4-1-1949

Correspondence about dual office holders

Strom Thurmond

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Honorable J. Strom Thurmond
Governor of South Carolina
State House
Columbia, South Carolina

My dear Governor:

As you stated, someone has raised the question as to whether or not my being a member of the Board of Visitors at The Citadel, and also being a member of City Council of the City of Columbia is in violation of the Constitutional provision against "dual office holding." I do not consider that I am in violation of this Constitutional provision, for the office which I hold as City Councilman of the City of Columbia is not created or controlled by the State Legislature, thus creating a dual capacity as contemplated by the Constitution.

I have approved wholeheartedly the position you have consistently taken against dual office holding and believe that you have rendered a service to the State in helping to eliminate this violation of the Constitution, and I certainly do not wish to embarrass you in any way regardless of my personal feelings.

If the matter becomes embarrassing to you, or you become convinced that I am violating the Constitution, then I herewith tender you my resignation as a Member of the Board of Visitors of The Citadel to become effective any time after June 12, 1949, and as soon as the Legislature has elected my successor. (You are fully aware of my strong personal reasons and how much it means to me to be a member of this Board until at least June 10.)

My continuing to serve until my successor is elected positively cannot effect, in any way, the rights or contracts of The Citadel, for it is academic that regardless of the final decision in the matter, I am, at least, a "de facto" Officer, and my actions are just as legal and binding as they would be if I am "de jure." The opinion of the Attorney General of South Carolina under date of June 10, 1948, in a direct ruling on my case, confirms this position and renders it unquestionable.

With kind personal regards, I am,

Sincerely yours,

(Signed) C. S. Monteith, Jr.

C. S. Monteith, Jr.
Governor J. Strom Thurmond
State House
Columbia, South Carolina

RE: Citadel - Board of Visitors

Dear Governor Thurmond:

Your letter of April 28 directed to the Attorney General, enclosing copy of a letter of April 19 directed to you by Honorable Colin S. Monteith, Jr., has reached my desk for reply.

You ask the opinion of the Attorney General on the question of whether under the Constitution the same person may at the same time be a member of the Board of Visitors of the Citadel and a member of the City Council of a city. In reply, I wish to advise that it is the opinion of this office that a person may not at the same time be a member of the Board of Visitors of the Citadel and a member of the City Council of a city without violating Section 2 of Article 2 of the Constitution, which reads in part as follows:

"but no person shall hold two offices of honor or profit at the same time ..."

There can be no question about the fact that the two positions mentioned in your letter are offices of honor or profit within the meaning of this constitutional provision.

Yours very truly,

(signed) T. C. Callison
T. C. Callison,
Assistant Attorney General

TCC: SHE
Honorable Colin S. Monteith, Jr.
Attorney at Law
Palmetto Building
Columbia, South Carolina

Dear Colonel Monteith:

Upon receiving your letter of April 19, 1949, I requested an opinion from the Attorney General on the constitutional question involved, and am enclosing a copy of his letter to me dated April 28, 1949, in which he expresses the opinion that a person may not at the same time be a member of the Board of Visitors of The Citadel and a member of the City Council of a city without violating Section 2 of Article 2 of our State Constitution.

Under the circumstances, it becomes my duty to accept your resignation and I hereby accept it effective June 13, 1949 which will take care of the situation mentioned in your letter.

With kindest regards and best wishes,

Very truly,

J. Strom Thurmond
Governor

JST:shf
Enclosure
May 18, 1949

Honorable J. C. Long
28 Broad Street
Charleston, South Carolina

Dear Mr. Long:

Recently the right of Mr. Colin S. Monteith, Jr., a member of the City Council of Columbia, to be at the same time a member of the Board of Visitors of The Citadel, was challenged.

Mr. Monteith wrote me stating that if I became convinced that he could not hold both offices at the same time under the Constitution he would resign effective after June 12, 1949. I sent his letter to the Attorney General with a request for an opinion, and the Attorney General has written me a letter on the question dated April 28, 1949, a copy of which I am attaching for your information.

On the basis of the Attorney General's opinion, I am accepting Mr. Monteith's resignation as a member of the Board of Visitors of The Citadel. Under these circumstances, I considered it my duty to ascertain whether there were other instances coming within the Attorney General's ruling, and find the records indicate that you are a member of the City Council of Charleston and also a member of the Board of Trustees of the University of South Carolina.

Accordingly, I am writing you to bring the matter to your attention, and shall appreciate your writing me about it at your earliest convenience.

With kindest regards and best wishes,

Very truly,

J. Strom Thurmond
Governor

JST:shf