Accomplishments

OF THE

1948 General Assembly

OF

South Carolina

STATEWIDE RADIO ADDRESS OF

J. STROM THURMOND

GOVERNOR OF SOUTH CAROLINA

MAY 26, 1948
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# CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Introduction</td>
<td>1</td>
</tr>
<tr>
<td>II. Legislation Accomplished</td>
<td>2</td>
</tr>
<tr>
<td>III. Legislation Needed</td>
<td>9</td>
</tr>
<tr>
<td>IV. Conclusion</td>
<td>10</td>
</tr>
</tbody>
</table>
ACCOMPLISHMENTS OF THE
1948 GENERAL ASSEMBLY
OF SOUTH CAROLINA

I. INTRODUCTION

My Fellow South Carolinians:

Tonight, I want to give you a report on the accomplishments of the historic 87th General Assembly, which ended its session on April 15, 1948. I feel that you will all want to know about the progress we are making in our united effort to make a better South Carolina.

There are, of course, grave problems facing our State and the entire South today, which are not directly concerned with my report tonight. You have read and heard the details to date of the fight we are making to protect our heritage of local self government, and to prevent Federal intervention in matters that concern the states alone. We have labored through long days and have spent many sleepless nights, in an all-out effort to safeguard the rights our people must cherish, if this Nation is to remain the stronghold of representative government which it was designed to be in the Constitution of the United States.

Some people insist on confusing the issues, in our stand on these questions. It is not merely a matter of political victories or defeats during this election year. It is one of stemming the tide of Federal usurpation of the rights of the states for all years to come. Those rights are threatened today by fumbling, reckless and unstatesmanlike exhibitions among the leaders of our Party. We are fighting to save the principles which protect those rights.

But we cannot afford, even while the battle over State sovereignty is raging, to forget the pressing question of the welfare of our own people and our own State. We must continue our progress, from day to day, from hour to hour, toward those high goals which will mean good government and a better standard of living in South Carolina.

The 87th General Assembly will long be remembered as a progressive one. It faced many serious problems and did much toward their solution. We have already realized great benefit from many of the laws which were passed. The full effect of other legislation will accrue in the months and years ahead. Much still remains to be done, but a surprisingly large part of the four-year program
for good government in South Carolina, upon which we embarked in January, 1947, has been accomplished. Those who have participated in this endeavor are entitled to keen satisfaction for the part which they played in it.

I want, here and now, to express my appreciation for the cooperation I received from the membership of the General Assembly during the past two sessions. With such cooperation, the public business is more easily handled to the satisfaction of the people. I shall look forward to the same cooperation from the next General Assembly, and with it we shall be able to complete successfully the program which has been so well begun.

It has always been my belief that government is the servant of the people who gave it life. Their basic rights depend upon government. Their enjoyment of public peace and order, safety, and the right to enjoy the fruits of their labor and savings, as well as the right to work out their own future, must be furthered and not impeded by their government.

A government is no better than the laws under which it operates. Nor is it any better than the calibre of the people who put those laws into operation and carry them out. The vast majority of our public employees strive to give faithful service to the public. This makes it more imperative that we leave nothing undone toward getting rid of those who are just along for the ride, who hold well-paying posts in our governmental structure, and who give little or no service to the people.

Our citizens pay enough for the cost of operating our government to be entitled to efficiency and economy. It has been my determination to do my part toward seeing that they get it.

II. LEGISLATION ACCOMPLISHED

Among the constructive measures which were passed by the General Assembly this year are the following:

1. The State Reorganization Act.

I strongly recommended this, both in my Inaugural Address and in my Annual Message of 1948. High hopes are held that the proper operation of this law will not only decrease the cost of government, but also do much toward increasing its efficiency. It may well eliminate from our payrolls a number of those who do not carry their load.

The State Reorganization Act was close to my heart. In my experience as City and County Attorney, as State Senator and
Circuit Judge, and as Governor, I found that our State Government had grown into a sprawling organization. By reason of overlapping, duplication and lack of coordination, it had become not only inefficient but ineffective as well.

Having dedicated my administration of your affairs to the cause of good government in South Carolina, I threw all of the weight and power of my office behind the Reorganization Act. Its passage was a most salutary step toward the ultimate goal of good government. The Act as passed was not nearly as strong as I might have wished, but it provides ample powers for efficient dealing with many of the problems of overlapping and duplication in the government of the State. It is confidently expected that the Reorganization Commission and the General Assembly will use those powers wisely.

It shall be my purpose, in the operation of the Reorganization Act, to be certain that no political considerations whatsoever enter into it. The cause of good government is too sacred to be thwarted by log-rolling, mutual back-scratching and favoritism. I hope our citizens will keep before them the importance of state government reorganization, and urge their members in the General Assembly to insist on and back up a real reorganization.

2. A joint resolution creating a committee of 21 to study our State Constitution, and to recommend the real constitutional needs of South Carolina, with a view to revising the Constitution.

The Constitution was ordained in 1895, and was tailored to fit the needs of that year, and still does. It does not reflect the needs and the will of our people in the year 1948 and future years. It has become cluttered with countless amendments, which have in many cases dimmed its meaning. Much of the matter contained in these amendments should be in the statutes. The Constitution should be kept as our charter of government, and not partly Code and partly Constitution.

The economic, social, and political forces which have come into being in the years since 1895 should be reflected in our Constitution. We owe an obligation to ourselves, and to the generations which will succeed us, to bring about its revision. This will not change or eliminate the sound basic fundamental principles which should be in the Constitution of a sovereign State. It will leave those fundamental principles more unhampered in their operation than they are now.
I am one who believes that the power of government resides in the people at all times. I am not afraid of any action which a well-informed people may take toward revising their government. Periodically, the people should review their government and make such changes as they find necessary. This is a duty as well as a right.

Some question has arisen recently as to whether some of those to be elected or appointed to this Commission of 21, would, by assuming their duties on the Commission, fall into the category of dual-office holders.

The law creating this Commission was passed near the end of the legislative session. In the confusion incident to that occasion, the possibility of creating dual-office holders in the law was apparently not considered by the Legislature. However, if such persons serve, and if anyone later contests their right to serve, on the grounds that they were not designated as ex-officio members (in which category the Legislature evidently intended them to serve), then the question would have to be decided in the courts.

I have today appointed to the Committee on Constitutional Revision: Charles B. Elliott, of Columbia, a practicing attorney and a Professor of Law at the University of South Carolina; Miss Ruth Roettinger, of Rock Hill, Professor of Government at Winthrop College; and Thomas Allen, of Anderson, Miss Mildred Huggins, of Timmonsville, and Charles E. Simons, Jr., of Aiken, all of whom are outstanding lawyers and prominent citizens.

3. Provision for a joint committee on Reorganization of the Legislative Department of the State Government, with a view toward simplifying its procedure, and modernizing the Engrossing Department.

This was a most progressive step. Today, the General Assembly operates under procedure which many have long since recognized as outmoded and cumbersome. An example of this is the handling of purely local legislation by the whole General Assembly, the large volume of which occupies most of its time. This Joint Committee has a fine opportunity to render a far-reaching service to the State through its recommendations for reorganizing legislative procedure.

4. A Constitutional Amendment, to be submitted to the people at the next General Election in November, to restrict the Governor's present power of pardon and parole, leaving only the commutation of death sentences directly in the hands of the Governor.
Under the present Constitutional provision, the Governor, except in cases of impeachment, has the power to grant reprieves, commutations, and pardons—"in such manner, on such terms and under such restrictions as he shall think proper". In the years since 1895, there have been many instances of what can only be termed monstrous and outrageous abuse of the Executive power of clemency. Too often has the work of the Courts been undone and the verdicts of juries frustrated. Hundreds and even thousands of unrehabilitated criminals have been turned loose to prey upon society again. In many cases, political considerations have undoubtedly effected the release of such criminals. Nothing has done more to undermine respect for law than the abuses of the pardoning power, which our people remember too well. It is a fact, which cannot be questioned, that if a Governor investigated and held clemency hearings himself he would have no time for anything else. Even then he could not handle all of the requests for clemency coming to his office.

To assist the Governor in the exercise of clemency, a State Probation, Parole and Pardon Board was set up to make inquiry into worthy cases and submit recommendations to the Governor. It is unfair both to the Executive and to the people to place this power in the hands of any one man. I, myself, have kept my pledge to the people, and have exercised clemency only when it was recommended by the Parole Board. Also, I did everything possible to see that the people would get the right this year to vote on a Constitutional Amendment to curb the power to abuse clemency in the future, and this right has been granted. This Constitutional Amendment is sorely needed, and I hope it will receive the unanimous support of the people in the General Election in November.

5. An extra appropriation of more than $1,300,000 for the construction of badly needed buildings and other improvements at certain state institutions.

This appropriation, which will meet needs keenly felt in each case, was divided as follows: $250,000 for the erection of a new law school building at the University of South Carolina; $100,000 for permanent improvements at The Citadel; $250,000 to build an Agricultural Engineering Laboratory at Clemson College; $250,000 for permanent improvements at Winthrop College; $100,000 for improvements at the Colored Normal, A and M College; and $352,000 for permanent improvements at the State Training School. In the case of the State Training School, approximately 500 un-
fortunate children are on the waiting list, being unable to be admitted because of the crowded conditions there. I am glad to be able to report that this new appropriation will help to relieve this congested condition.

6. An increase in funds for education.

The public school system of the State will receive approximately $750,000 more next year than this year. This means that we are now to spend over $29,000,000 from the General State Fund for this vital necessity, which must never be neglected if we continue to progress. The General Assembly also appropriated an additional fund of $1,714,000 for teachers' salaries for the current school year, so that those of our teachers who have improved their ratings and their educational standards, and have qualified for a higher salary, might get benefit of this increase to which they are entitled.

7. Amendment of the State Retirement Act, extending the time until December 31, 1948 for teachers and State employees to become members of the system, and preserving credit for their prior years of service.

I urge all persons made eligible thereby to give careful consideration to the retirement benefits made available by this act.

8. Approval of South Carolina's participation in the plan for Regional Schools, developed by the Conference of Southern Governors, as recommended in my Special Message of February 18, 1948.

This measure concerns a problem of utmost importance to us in South Carolina now and in the future. It is that of our colored citizens with regard to our school system. Adequate facilities through the college level have been provided for them. Yet more and more of them are expressing desires to take advanced professional degrees for which we do not have facilities within the State. Other Southern States face the same problem. The Regional plan provides that these States may pool their resources to provide outstanding professional schools for both white and colored races. Negotiations are already under way to take over control of the Meharry Medical School, in Nashville, Tennessee, as the first such regional school for the benefit of the colored race. The possibility of financial collapse faces this outstanding institution, one of the finest medical colleges in the United States. The Conference of Southern Governors, unlike propaganda organizations which merely claim to help the colored race, took concrete action to save this
college, by deeds not words. When the regional education plan has fully developed, the Southern States will be able, within their economic means, to afford greater educational advantages to both races by their joint efforts.

9. An Act to create a State Agricultural Marketing Commission and to authorize that Commission to acquire sites and construct wholesale farmers' markets thereon, in order to insure our farmers better prices and a ready market for their products.

This measure should result in considerable benefit to the farmers of the State. The farmers and consumers of other States have benefited by such a system, and it was overdue in South Carolina. The Commission has the power to build wholesale farmers' markets and operate them for handling, classifying, grading, and selling fruits, vegetables, poultry, eggs, dairy products, livestock and other farm products. The savings and increased profits to farmers under this system should be considerable.

I have today appointed to the Agricultural Marketing Commission the following: as a commercial producer of fruits and vegetables, for term ending in May 1949, Earl R. Taylor, of Greer; as a commercial producer of poultry and eggs, for term ending in May, 1950, W. C. Huffman, of Newberry; as a commercial producer of livestock, for term ending in May, 1951, L. D. Holmes, of Johnston; as a wholesale produce merchant, for term ending in May, 1952, P. P. Leventis, of Charleston; and as a retail grocer, for term ending in May, 1953, P. T. Askins, of Lake City.

10. Provision for construction by the State Highway Department of Farm-to-Market roads, an improvement of tremendous importance in every county in the State.

In the same Act, provision was also made for taking over, by the State Highway Department, on July 1, 1948, July 1, 1949, and July 1, 1950, of 5 per cent in each of these years of the remaining county roads not already in the State Highway System.

11. The provision of an extra fund of $50,000 for improvements in certain State Parks not already taken care of in the General Fund.

12. The creation of a committee to study the proper use of the fresh water resources of the State and to recommend legislation toward that end.

An Act was also passed to strengthen the law which prohibits the dynamiting of fish; and another Act provides funds for fish and game protection in Santee-Cooper lands and waters.
13. A measure in the General Appropriations Act providing that no full-time employee of any State department shall be paid compensation or travel expenses from another department without the approval of the Budget Commission.

This will end the vicious practice whereby full-time employees may sometimes draw compensation from more than one State source. The exception will provide for the rare case where temporary assistance is needed by one department from another of an expert whose special knowledge may be of benefit for a particular need.

It is fruitless to trace the development of the practice of working for more than one department. Some State employees, through political influence, have managed to do so, and thereby have secured compensation far in excess of the worth of their services. I have been unable to learn of even one instance in which such payment increased the efficiency of the Government. It was high time that the practice be stopped, and it was stopped this year.


This will make it possible to store permanent records in a mere fraction of the space now required for the State's thousands of documents. The microfilm process is a modern procedure that will be of untold benefit to our State, and will save rental expense by making additional space available for use.

15. A measure making December 26 a legal holiday for banks. This Act will enable bank employees to enjoy the day after Christmas as a holiday, just as most people do.

16. An appropriation of $1,890,000 to the respective counties of the State for the erection of hospitals and health centers, and to match Federal funds for this purpose, and for certain other county health purposes.

This amount, together with the 1947 appropriation, means that a total of $3,660,000 has been appropriated for hospitals and health purposes since my inauguration. Of this amount, each county receives a total of $50,000, plus $8,000 for each member of its county legislative delegation. I hope the people of each County will insist that their legislative delegation spend every last cent of this money for health and health alone, and not permit a dollar of it to be diverted for any other purpose.

17. The devising of a formula for distributing Federal funds which may be made available to County Health departments, taking
into consideration the health needs and the populations of counties involved.

18. Provision for committing to sanatoria, persons suffering from pulmonary tuberculosis who so conduct themselves as to constitute a menace to others.

19. A measure to provide future medical care in areas which do not now enjoy it.

This Act creates 10 scholarships to the Medical College of South Carolina, with the understanding that those who receive the scholarships will agree to practice 1 year for each year of the scholarship, in a designated rural community. This will be a real blessing to our rural sections.

III. NEEDED LEGISLATION

While these and many other constructive steps have already been taken, much still remains to be done.

Among my recommendations to the General Assembly which have not been carried out as yet are the following:

1. The building of a new penitentiary. During the past session the Legislature did begin the study of this proposal, by authorizing a committee to make recommendations for plans for a new penitentiary.

2. The establishment of a merit personnel system for the State Government. This law should go a long way toward providing a more efficient governmental structure and toward treating State employees more fairly.

3. An Act to empower the Governor to fill vacancies in any office in the Executive branch of the Government when the General Assembly is not in session, whether the position was originally filled by election or appointment. There is a distinct omission in our laws in this particular, and the power to make recess appointments should be clarified and confirmed.

4. The establishment of a State Bureau of Investigation to replace the present Constabulary. This would be a most desirable step for the State Government to take, and in keeping with progress in this field.

5. A secret ballot voting method, such as the Australian ballot. We are said to be the only State not now having such a ballot.

6. Carefully prepared legislation prescribing the essentials of capacity to vote, and making capacity to exercise the right of suffrage the sole test of the right to vote.
7. The establishment of a central purchasing agency for the State Government and its institutions.
8. The coordination of educational programs and facilities of our State colleges.
9. The establishment of a clinic, under supervision of the State Hospital, for the treatment of the disease of alcoholism.
10. The establishment of an industrial school for Negro girls, now badly needed in South Carolina.

IV. CONCLUSION

A sound financial structure has been, and will continue to be, one of my first considerations in the State Government. On July 1, 1947, the beginning of the present fiscal year, the State's surplus funds amounted to $4,728,000. This figure is arrived at after allowing for the $10,260,000 Institutions Building Act which I signed in December, 1947. I am happy to say that, according to the latest estimates, there will be a surplus of about $6,000,000 on July 1, 1948, the end of this fiscal year. The prospects for a surplus at the end of the fiscal year 1948-49 also look bright. It shall be my purpose to insist that the State Government, like a private business, operate within its revenue.

In conclusion, let me say that I have appreciated again the privilege of reporting to you on the activities of your Government, because the State Government is your business, and you, the people, are the owners of that Government. Those who handle your affairs need the cooperation and help of every one of you, in the accomplishments of our program to bring about good government in South Carolina.

Thank you, and good evening.