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Thurmond Charts 5-Point Plan For Restoring State Powers

Tennessee Federation Hears Warning Against Judicial Domination

DAVY Crockett, straight-shooter of story and song, had a maxim: "Be sure you're right. Then, go ahead." Founders of Tennessee's Federation for Constitutional Government were sure they were right. Last week they were still going ahead in their campaign to restore state rights taken away by federal usurpers. For a first anniversary celebration they brought South Carolina's senatorial nominee Strom Thurmond, former governor, senator and States' Rights candidate for President, to Nashville for a jampacked rally. Heard him chart a five-point course for victory in the struggle for basic constitutional principles.

Thurmond warned that "we are slowly being destroyed by judicial law," but with stout-hearted conviction predicted: "I have an abiding confidence in our people, and just as the men and women of this country arose to meet that challenge of world domination, I believe they will now arise to meet the challenge in this country of judicial domination." His recommendations for returning to the states their rightful powers:

1. Limit the powers of federal appellate courts by placing the final decisions in education and other matters with U.S. district courts—the federal courts closest to the people.
2. Amend the electoral college system for choosing the President by naming presidential electors in the same way congressmen are elected, or split the electoral vote in each state in proportion to the popular vote. This would minimize the influence of minorities.
3. Pursue the doctrine of interposition which would enable the states to regain their former basic position within the framework of our federal government.
4. Set forth, in law, certain qualifications for every man appointed to the Supreme Court. (He noted that only two members of the present court had judicial experience before appointment.)
5. Inform the public of our cause and crystallize public opinion for constitutional government: "My friends, it behooves every true patriot to exert his utmost efforts to crystallize public sentiment against judicial domination, and to preserve our Constitution."

Thurmond had high praise for Dr. Donald Davidson, president of the federation, and "one of America's most profound editors"—James G. Stahlman, publisher of The Nashville Banner. Stahlman, a supporter of the federation, received a standing ovation when he introduced Thurmond. Said Stahlman: "I am not so much concerned with whether a man is black or white as I am with the continuous and gradual chiseling away of the rights of the states as they apply to the freedom of you and me." He added that his Banner is dedicated to the defense of these rights and to awakening the people to the dangers of federal encroachment as represented by recent actions of the Supreme Court. "It is time for the citizens to stand up and be counted," declared the publisher.

Dr. Davidson pot-shotted Tennessee's Senator Estes Kefauver. Citing the maxim of Crockett and the federation, he asserted that apparently Kefauver reversed the plan by "being sure he was wrong, then getting wringer and wrangler."

Thurmond offered a brilliant analysis of the wrongness of the present Supreme Court, declared: "Strange to say, the most vicious form of federal encroachment is by the judiciary, the branch of government that should be the most zealous in protecting our citizens." The Supreme Court, he asserted, "has ceased to interpret the Constitution—they have now begun to amend it." Quipped he: "The court reminds me of a cat with nine lives, with the justices poking around in back alleys, dumping parts of our Constitution in garbage pails. They had better come out of the dark, or their proverbial nine lives won't be sufficient to carry them through another year similar to several we recently had."

Thurmond spotlighted the integration edict, but reviewed half a dozen recent decisions which undermined state sovereignty, and noted widespread criticism: "There is presently in the Congress ... a great rising revolt against the Supreme Court, and this effort is gaining support throughout this country—not in the South alone, as some would have you believe. ... While their precedent-setting decision on segregation has turned the spotlight on the South, we might pose the question. This usurpation may not affect the South today, but what will they call it when it affects the North, the West, or the East tomorrow? They will call it the same thing we do, which is exactly what it is, an unprecedented disregard of the rights of the states. A disregard which has assumed such preposterous dimensions that it raises doubts and questions in the minds of the public regarding not only this court, but all courts and all law."

He bored in on the court, snapped: "You, no doubt, have heard that Washington has been considering deporting the squirrels from the White House lawn, as they were pestering the President's golf balls. I believe you will agree that their time would be better spent if they left the squirrels in Washington and deported the judges of the Supreme Court. These nine men are not worthy of the black robes they wear."

Strom Thurmond noted that nowhere in the Constitution is the word "education" mentioned, declared: "The court has, in effect, set themselves up as an 'almighty' board of education to regulate the public school system in my state, your state, and every other state of this great Union—and we don't like it. In rendering the segregation decision, the court based their findings on so-called modern authorities on psychology and sociology and the Red-tinted officials of the NAACP, whose nefarious record stands as proof of its unworthiness."

The Great Fight

A STANCH states' righter and able critic of the Supreme Court is Virginia's Rep. Watkins M. Abbit of Appomattox. Last
week in the House he noted that Virginia's legislature meets in September to consider the school problem, gravely declared: "There is no middle ground in this fight; we are either for retaining our constitutional government or we are for giving in and taking the easy course out." He was thankful "there are people in Virginia who are willing to stand on principle in this great fight. They are not willing to see the octopus-like court take over by judicial fiat the amending of the Constitution of America."

Judging from other voices of protest last week, a growing number of Americans was disturbed by tentacles of the octopus-like court. Even Time magazine, which bows to none in its advocacy of integration and praise of the court which ordered it, took note of the rising tide of criticism, declared: "... the widespread reaction against the court's use as a social instrument is a clear and present danger. It is the risk that Earl Warren assumes when he views his role as steering the law rather than being steered by it."

In Chicago, The Tribune, which likes the integration decision, nevertheless continued to lash the court for the same dangerous and faulty reasoning which led to that edict. It praised the Senate Judiciary Committee's approval of a bill declaring that federal courts may not construe any act of Congress as excluding state laws in the same field unless the congressional act contains an express provision to that effect. Thundered The Tribune: "The Supreme Court, in a number of recent decisions, has ruled in a fashion to suggest that all authority rests with the central government... . The issue in these matters is whether the 10th Amendment is to be credited with its plain meaning, for it says that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. So the intention of Congress, in seeking to redress the balance of powers impaired by the decisions of the court, is to establish, once and for all, that the central government is not to have a monopoly of federal power in Washington at the expense of the states and the people what belongs to them."

A Wisconsin Republican, Rep. Lawrence H. Smith, told the House: "My mail indicates that the people at the grassroots evidence great concern over recent decisions by the United States Supreme Court which appear to be in violation of so-called states' rights... . People are becoming wary of more and more concentration of federal power in Washington at the expense of the individual states."

In Texas Atty. Gen. John Ben Shepperd organized a Texas Committee of Correspondence to encourage citizens to write letters resisting "centralized, faraway government." His committee prepared a handbook containing material to help in the resistance campaign. It is addressed to "a generation that knows the source of atomic power, but does not know the location of its own government." Free copies of the informative booklet were being sent to persons who wrote Attorney General Shepperd at Austin.

Retaliation

VIRGINIA'S veteran Congressman Howard W. Smith was as good as his word. After so-called civil rights proponents on his House Rules Committee revolted, used a parliamentary trick to circumvent Chairman Smith and call up the legislation for a hearing and vote, Smith vowed to retaliate by using his chairman's "privileges and prerogatives" to the "fullest extent." Last week the 13-term Virginia congressman turned tables on the leader of the revolt, young Democratic Rep. Richard Bolling of Missouri, blocked action on "rights" legislation for at least a week.

Twenty opposition witnesses were slated to be heard against the legislation, which Georgia's Rep. E. L. (Tic) Forrester had denounced as a "Frankenstein" threat against local and state governments. Forrester lashed the measures in 90 minutes of testimony praised by Rep. Smith, Virginia's Rep. William Tuck and Mississippi's Rep. William Colmer as masterful. Louisiana's Rep. Edwin E. Willis had stepped up to add his denunciation of the measures when quick-thinking William Colmer noted that a quorum was not present, raised a point of order against proceeding. Chairman Smith hastily pounded his gavel, announced that the meeting was adjourned.

Rep. Bolling and "rights" advocates howled for a special meeting. Smith was adamant: "I have no intention of calling a meeting. I didn't start this mess." Added he: "Let's not have any misunderstanding. I'm opposed to this bill, and I will use every parliamentary device open to me to prevent its consideration. But I'll do what I have to do, under the rules."

The Smith-Colmer strategy would further delay the legislation, strengthen the South's challenges of blocking it for this session. Once it hits the House floor it is expected to pass, but will run into certain filibuster in the Senate. Meanwhile time is running out on proponents as Congress rushes toward July 15 adjournment.

In the Senate South Carolina's Senator Olin D. Johnston blocked judiciary committee action for another week on civil rights and the nomination of Simon E. Sobeloff to the Federal Circuit Court of Appeals (Sourri, June 4). He did this by objecting in the Senate when unanimous consent was sought for a special committee meeting to make up for one adjourned for lack of a quorum. Johnston has consumed the past several meetings by reading a lengthy and still unfinished statement opposing nomination of the solicitor general who presented government arguments before the Supreme Court on how to carry out the school integration decree.

School Aid

Last week the House Rules Committee cleared by an 8-3 vote the federal school aid construction bill. Smith and Colmer were joined by Illinois' Republican Rep. Leo Allen in voting against sending the bottle-up bill to the floor. Georgia's Rep. Phil M. Landrum of Jasper warned that if the $1.6-billion measure becomes law funds will be withheld from states that maintain segregated schools. The Georgian thought this would happen even if Congress rejects the attempt by Harlem's Rep. Adam Clayton Powell to write an anti-segregation amendment into the measure.

Declared Landrum: "If this bill becomes law, I think unquestionably they will tell the state superintendents of schools they can't use federal money to construct buildings for racially segregated schools. They won't have to have the Powell amendment to do it. They can say they are acting under the Supreme Court's ruling against segregation in the public schools."
Exile

SECTION 2, Article IV of the U.S. Constitution reads: "The citizens of each state shall be entitled to all privileges and immunities of citizens of the several states."

Last week Georgia's Rep. James C. Davis inserted the statement in the Congressional Record, added: "It is an unquestioned constitutional right of every citizen to live anywhere in the United States where he or she may desire to live."

Davis had reference to "a most remarkable and almost unbelievable incident," which he noted had occurred in Cleveland, Ohio, "a place which is noted as the seat of some of the most ardent agitation for so-called civil rights." This incident involved Martha Winston, negro, her seven children and granddaughter, who were exiled to Livingston, Ala., by a Cleveland judge. W. E. Dearman said Ohio law prohibited assistance to the children, since they had gone to Cleveland only last Fall although the mother had been there four years (SOUTH, June 18).

Last week in Livingston Sumter County Probate Judge W. E. Dearman said: "I believe Martha Winston's only crime was asking her own state [Ohio] for bread for her children." Concluding that he had no jurisdiction over the Ohio-exiled brood he told Circuit Sol. Thomas Boggs to ask Alabama Atty. Gen. John Patterson and U.S. Atty. Gen. Herbert Brownell to "investigate the violation of the civil rights of Martha Winston, her seven children and granddaughter, who were exiled to Livingston, Ala., by a Cleveland judge."

Said Judge Dearman: "Under Ohio law as well as Alabama law, when a father deserts a mother and the mother has taken care of the children, citizenship of the children follows that of the mother." The woman had separated from her husband and gone to Cleveland. Meanwhile the Winston woman and children were being cared for by her oldest daughter in Coatesville, Ala.

Martha Winston explained what had happened in Cleveland: "They forced us back here. They sent four policemen, a relief lady and a colored lawyer. They asked me if I was packed and said the South will have everything ready for you."

Judge Dearman noted that "Alabama has always taken care of her own and we expect other states to do likewise." Said Solicitor Boggs: "We don't bundle the negroes up and ship them out of Alabama. They are leaving of their own choice because the country is turning away from row crops and there is little demand for unskilled labor."

Meanwhile the Justice Department said it would investigate charges by Alabama's Rep. George Andrews that Martha Winston's civil rights had been violated by the Cleveland judge. Snorted he: "I have a feeling that this is the last I will hear about this until after the November election."

Progress Halted

GREAT progress was being made in advancing racial harmony prior to the integration decision of May 1954. Last week Boyd Campbell, board chairman of the U.S. Chamber of Commerce, blamed NAACP for halting this progress. This "great progress," he said, came to an abrupt end when NAACP took over leadership of negroes. The Jackson resident told the Mississippi Theater Owners Assn. at Biloxi that the lost ground is not likely to be regained. The situation, asserted he, is "very serious," but there is more understanding among people of the non-South than Southerners realize.

Other people are beginning to understand that the problem is best worked out at the local level, he noted.

Montgomery's City Commission planned to appeal to the Supreme Court a three-judge federal panel's ruling that buses in the city of the seven-month negro boycott would have to drop segregation. "We'll keep the thing in the courts for another six or eight months," said Commissioner Frank W. Parks. Meanwhile the Supreme Court is in recess and the injunction of Alabama Circuit Judge Walter Jones to maintain segregation continues.

Authorine Lucy admitted in a Philadelphia speech that "we made a mistake" in accusing University of Alabama trustees of conspiracy to keep her out. She did not explain the meaning of "we," but it had been made clear that she was a pawn of NAACP. The University had ousted her for making the unfounded conspiracy charges.

Politics

Dixie Solidarity

POLITICAL office-holders trying to prevent the South's Democratic Convention delegates from organizing continued to speak their "party first" speeches last week. But the movement led by South Carolina's Gov. George Bell Timmerman Jr. to assure a strong front at Chicago gathered momentum, nevertheless.

Sen. John Sparkman of Alabama, running mate of Adlai Stevenson in 1952 and co-author of that year's unsavory "civil rights" platform plank that drove four Southern states into the Republican column, again pounced on the pre-convention caucus proposal. Nationalist Sparkman, chairman of the Alabama convention delegation, feared a South-wide get-together might develop a third-party angle—although Governor Timmerman had flatly asserted this was not his purpose.

Like Sparkman, Georgia's retiring Sen. Walter F. George urged Southerners to stick with the Democratic Party no matter what happens at Chicago. Opposing "a splinter or third party movement away from traditional democracy," he described the Timmerman-led movement as a "pre-convention binding step." Florida's Gov. LeRoy Collins insisted that "the necessity for a pre-convention meeting of the Southern states is not clear."

Meantime, Governor Timmerman got support from Georgia's state Democratic chairman John Simmons Bell, Virginia Congressmen William M. Tuck and Watkins M. Abbott, Mississippi's state Democratic chairman Tom Tubb, North Carolina Gov. Luther Hodges and party spokesman in virtually every section of the South. They emphasized that they, like the South Carolina executive, intended to make the fight within the Democratic party—and pointed out that the South's only hope of getting fair treatment at Chicago lies in presenting a unified front.

Said Georgia's Bell: "Governor Timmerman's effort to protect the interests of the South and of the nation within the framework of the Democratic party are most worthy and should be supported. It is most regrettable that there are some elements within our own party who would surrender both the party and the nation to radical pressure groups . . . At the proper time I will be delighted, as Georgia state chairman, to appoint a committee to meet with similar groups from other states."

Gov. Hodges was quoted as saying "we can express our viewpoint more successfully inside the party." He was not certain a South-wide caucus would be necessary, but felt a "sharing of opinion" among delegates would be desirable.

Mississippi's Tubb told Timmerman, "the South must stand together," but that formation of a third party should not be the purpose of the projected pre-convention caucus. He planned to put before the State Democratic Convention July 16 the question of naming a committee to work out plans for participation in an area-wide caucus.

Virginia's state convention will consider their proposal for a solid Southern front July 27. Said Congressman Abbitt: "People of like mind ought to get together and work for an efficiently-minded platform as possible."

Alabama's new Democratic national com-

July 2, 1956