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Southern Governors' Conference Committee Report on Civil Rights.

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COMMITTEE REPORT ADOPTED BY SOUTHERN GOVERNORS' CONFERENCE

WASHINGTON, D. C., MARCH 13, 1948

At the meeting of the Southern Governors' Conference held in Tallahassee, Florida, on February 7, 1948, a motion was adopted calling this meeting of the Conference to consider the problems of the Southern States arising from the so-called Civil Rights proposals recently made. A committee was created to make careful inquiry into such problems and their solution by joint action, and to report thereon at this meeting, with recommendations as to further action which might be taken in the premises. The undersigned were appointed on that Committee and herewith submit to the Conference our report.

In the course of its inquiry the Committee has studied the so-called Civil Rights message of the President to the Congress. We have also studied the report of the President's Committee upon which that message was predicated. We have tested the proposals embraced in the program in the light of the applicable provisions of the Constitution of the United States, and particularly of that portion of the Bill of Rights of the American people known as the 10th Amendment. The Committee has reached the unavoidable conclusion that the legislative action required to be taken in carrying out the proposed program, and the precedents which will be created thereby, would constitute a total departure from the fundamental principles upon which the government of the United States was founded. It would be a major alteration in the division of governmental powers and sovereignty between the States and the Federal government established in the Constitution of the United States.

Included within the program is the old straw man, the anti-poll tax law. No one can sincerely contend that the poll-tax laws in force in the 7 States which still retain them actually burden the right to vote. A Federal law would accomplish so little that it seems harmless legislation to many. Yet the serious departure from governmental principles involved would be fraught with danger to the liberties of the American people.
The principle is as old as the Constitution of the United States, and as new as the most recent decisions of the Supreme Court on the issue, that there is no Federal suffrage. The power to create such suffrage was not one granted to the Federal government in the Constitution. The several states are the source of the right of suffrage. It is their function and prerogative alone to deal with that right. This principle has always been regarded as one of the bulwarks of the liberty of the American people, because it guarantees them against the ability of a Federal administration to perpetuate itself in power through Federal control of the ballot boxes of the Nation.

The grave implication of the anti-poll tax legislation is the claim by the Congress of the right to create a form of Federal suffrage. This would not only result in Federal control of ballot boxes, but would in time supplant for every purpose the traditional state suffrage with national suffrage.

This radical assumption of Federal power cannot rightfully be accomplished without a Constitutional amendment in the Constitutional manner. The American people should resist the bold legislative usurpation of their prerogatives which has been recommended.

Another legislative proposal is the so-called anti-lynching law. The states, either by common law or by statute, or both, deal with and punish the crime of murder. Many of them have specific legislation against the crime of lynching, which is one of the worst forms of murder. Lynching has not been a sectional crime in the history of our country, and enlightened public opinion has virtually stamped it out everywhere.

This unnecessary legislative proposal involves another dangerous departure from fundamental governmental principles. The Federal government, under the specific powers in the Constitution, has no right to legislate on crimes within the states. That function and prerogative rests in the several states, which are responsible for public peace and order. The Federal courts have uniformly held that there is not even a Federal common law, and that the Congress can create only Federal crimes.

The precedent proposed to be set by this legislation can rapidly be employed by the Congress to enter the field of creating and punishing crimes generally, with the resulting shrinkage of state functions under our system of government, and marked interference with the right of the people to local self-government.
Another of the proposals in the program is the enactment of legislation dealing with the employment, promotion and discharge of employees of private business and industries. Businesses, large and small, would thereby be subjected to a substantial measure of Federal control and supervision; private businesses would become virtually quasi-public; and the Federal government would bring its agencies into intimate contact with almost every phase of the daily life and activities of the American people throughout the Nation. The people affected would be denied trial by jury of the issues of fact arising between them and the government, and would be deprived of access even to the Federal courts in their own states.

The Constitution gives the Federal government no semblance of power to enact such legislation. The recommendation obviously contemplates a distortion of the Constitution in an effort to justify the power claimed.

This proposal is made under the guise of safeguarding the right to work. However, its evil results would as viciously affect the rights of the working men and women of the Nation as it would those of our citizens who invest their savings and their time and energy in the operation of their businesses. A great many people in the nation believe that the Federal government has assumed too much control over their business activities at present; the passage of this legislation would enable government commissions and bureaus to assume immeasurably more control over all their business and all of our people.

Throughout the whole program runs the purpose to break down the traditions, customs and laws of the states dealing with the separation of the races. It is true that the message to Congress dealt generally with this subject and only with interstate transportation. It included, however, a recommendation that the District of Columbia, which is of common concern to all the states, be used as a test tube, and reference was made to the enactment of a bill which would be a model for the whole country. The report of the President’s Committee disclosed in so many words the whole plan and purpose, even to the imposition of money sanctions against states which did not follow the Federal will in the enactment or repeal of state laws, and this in a field which was admittedly recognized to be beyond the power of the Federal government to legislate. It is proposed that Federal grants in aid be withheld from those states which do not surrender their sovereignty to the dictates of the Federal govern-
ment, even though the money proposed to be withheld from them was collected from their people under general laws.

Those who would recklessly invade this field utterly ignore the fact that such laws have been enacted for the protection of the racial integrity and purity of both the White and Negro races alike, and also for the preservation of the public peace and order where the races live side by side in great numbers. Also ignored is the fact that the solution of our racial problems is fundamentally economic; that great strides have been made by the Southern States toward the solution of these economic problems; and that sudden interference with the laws dealing with the separation of the races would do great injury to the very people intended to be benefited.

Under cover of the so-called Civil Rights program, a federal police agency is proposed to be established and built up. This federal police agency, like the ill-famed Gestapo, would rove the land, inquiring into the daily lives and activities of our people; interfering with the conduct of elections and the operation of private business; breeding litigation; intervening in private law suits; originating prosecution and proceedings; exerting coercion, duress and intimidation by their presence and activities; and visiting upon the American people all of the potential evils of a so-called police state.

The idea of a federal police force is utterly foreign to the Constitution of the United States. It is an attractive concept only to those who thirst for power over the people. It is a clear invasion of the functions and prerogatives of the states. Nothing so clearly highlights the evil inherent in the so-called Civil Rights program as the proposal to use it as the basis for the creation of a federal police force. No one can doubt this who reads the discussion of the proposed use of this police force set forth in the report of the President's Committee.

The conclusion is inescapable that the enactment of the program, thereafter followed up by the legislative use and extension of the precedents thereby created, would bring about a radical change in the form of government of the United States of America. It would eventually result in the destruction of the functions and prerogatives of the States. No longer would the liberties of the American people be protected by the system of governmental checks and balances which the Founding Fathers, in the light of their fresh experience with tyranny and despotism, thought necessary to make and keep
the American people free. Our country would rapidly become controlled by a government of highly centralized and concentrated power, and this in an age when we have so recently seen how destructive of freedom such a type of government rapidly becomes.

Your Committee was specifically charged with considering the problems of the Southern States arising from the proposals embraced in the program, but its vast implications clearly disclose that these problems are common to all of the states, and to the people of every state. The American people everywhere should weigh them well before it is too late.

In the course of its inquiry, the Committee communicated with party leaders in the various Southern States. We sought the viewpoints of the Democratic Senators and Members of Congress from the South. We surveyed the opinion of the rank and file Democrats in every walk of life, the people who have furnished the votes which for many decades have made the South solid for the Democratic Party.

The Committee also conferred with the operating head of the Party, Chairman J. Howard McGrath, of the Democratic National Committee. Certain questions were propounded to Chairman McGrath. These have been made public, and he has made public many of his answers.

The Committee asked Mr. McGrath whether, at a time when National unity is so vital to the solution of the problem of peace in the world, he would use his influence, as Chairman of the Democratic National Committee, to have this legislation, which tends to divide our people, withdrawn from consideration by the Congress. Mr. McGrath flatly refused this request. Subsequently he announced the candidacy of the President for nomination by the Democratic Party on this program.

From this experience it clearly appears to your Committee that the present national leadership of the Democratic National Party has deserted the principles of government upon which that Party was founded. Moreover, it is our feeling that the time has come for strong and effective action by Democrats everywhere, not only to save the Democratic Party, but also to preserve the right of the people of the State to govern themselves. We in the South see and realize more clearly the betrayal of the rank and file of the Demo-
ocrats of this country, because so many of the proposals are openly and deliberately directed against our traditions, customs, and institutions. But the betrayal extends to all Democrats throughout the nation who are opposed in principle to a centralized government invading the rights of the people and sovereignty of their States.

One of the most obvious aspects of the proposal is that it is made in a Presidential election year, not only for the manifest purpose of sacrificing principles for votes but also so close in point of time to the State Party Conventions that it was confidently expected that nothing effective could be done about it.

Our inquiry has satisfied us that the virtually unanimous will of the people of the Southern States is to take every possible effective action within their power, not only to prevent the enactment of the proposed legislation but also to defeat those who have proposed it and any others advocating it.

Believing as our people do that the fundamental principles at issue transcend party lines and personalities, your Committee proposes the adoption by the Conference of the following Resolution:

Resolved, by the Conference of Southern Governors in meeting assembled in Washington this 13th day of March, 1948;

1. That we go on record as repudiating the present national leadership of the Democratic Party in sponsoring the so-called Civil Rights program.

2. That we recommend to the people of the Southern States that they fight to the last ditch to prevent the nomination of any candidate for President or Vice-President who advocates such invasions of state sovereignty as those proposed in the said program; and we pledge our influence in our respective states to the objectives that the delegates to the National Convention will support and fight for a positive declaration for States' Rights in the party platform and will support only candidates for President and Vice-President who entertain similar views.

3. That we recommend to the people of the Southern States that if the national Democratic Party should nominate any candidate who advocates such invasions of state sovereignty as those proposed in the said program, they shall see to it that the electoral college votes of their states are not cast for such nominees; and we pledge our influence in our respective states to this end.
Resolved, further, that in order to carry out the foregoing recommendations, we urge that the people of the respective Southern States, with due regard to the time available and the local circumstances, take all effective political action possible, which may include some or all of the following:

(a) The adoption and transmission to the Chairman of the Democratic National Committee of a resolution by the State Conventions or the authorized body of the State Democratic Party, expressing the opposition of the Party in the State to the usurpation and infringement of the sovereignty of the States of the Union required by the enactment of any portion of the so-called "Civil Rights" Program; an outright declaration that the Party within the State will not support the candidacy of any candidate for the Democratic nomination for President or Vice-President who is in sympathy with the same; a clear statement of their belief that the principles involved are above and beyond personalities and parties and cannot be surrendered under any circumstances; and their determination to do everything possible to see that the electoral vote of the State shall not be cast for candidates who do not have the same belief.

(b) The instruction by the respective State Conventions of their delegates to the National Convention to propose and work for the adoption of a plank in the National Party Platform upholding the sovereignty of the several States of the Union, and opposing the enactment of such invasions of that sovereignty as the proposed F.E.P.C. law, the proposed Anti-lynching law, the proposed Anti-Poll Tax law, and Federal laws interfering with state and local laws relating to the separation of the races, and any other laws violating state sovereignty.

(c) The instruction by the respective State Conventions of their delegates to the National Convention to propose and work for the restoration of the 2/3 rule.

(d) That the Democratic State Organizations which send delegates to the National Democratic Convention do so with advance notice in writing to the National Convention, given before the delegates take any part therein, containing the terms and reservations prescribed by the State Convention upon which the said delegates shall participate in the National Convention.

(e) The deferring by State Conventions of the nomination of their electors for President and Vice-President until after the holding of the National Convention.
(f) The adoption of a resolution by the respective State Conventions pledging their electors to vote only for candidates in the electoral college not in sympathy with such violations of the sovereignty of the States of the Union as those required by the so-called Civil Rights Program.

(g) The adoption by the respective State Conventions of a resolution providing that the electors for President and Vice-President shall be pledged to cast their electoral ballots in the Electoral College as requested to do by the party's State Convention or State Executive Committee.

(h) A caucus of the Presidential and Vice-Presidential electors of the Southern States so that they can take concerted action in the electoral college if necessary.

(i) The holding by the Party leaders in the Southern States of conferences for the purpose of developing and carrying out direct, positive, effective and aggressive joint action, in order that the political strength of the South will be exerted to the fullest in National Party councils and in the National convention.

Resolved, Further, that the State Conventions take action to provide that the Democratic Party in the respective states shall continue to function as such on all other levels, including the election of local, county and state officials, and U. S. Senators and Congressmen, without regard to the action which may be taken in the State in reference to the election of Presidential and Vice-Presidential electors.

Resolved, Further, that we recognize and commend the efforts of our Senators and Representatives in the National Congress who have fought and are engaged in fighting the so-called Civil Rights program, and we urge them to carry on their fight to the end, with the assurance that our people are standing firmly and irrevocably behind them.

Respectfully submitted,

J. STROM THURMOND, Chairman,
BEN LANEY,
BEAUFORD H. JESTER,
WILLIAM M. TUCK.