up fires under the moulds," according to the architect's account. But Mills pocketed six days of Reid's wages, and Reid only kept his pay for one day a week, Sunday -- earning a total of \$41.25 for 33 Sundays. Philip Reid who suffered many indignities in death, as well as in life, never received the proper recognition for his magnificent works while he lived. He was praised on the floor of the US House of Representatives in 1928 for his work. When referencing the Statue of Freedom, it was stated that the works of Clark Mills, succeeded largely due to "the faithful service and genius of an intelligent negro in Washington named Philip Reid, a slave owned by Mr. Clark Mill -- much credit is due him for his faithful and intelligent services rendered in modeling and casting America's superb Statue of Freedom." (Congressional Record (1928), 1200).

On February 6, 1892, Philip Reid gained his freedom. As a free man Reid changed the spelling of his last name from R-e-i-d to R-e-e-d one hundred and thirty-four years after his death, a historical marker was placed at the National Harmony Memorial Park in Hyattsville, Maryland, noting that Reid who built the Statue of Freedom, gained his freedom on February 6, 1892 -- and died a free man -- was buried there.

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### **ADDENDUM TO THE JOURNAL**

The following remarks by Senator SETZLER were ordered printed in the Journal of March 13, 2019:

#### **Remarks by Senator SETZLER**

On behalf of Lexington County and the midlands, I would like to thank the South Carolina Senate for the 5,000 jobs, for the \$150 million investment and a second facility in Lexington County. We are not Volvo or Michelin, but we do enjoy having Amazon in Lexington County.

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**ADDENDUM TO THE JOURNAL**

The following remarks by Senator CASH were ordered printed in the Journal of March 13, 2019:

**Remarks by Senator CASH**

I filed a Bill today to make it a felony to sell, purchase, donate or accept fetal remains from aborted babies for the purposes of research, experimentation or transplantation. About a month ago, I got tagged on a social media Facebook post, and when I opened the article, I was looking at an article that was headlined, "These 27 Universities Purchased Body Parts From Aborted Babies for Experimentation", and the University of South Carolina unfortunately was on that list. As I dug into it, I came across the source for this information, which is a Congressional Report that was triggered by the Planned Parenthood baby selling parts scandal -- a 400 page report from our federal Congress and this is where the information came from. So at that time, I began to write a Bill because currently, in this State, if an abortion clinic wants to donate fetal remains for research, apparently they can. If the university wants to buy or accept fetal remains from aborted babies for research, apparently they can do that as well. I want to make it clear. I'm not up here to disparage or to attack the University of South Carolina. I've talked to Dr. Pastides, the President of the University, several times. He really was not aware of this and he assures me they are not currently conducting research of this type and that this is an isolated occurrence that happened ten years ago. Nonetheless, there is nothing in the law that would prohibit this from happening. So I've introduced this law. I want to very briefly say why I think it's wrong to use remains from aborted babies for research, experimentation or transplantation. Number one: it's wrong because the killing of unborn babies is wrong. It's wrong to kill unborn babies. So we shouldn't even be having these discussions, because there shouldn't be fetal remains from aborted babies because we shouldn't be allowing that to start with. The second reason it's wrong is because it dehumanizes human life. It dehumanizes human life. I had someone pull the DHEC regulations about what can be done with what is called infectious waste that comes from abortion clinics. The DHEC regulations say products of conception must be incinerated, et cetera or donated -- products of conception. You know, I've never heard anyone refer to their unborn child they're going to have as a product of conception. Product of conception is an Orwellian language that we use to deny humanity to what is obviously human. The third reason I think

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this is wrong is because the consent forms that are used when women agree to donate the remains of their aborted babies are used quite frankly in some cases as an inducement. We know this is a tough decision but we want you to know that if you choose to have your unborn baby killed, the remains can be used for medical research and maybe it will help provide a cure for paralysis or for AIDS or whatever the case may be. Now, that's all documented in this 400 page report. Anyone can access it. But that's where the information comes from. And that's why, quite frankly, I've introduced this legislation and asked for your support because I don't think that's the kind of thing we want going on in this State. I don't think those are the kind of values we hold. And if we cannot pass this Bill, in a Republican dominated Senate, it's going to raise questions on what kind of a value we put on the sacredness of human life. Thank you.

**ADDENDUM TO THE JOURNAL**

The following remarks by Senator BENNETT were ordered printed in the Journal of March 13, 2019:

**Remarks by Senator BENNETT**

Thank you, Mr. PRESIDENT. Members, I wanted to come up and share a few thoughts with you on this Bill but also on the overall tax policy of the State of South Carolina. I am intrinsically opposed to taxation, recognizing that we have to have taxation in the public square in order to provide public services. In general, I am opposed to that, but what I am really opposed to is unfair taxation across different classes of citizens in this State.

I've had the pleasure of co-chairing the Conference of Tax Reform Committee that Senator LEATHERMAN put together late last year. We have heard from a number of experts across this country both nationally as well as our local experts about evaluating our tax code. While there are all kinds of disagreements of what taxation should be in place and what those levels are and who should be responsible for that with respect to South Carolina, what is not in dispute is that our system is broken, severely broken, and it is unfair.

Let me give you just a couple of examples on the three primary ways that we raise public revenue in the State of South Carolina -- sales and use tax, income tax and property tax. Our sales tax -- we currently exclude as much as we collect in the State of South Carolina. Of the transactions that are subject to taxation in the first place -- before we

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even get to what is excluded -- we have gone from about 55% of those transactions to about 35% of those transactions in the past 20 years. Our income taxes are the highest in the southeast -- the 12<sup>th</sup> highest in the nation from a statutory rate of 7%. What's more important is that about 41% of the income taxpayers in South Carolina pay the highest marginal tax rate. What is more disturbing is 42% of those income tax filers in South Carolina pay zero -- Zero! From a property tax standpoint, we can take a piece of property, depending on who you are and what you use that property for -- you could pay three different rates. I'll use my home county of Dorchester as an example. If I have a \$250,000 property and I'm living in it, I'm paying about \$1,500 a year in property tax. If I happen to be living in that same piece of property and am 65, I'm paying \$700 in property taxes. If I happen to be using that property in the town of Summerville much like many communities across the country -- there are lots of old residential houses in downtown Summerville. If I've converted it and am running my business out of it, I'm paying about \$6,000 in property tax for that same piece of property. Now what I've just described for you is a broken system that is unfair and it's narrowing and narrowing and narrowing our tax base every day. What you may have also recognized is that since we have come into session this year, I have voted against just about every single tax credit that has come in front of us. I will tell you that is new for me. Typically, I'm in support of those tax credits because I know if you are asking for those tax credits there is some sort of punitive scenario where you need that either as an individual or a business owner to make you competitive or probably more accurately, not having you bear a greater burden than other members of society. I will continue to do that until we are able to complete our work on the Conference Tax Reform Committee and hopefully come to you and get you an agreement of major and substantial changes to the tax code.

The bottom line is we have to broaden our taxes. The more narrow we make our tax base the more individuals, certain individuals and certain industries, are relied upon, and ultimately that will break our system.

I have been saying for a long time now, if you want proper education funding, you have to start with tax reform. If you want proper public safety funding, you have to start with tax reform. If you want proper roads funding or other core function of government, you have to start with tax reform. That is why I'm supporting this Bill today because by not doing so, whether Senator MARTIN was right and everybody was

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following the law, we're going to find out if that is the case or not. The reality is by not passing this Bill, we are further narrowing that tax base and putting more and more pressure on folks in an unfair manner -- in an unfair way -- and we will be compounding our problem of a broken tax system. While I recognize and I respect Senator CLIMER'S view, I do not see this as a tax increase. I think this is being fair. I've also believed, as Senator MARTIN pointed out, that getting the tax policy right and deciding where those funds are distributed and how they are spent in the State is a budgetary issue, and they are separate. There is no way we can know whether we're spending the money appropriately until we know our tax policy is appropriate and the revenue that we generate is appropriate. I will give you the example that I gave this morning to a group of educators that came up from Dorchester County, and they were begging for more funds in education. I had to tell them again, ladies and gentleman, I believe that South Carolina is about 22<sup>nd</sup> in the country in the money we spend on education. I believe there is proper money in the education system. I don't believe that it is distributed appropriately. So in my mind, we have to fix the distribution of the education funding to truly know if we actually need more money in there or if it's sufficient. I view this Bill in much the same way. We have to have a good solid tax policy in place to know whether we collect too much, too little, or where that money can go. Again, it is a fairness issue for me. It is a way to stop at least some more eroding of the tax base and making sure every citizen of South Carolina in some way, shape, or form contributes to that system. Thank you, Mr. PRESIDENT.

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**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 595 Sen. Hutto  
S. 601 Sen. Hutto

**ADJOURNMENT**

At 11:07 A.M., on motion of Senator MASSEY, the Senate adjourned to meet next Tuesday, March 19, 2019, at 2:00 P.M.

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