

1973 WL 26976 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 19, 1973

\*1 Mr. Furman R. Gressette  
County Attorney  
Calhoun County  
Post Office Box 21  
St. Matthews, South Carolina 29135

Dear Furman:

Thank you for your letter of November 15, 1973, concerning, the necessity of submitting to the Department of Justice a change in procedure whereby school districts would be consolidated and school trustees changed from elected to appointive positions.

This, in my opinion, is clearly one which should be submitted to the Department of Justice and I would suggest that full supporting reasons for the change be submitted also, as they have recently rejected a change in one county where the superintendent of education was made appointive rather than elective. You can submit the change to the Department of Justice or, alternatively, you can bring an action in the District of Columbia before a three-judge court to have the Act or procedure declared non-discriminatory. If the Department of Justice rejects the procedure, an appeal may be taken to a District Court in the District of Columbia.

Hardwick Stuart of this Office is more familiar with these procedures than anyone and if you wish any assistance from him, you need only to call.

Cordially,

Daniel R. McLeod  
Attorney General

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