

1979 WL 42906 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1979

*1 Elliott D. Thompson, Esquire
Executive Assistant
Office of the Governor
P. O. Box 11450
Columbia, SC 29211

Dear Mr. Thompson:

Mr. McLeod has referred your recent letter to me for reply. You have stated that John T. Miller, a member of the Beaufort County Board of Education, has been indicted for violating [Title 18, United States Code, Section 1001](#). You have inquired if the charged crime involves moral turpitude.

[Title 18, United States Code, Section 1001](#) reads as follows:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or make any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

The indictment states that Mr. Miller made false representations on a Certificate of Eligibility—Public Service Employment—Title VI. Section B of the form in use prior to January 1979, states that the applicant certifies ‘ . . . that all statements made concerning this certification are true . . . ’

In 1940, the South Carolina Supreme Court in the case of [Smith v. Smith, 194 S.C. 247, 9 S.E.2d 584 \(1940\)](#), defined moral turpitude as

. . . an act of baseness, vileness, or depravity in the private and social duties that 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 . . .

In [Bar Association of Baltimore City v. Snyder, 331 A.2d 47 \(1975\)](#), a lawyer was convicted of violating several federal statutes including [18 U.S.C., § 1001](#). It was conceded that the offenses with which he was convicted, including [18 U.S.C., § 1001](#), constituted crimes of moral turpitude. In [Carey v. Board of Medical Examiners, 66 C.A.3d 538, 136 Cal. Rptr. 91 \(1977\)](#), a doctor was convicted of violating [18 U.S.C., § 1001](#). The Court found that violating [18 U.S.C., § 1001](#) constituted a crime of moral turpitude.

Therefore, it is the opinion of this Office that a person who violates [18 U.S.C., § 1001](#) has committed a crime of moral turpitude.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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