

1983 S.C. Op. Atty. Gen. 70 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-48, 1983 WL 142719

Office of the Attorney General

State of South Carolina

Opinion No. 83-48

July 26, 1983

\*1 The Honorable Richard W. Riley  
Governor  
P. O. Box 11450  
Columbia, SC 29211

Dear Governor Riley:

You have asked my advice as to whether a member of the St. Stephens Town Council, who also serves as Mayor Pro Tempore, and is indicted for bribery pursuant to U.S.C. § 201(b)(2), may be suspended pursuant to [Article VI, § 8 of the South Carolina Constitution](#). You have submitted for our review the indictment which alleges three counts of bribery in violation of the above provision.

[Article VI, § 8](#) provides in pertinent part:

Any officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted. (Emphasis added).

In *State v. Horton*, 271 S.C. 415, 248 S.E.2d 263 (1978), the Supreme Court defined ‘moral turpitude’ as ‘. . . an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man . . .’ (Citation omitted). Also, the Court pointed out that ‘moral turpitude implies something immoral in itself . . .’ and, ‘[a]n act in which fraud is an ingredient involves moral turpitude . . .’ (Citation omitted). *Supra* at 414. ‘Bribery,’ as defined by 12 Am. Jur.2d, *Bribery* at p. 748, ‘is not only immoral, but also against the public interest . . . It is something that directly affects the community at large, . . . offends the public sense of decency, tends to pervert justice, and tends to create corruption in matters of public interest.’ (emphasis added).

Since it is evident from the above that bribery is an immoral act, I would advise that the offense constitutes a crime involving moral turpitude. *See*, 1979 Op. Atty. Gen. No. 79–113, p. 160. [In re Barron](#), (W. Va.) 181 S.E.2d 273 (1971); [In re Shalleck](#), 229 App. Div. 691, 242 N.Y.S. 641 (1930). Thus, I would further advise that the Governor may suspend pursuant to [Article VI, § 8 of the South Carolina Constitution](#).

With best regards, I am  
Sincerely yours,

T. Travis Medlock  
Attorney General

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