

1977 S.C. Op. Atty. Gen. 34 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 7729, 1977 WL 24372

Office of the Attorney General

State of South Carolina

Opinion No. 77-29

January 24, 1977

*1 The Honorable R. Archie Ellis
Commissioner
South Carolina Department of Social Services
Post Office Box 1520
Columbia, South Carolina 29202

Dear Dr. Ellis:

The South Carolina Constitution, Article I, Section 2, provides:

'The General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government or any department thereof for a redress of grievances.' [1970 (56) 2684; 1971 (57) 315].

The Supreme Court of our State has held that the same rights that are protected by the First Amendment to the United States Constitution are fully protected by the above section and that the language of the First Amendment to the United States Constitution and the language of the above quoted section of the South Carolina Constitution are, for all intents and purposes, the same. Please see the attached excerpt from our Code of Laws for further reference.

The courts of this State do recognize and protect the rights of persons under Article I, Section 2, of the South Carolina Constitution and the First Amendment to the United States Constitution.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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