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S.C. SUPREME COURT

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**Subject:** South Carolinians Act to Stop State from Unlawfully Deploying National Guard Members as Police in Washington D.C.

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Chief Justice John W. Kittredge  
Supreme Court Building  
1231 Gervais Street  
Columbia, South Carolina 29201  
supctfilings@sccourts.org

Re: South Carolinians Act to Stop State from Unlawfully Deploying National Guard Members as Police in Washington D.C.

Dear Chief Justice Kittredge:

A Navy veteran and the South Carolina Public Interest Foundation (SCPIF) are taking legal action to stop South Carolina Governor Henry McMaster and Robin B. Stilwell, the Adjutant General of the South Carolina National Guard, from deploying National Guard troops from South Carolina to police Washington D.C. – a dangerous and unlawful act of political theater that threatens democracy and the rule of law in South Carolina.

In a complaint filed by co-counsel Democracy Forward and the ACLU of South Carolina, Navy veteran James Weninger and SCPIF argue that Governor McMaster’s deployment violates South Carolina law, which only allows the Guard to be called up under conditions set by the South Carolina General Assembly: “in the event of (a) war, insurrection, rebellion, invasion, tumult, riot or a mob, (b) a body of men acting together by force with intent to commit a felony, to offer violence to persons or property or by force and violence to break and resist the laws of this State or of the United States, (c) in case of the imminent danger of the occurrence of any such events, or (d) in the event of public disaster.” None of these conditions exist and the governor’s deployments violate South Carolina law.

The South Carolina Constitution vests the General Assembly, not the Governor, with the power to say when the state’s National Guard may be used. The Supreme Court should step in and ensure that Guardsmen aren’t being used for purposes that South Carolina law has never authorized.

On August 11, 2025, President Trump released a memorandum titled “Restoring Law and Order in the District of Columbia,” mobilizing the District of Columbia National Guard “to address the epidemic of crime in our Nation’s capital.” The move was transparently political, as violent crime was at a 30-year low in Washington, crime was not out of control, and the city was (and is) not experiencing rising violence. Despite these facts, on August 16, 2025, South Carolina Governor McMaster announced that he had authorized the deployment of hundreds of South Carolina National Guardsmen to “support Federal law enforcement,” in Washington. On November 26, the governor announced a second deployment of hundreds more, separating National Guard members from their families during the holidays for a deployment estimated to take 90 days.

Governor McMaster cannot use South Carolina National Guard servicemembers as pawns in a harmful political gambit brought about by the President's desire to militarize the nation's cities. South Carolina law restricts the deployment of the National Guard and the Governor should not be permitted to ignore and violate the law.

The South Carolina National Guard is a vital state resource, meant to serve residents of this State in times of emergency. Needlessly sending 300 servicemembers to D.C. over the objection of the District's mayor is not only wrong, it's unlawful.

The plaintiffs ask the Supreme Court to deem Governor McMaster's deployments unlawful and to prevent the governor from further abusing his power by misusing South Carolina Guardsmen for political purposes. Alongside their complaint, the plaintiffs also petitioned the South Carolina Supreme Court to accept the case directly into the Court's original jurisdiction given the severity and importance of the issue.

The case is South Carolina Public Interest Foundation et al v. McMaster et al. The legal team at Democracy Forward on this case includes Aman George, Will Bardwell, and Brian Netter. The legal team at the ACLU of South Carolina includes Allen Chaney and Meredith McPhail.

Full complaint:

[https://protect.checkpoint.com/v2/r01/\\_\\_\\_https://democracyforward.org/wp-content/uploads/2026/01/Complaint-Final.pdf\\_\\_\\_YzJ1OnNjanVkaWNpYWw6YzpvOjg4YTJmOTg2ZWNiOGMzOTAwMjAwMmWY2YWYzYWZINWUxOjc6YWE3MDo5NmM1YzkkZjVhOGM1OWE5ZGJkM2ZjODA3YWFIYzRhY2ZINTZhZTJlMzU4OWZmNjZkM2RmYTgwNzcxZGFmMGFhOnA6VDpO](https://protect.checkpoint.com/v2/r01/___https://democracyforward.org/wp-content/uploads/2026/01/Complaint-Final.pdf___YzJ1OnNjanVkaWNpYWw6YzpvOjg4YTJmOTg2ZWNiOGMzOTAwMjAwMmWY2YWYzYWZINWUxOjc6YWE3MDo5NmM1YzkkZjVhOGM1OWE5ZGJkM2ZjODA3YWFIYzRhY2ZINTZhZTJlMzU4OWZmNjZkM2RmYTgwNzcxZGFmMGFhOnA6VDpO)

Yours sincerely,  
Robert E. Rutkowski

cc:  
The Honorable Robert J. Conrad, Jr.  
Director, Administrative Office of the United States Courts Secretary, Judicial Conference of the United States One  
Columbus Circle, NE Washington, D.C. 20544 [postmaster@uscourts.gov](mailto:postmaster@uscourts.gov)

2527 Faxon Court  
Topeka, Kansas 66605-2086  
M: 17855809271  
E-mail: [r\\_e\\_rutkowski@att.net](mailto:r_e_rutkowski@att.net)