

1981 WL 157821 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 17, 1981

*1 Mr. T. E. Hale
President
J. B. White
Richland Mall
Columbia, South Carolina 29204

Dear Mr. Hale:

Thank you for your letter of June 8, 1981, concerning the enforcement of the Sunday Blue Laws.

The problem you present is a difficult one at best and the enforcement of these statutes is, as you say, sporadic. This is a result of the demands for enforcement which come from the various parts of the State and are voiced chiefly to local enforcement officers, whom the law permits to institute actions under the statute. The sporadic enforcement of which you speak was presented in the federal courts where the issue was raised specifically with respect to enforcement in the Myrtle Beach area as compared to enforcement in the Florence area, it being alleged that this was discriminatory enforcement against the Florence merchant involved. No discriminatory enforcement was found by the Court because of this sporadic enforcement practice.

The answer to your question is that sporadic enforcement results from sporadic requests for enforcement. To my knowledge, only one Governor of South Carolina made an effort to enforce the Blue Laws totally throughout the entire State during the 1920's, and in that instance, the enforcement lasted perhaps two weeks. Economic factors are, of course, vitally affected but this is not the sole consideration to the average South Carolina citizen; his concerns are generally directed at other factors as well, such as religious dictates, organized labor interests, downtown merchants versus suburban merchants, etc.

This Office makes no attempt to enforce the statutes broadly throughout the State. Instead, as contemplated by the Blue Law Amendments, to which you refer in your letter, enforcement almost invariably comes by complaints directed to the local law enforcement officers of a city or county who, in turn, instigate actions under the Blue Law provisions. Enforcement on a Statewide basis is, in my opinion, unrealistic and most probably unproductive.

Very truly yours,

Daniel R. McLeod
Attorney General

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