

1979 WL 42998 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 16, 1979

\*1 McKenzie A. Perry, Jr., Esquire  
College Counsel  
The College of Charleston  
Charleston, South Carolina 29401

Dear Mac:

You have requested an opinion from this Office as to whether or not the student organization at the College of Charleston called the 'Campus Crusade for Christ' is a religious organization prohibited from receiving state funds. In my opinion, while the name of the organization implies that it is a religious organization, you should look to the stated purposes of the organization for the answer.

A religious organization is generally defined as an organization made up of individuals who have associated together for religious as opposed to secular purposes. Its classification for legal purposes does not depend on its form or whether or not it is an incorporated body. See, 76 C.J.S. Religious Societies § 1 (1952).

[Section 2 of Article I of the South Carolina Constitution](#) contains an establishment clause that for all intents and purposes is the same as that of the First Amendment to the Constitution of the United States. That clause is intended to afford protection against sponsorship or financial support by the government of religious activity. [Hunt v. McNair, 258 S.C. 97, 187 S.E.2d 645 \(1972\) aff'd 413 U.S. 734 \(1973\)](#). Therefore, if the stated purposes of the 'Campus Crusade for Christ' reveal an organization formed due to common religious beliefs and goals, it cannot receive state funds.

You have also requested an opinion as to whether or not the College of Charleston should execute a licensing agreement with the ASCAP and BMI organizations. In my opinion, it is not mandatory that such an agreement be signed, however, the organizations may have the right pursuant to [Section 201 of Title 17 of the United States Code](#) to collect royalties on assignment from any artists they may represent if the College of Charleston uses copyrighted materials.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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