

1972 WL 25176 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 13, 1972

*1 Mr. William J. Hollins
Music and Education Minister
First Baptist Church
121 Monroe White Street
Fort Mill, South Carolina 29715

Dear Mr. Hollins:

Thank you very much for your letter of January 11 concerning the right of the public to attend meetings of the school board of which you are a member in York County.

I do not find that a statute exists with specific reference to your school district insofar as the conduct of trustees' meetings are concerned. You should, however, consult the attorney for the school district to ascertain if any official action has heretofore been undertaken by the school board in this respect and to ascertain additionally if there are specific statutes with which I may not be familiar.

Assuming that there is no specific law governing the problem of open meetings, the general law would then become applicable. In this respect, there is a lamentable lack of guidance, either by statute or by decision. My own view is that meetings of public bodies should be conducted openly and freely in the public view, provided the public interest is not thereby affected. This is admittedly an ambiguous rule, but it is difficult, if not impossible, to lay down with precision the areas which are open for public discussion and those which may legitimately be closed thereto. Such things as personnel matters can understandably be best discussed in private, just as the potential location of school buildings, the selection of speakers, etc., can generally be best discussed in private.

I repeat that any effort to determine the existing law in this respect is, in my view, rather speculation. It is for this reason that I have urged that a public information statute be adopted, the primary guideline of which would be to make available to the public those meetings and records which can be revealed without adversely affecting the public interest. The meaning of this phrase would eventually require definition by the courts.

I regret that I cannot more clearly define what I consider to be existing law, but I have previously advised various authorities in accordance with the foregoing criteria.

Cordially yours,

Daniel R. McLeod
Attorney General

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