

1974 WL 27838 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 28, 1974

*1 The Honorable John C. West
Governor
Columbia, South Carolina

Dear Governor West:

I have been requested to render an opinion with respect to the validity of Senate Bill No. 270 presently before you concerning capital punishment.

As you are aware, the decision of the United States Supreme Court in the case of Furman v. Georgia, rendered in 1972, left this issue in a very clouded state. Until the United States Supreme Court passes upon additional cases, particularly that now before it from the State of Florida, any views on the validity of capital punishment legislation can only be expressed with reservation.

I cannot say that the legislation before you is unconstitutional. Members of my staff have studied the Furman decision extensively and have reached this conclusion, and my own view is that the proposed measure has an even chance of being upheld.

Very truly yours,

Daniel R. McLeod
Attorney General

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