

1973 WL 26948 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 31, 1973

*1 Mr. Wade H. Small, Jr.
Dean of Students
Florence-Darlington Technical Education Center
P. O. Drawer 269
Florence, South Carolina 29501

Dear Dean Small:

With regard to our telephone conversation of October 25, 1973, and to your letter of the same date, there is no prohibition, per se, against the showing of 'R' or even 'X' rated films on the campus of a state supported institution. The only prohibition is that no 'obscene' movie may be shown on campus. 'Obscene' is defined by § 16-414(a), CODE OF LAWS OF SOUTH CAROLINA (1962). However, this definition is presently under attack in the State Supreme Court. The standard now seems to be that material is obscene if it appeals predominantly to the prurient interest and is without any scientific, leaning or artistic value. The courts now are apparently leaning toward a definition of obscenity which concentrates upon the conduct of various sexual acts rather than the expression of the same. Obviously, the distinction is a hard one to draw and, as yet, has not been made clear by the courts.

Furthermore, you will not be able to rely upon the Motion Picture Association of America's Code Seal of Approval ('G,' 'PG,' 'R,' and 'X,') as a guide to the obscenity of a film. Such reliance was held to be unconstitutional in the case of [State v. Watkins, 259 S.C. 185, 191 S.E.2d 135 \(1972\)](#).

No ascertainable standards are set forth for the guidance of the MPAA. Exclusion from prosecution cannot be made dependent upon the whim or will of such an association. Watkins, supra at 144.

Thus, there is no prohibition against showing an 'R' rated film on campus unless that film falls within the definition of 'obscene.'

I hope this satisfactorily answers your question. If this office may be of further assistance, please do not hesitate to contact us.
Yours very truly,

M. Elizabeth Crum
Legal Assistant

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