

1947
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STATE OF SOUTH CAROLINA

EXECUTIVE CHAMBERS

COLUMBIA

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

I am returning to your Honorable Body House Bill No. 782, Senate Bill No. 708, and Act. No. 522, the Supplementary Appropriation Bill for the fiscal years 1946-47 and 1947-48.

I approve the bill with the exception of the following item, which I hereby veto:

SECTION 43:

"(a) Section 21 of said Act is hereby amended by striking out the following proviso in the said section: 'That hereafter all school teachers in South Carolina shall be given five (5) days' sick leave with pay for each regular school term. In all instances where substitute school teachers act for the five (5) days provided, such substitute teachers shall be paid by the State from the General School Fund.' "

I veto this item because I think that the sick leave of 5 days for teachers for which provision is made in the General Appropriation Act for 1947-48 is a fair and reasonable provision.

This is a progressive step to which the faithful teachers of the State are entitled. It has been written into the law by the General Assembly and I do not believe that it should be taken from them.

The appropriation of \$700.00 to each member of the General Assembly as official expenses during the present session and for work between sessions has given me much concern, particularly in the light of the effort of the General Assembly itself to end the so-called "extra pay" issue by taking action in the 1944 session to raise the compensation of members from \$400.00 to \$1,000.00, and by specifically providing that "no additional compensation to the members of the General Assembly shall be made."

I would be inclined to veto this appropriation except for the principle of government well-stated by our Supreme Court in the case of State v. Ansel, Governor, 76 S.C. 395, 405, as follows:

"Under a republican government such as ours, sovereignty lies in the people. This sovereignty is delegated by the people under the Constitution to the three departments of government, executive, judicial and legislative, which are co-ordinate and independent, and it must follow that each is supreme as to matters within its own sphere of action, subject alone to the limitations, checks and balances provided in the Constitution."

While the Constitution literally gives me the power to veto this appropriation, I have concluded that comity between co-ordinate and independent departments of the government dictates that the executive should not clash with the legislative branch over the internal administration of its own affairs, compensation and expenses. Otherwise, such an impasse might develop that the people's business, which they send both to Columbia to do, might suffer in the long run.

I decided my own extra pay question by vetoing my official expense allowance. I left it to other State officials to decide in their individual cases whether their expense allowances for the coming fiscal year are lawful reimbursement of actual official expenses or are unconstitutional increases in salaries. In the case of members of the legislature, I have reached the conclusion that the matter is one in the first instance for the individual member to determine, and ultimately it is one between him and the people who sent him here.

Respectfully submitted,

J. Strom Thurmond,
Governor

JST:mbw

May 10, 1947