



Letter of Information

HENRY McMASTER
ATTORNEY GENERAL

October 22, 2004

Mr. John Crangle
Executive Director
Common Cause of South Carolina
Post Office Box 7021
Columbia, SC 29202

Dear Mr. Crangle:

On October 8, 2004, on behalf of the board of Common Cause of South Carolina, you requested a legal opinion and an investigation on issues regarding the Hunley Commission.

As you know, the Attorney General is statutorily required to issue legal opinions to members of the General Assembly, constitutional officers, and state agencies upon request. Over the years, we have developed the practice of also issuing legal opinions to county and local government entities as a courtesy. We are not authorized to issue legal opinions to private persons or entities.

On October 13, 2004, this office received a request for a legal opinion from Senator Glenn McConnell on issues regarding the Hunley Commission, some of which were similar to yours. Enclosed is a copy of that opinion which I trust will answer most of your questions.

As to your question about the Freedom of Information Act, we believe the law is clear: Any entity which receives or has received taxpayer funds - federal, state or local - is subject to the Freedom of Information Act. This would include the Friends of the Hunley.

Mr. John Crangle
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As to your questions about possible illegal profits, conflicts of interest, and violations of state ethics law in the activities of the Hunley Commission and the Friends of the Hunley and your request for an investigation, the answer is twofold. First, our opinions typically extend only to matters in which the law or its applications are unclear, but the facts are well established. The answers you seek would be based on a host of factual details and findings, none of which are available to this office. Further, in the absence of extraordinary circumstances or specific allegations of criminal activity from a knowledgeable source or sources, it is not appropriate for this office to request a criminal investigation by SLED.

If I can be of further assistance, please do not hesitate to call on me.

Yours very truly,

A handwritten signature in black ink, appearing to read "Henry McMaster", written in a cursive style.

Henry McMaster

HMcM/w
Enclosure