

1976 WL 30821 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
October 8, 1976

*1 Honorable Mike S. Jolley
City Attorney
113 West Main Street
Union, S. C. 29379

Dear Mike:

Your letter of September 13, 1976, addressed to the Attorney General has been referred to me for handling and response. You have indicated that the Mayor of the City of Union is interested in establishing a Community Committee to view, rate and/or censor movies shown or to be shown in the City of Union. While the decision of the United States Supreme Court makes clear that the standards of the contemporary community involved are to be applied or utilized in determining the issue of obscenity in materials, rather than some national standard, that Court has made clear that local juries will not be given unfettered discretion in that regard. That Court has long recognized that any system of prior restraint will be closely scrutinized when dealing with materials presumptively protected by the First Amendment.

Inasmuch as the regulation of obscene materials is addressed by our state criminal statutes, it would be for individual juries rather than some committee of citizens to make needed determinations on the question of patent offensiveness and the existence of any literary, artistic, political or scientific value contained within the materials.

While a Community Committee could perform the service of warning the public of the contents of certain materials, through advertisement or otherwise, it would have no proper place in the administration of the law and often would only generate further publicity for the materials in question.

Any contemplated scheme of requiring movies to be viewed by such a committee and approved before public showing would be of questionable constitutional validity.

In the event that obscenity is a major problem in your city, resort to criminal procedures would be more appropriate. This office is available to provide assistance as requested.

With best wishes,
Yours very truly,

John P. Wilson
Senior Assistant Attorney General

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