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Farm aid bill veto overridden

The S.C. Senate voted 39-3 Thursday to override Gov. Nikki Haley's veto of \$40 million in aid to S.C. farmers who lost crops during last October's flooding. The proposal now becomes law. The House earlier voted Tuesday to override Haley's veto by a 112-2 vote. To qualify, a farmer must have lost at least 40 percent of a crop. The grants will cover 20 percent of that loss, not to exceed \$100,000.

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Manning Facing Primary Competition for Council Seat

By Chris Trainor

Democratic District 8 Richland County Councilman Jim Manning is running for a third term in office. However, he's got some work to do if he hopes to hold onto his seat.

Manning is set to face off with longtime state employee Wayne Gilbert in the June 14 Democratic primary. The winner will face Republican Todd Phillips in November. District 8 includes parts of Forest Acres and stretches into portions of the Northeast.

The two-term incumbent Manning is a licensed social worker who is employed with Palmetto AIDS Life Support Services. He recently told *Free Times* there are a number of county issues he wants to help address, including finding a successor for retiring

County Administrator Tony McDonald and exploring expansion of the county's economic development department, among other things.

Manning also says he's determined to see a resolution to the current Transportation Penny Tax showdown between the county and the state Department of Revenue. The tax agency has been investigating the penny tax program for a year, has said it has concerns of possible "public corruption and fraud" within the program and is withholding penny funds from the county until it complies with DOR directives. The county has subsequently sued the state agency, accusing it of "gross overreach."

The District 8 Councilman questioned the legitimacy of DOR's investigation, saying the agency hasn't presented anything he would consider "findings."

"If you've been investigating something for over a year and you haven't found anything, seems to me like there must not really be anything to be found, or you're not very good at investigating and you ought to get somebody else to do it," Manning says. "We have tried our level best to get this worked out, out of court. But, when they said they were going to hold up the money, to us that was a legal decision that drew a line in the sand."

Gilbert is a longtime employee of the state Revenue and Fiscal Affairs Office, formerly known as the state Budget and Control Board. He says he wants to "restore fiscal

integrity back to Richland County Council."

As for the penny tax fiasco, Gilbert says his chief concern is that county residents, who approved the penny tax via referendum in 2012, are still waiting for the program to deliver on a large scale.

"As I've been campaigning, people have been telling me that they voted for the penny, but they still haven't gotten their services or gotten what they thought they were going to get," Gilbert says.

Some might see Manning, with his shock of flowing white hair and penchant for finding his way onto local TV newscasts, as one of the more recognizable members of Council. However, Gilbert doesn't see it that way.

"It is difficult to beat an incumbent who has been there for seven and a half years," Gilbert says, of Manning. "From what I've heard, not a lot of people know who he is, especially in the Northeast. ... If I can get my name and image out there, I think I'll be successful."

In general, Richland County Council appears primed for a shakeup.

Two members — Manning and District 9 Councilwoman Julie-Ann Dixon — are facing Democratic primary opposition. Two other members — District 7's Torrey Rush and District 3's Damon Jeter — aren't seeking re-election. (Rush is challenging state Sen. John Scott for his Senate seat.) Though his Council seat isn't up for election this year, District 1 Councilman Bill Malinowski is attempting to make a leap to the state House, challenging Rep. Nathan Ballentine for the District 71 House seat.

And Council's District 10 seat, once held by Kelvin Washington, who was removed from the seat by Gov. Nikki Haley, is set to have a new occupant. As *Free Times* went to press, five Democratic candidates were competing for the seat in a May 31 special election.

Gilbert says the time is right for a revamped Council.

"People are tired of the inefficiency and lack of fiscal integrity," Gilbert said. "With the number of seats that are up, it could be a new day. I think people are looking to vote for new leadership."

Meanwhile, Manning says the possible turnover on Council will make having someone with experience critical.

"I think it will be important to have some folks with institutional, historical knowledge," Manning says, noting that, at the very least, there will be new Council members in the Districts 3, 7 and 10 seats. "I just think this is a time where it is very important to have some continuity."



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Wayne Gilbert (above) is running for the District 8 council seat held by Jim Manning.



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Thousands gather on the State House grounds to watch the lowering of the Confederate flag in 2015. Photo by Kevin Kyzer

Free-Speech Worries Rise With Push For More Control Over S.C. State House Rallies

"They're Trying To Use a Back Door"
 by Andy Shain

Despite the state Senate rejecting a similar proposal this year, a group of lawmakers is going ahead with plans to adopt regulations that could give South Carolina authorities more control over rallies at the State House.

The move is raising concerns again that state officials could ban rallies because they are controversial or require a heavy law enforcement presence to ensure security.

"They're trying to use a back door," says James Bessenger, founder of the S.C. Secessionist Party, which plans to raise a Confederate flag at the State House on July 10, the first anniversary of the Civil War banner's removal from the capitol grounds.

"We would consider legal action if they try to stop us because they don't want to pay for the manpower for police or they think it's embarrassing to them."

State leaders should not stray far from asserting some control over scheduling or placing limitations on some activities that can take place during demonstrations, says Susan Dunn, legal director for the American Civil Liberties Union in South Carolina.

"Those have nothing to do with the subject matter of the rallies," she says. "You cannot bring your own views into whether a rally should be held. Then you're getting into freedom of speech."

The need for extra police protection should not be a reason to cancel a rally, Dunn says: "That's what they're there for."

The current system works, she adds.

But after simultaneous State House demonstrations by members of the Ku Klux Klan and a group affiliated with the New Black Panthers in July 2015 ended with clashes and five arrests, some lawmakers want stricter rules over rallies.

The State House Committee, a group of senators and representatives who oversee operation of the capitol grounds, received draft regulations last week that could require most events to apply for a permit to hold demonstrations, according to a report from *The Post and Courier*.

Committee members want to require law enforcement agencies to review all State House rally requests given to the Department of Administration for potential safety risks.





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“The bottom line is we want a safe environment for [the] State House grounds, and how we accomplish it, I don’t care,” committee Chairman Sen. Harvey Peeler, R-Gaffney, said in *The Post and Courier* report. “As long as we protect the State House grounds and First Amendment.”

Worries about free speech arose after the state revoked a State House permit for a S.C. Secessionist Party rally in December because of security concerns from potential counter-protests. The permit was reinstated at the request of Gov. Nikki Haley, but also came as the Charleston-based party started to take legal action.

This year in the General Assembly, Peeler sponsored a bill that would require law enforcement to review State House rally requests, limit the number of events per day and allow authorities to break up demonstrations that could become disruptive. The proposal failed by a 22-16 vote in the Senate in April.

Peeler would not give up, pushing for new regulations at a State House grounds panel hearing last week.

At the hearing, South Carolina Department of Public Safety Chief Leroy Smith said authorities already check for potential threats at the State House and new regulations were unnecessary.

A large contingent of police were on hand when during the Ku Klux Klan-Black Panther rallies that came days after the Confederate battle flag was removed from the State House grounds by lawmakers in July. Police also managed a crowd of 10,000 who showed up to see the flag taken down in front of the Confederate Soldier Monument for the last time.

“I think the events of 2015 made us stronger as a law enforcement body,” Smith said in the report from *The Post and Courier*. “[Regulations] would give us more direction in terms of how to make these decisions, but when you go back to the First Amendment issue, if the patrons want to come to State House, they’re going to come.”

Ironically, Peeler and other supporters who still want to tighten rules over using the State House grounds face the same hurdle that killed their proposal this year.

Most changes in state regulations require a vote in the General Assembly.