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Address on Declaration of Constitutional Principles Regarding the Supreme Court Segregation Decision

Strom Thurmond

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ADDRESS BY SENATOR STROM THURMOND (D-SC) ON A DECLARATION OF
CONSTITUTIONAL PRINCIPLES REGARDING THE SUPREME COURT SEGREGATION
DECISION, IN THE UNITED STATES SENATE, MARCH 12, 1956.

Mr. President, I am constrained to make a few remarks at this
time because I believe a historic event has taken place today in the
Senate.

The action of this group of Senators in signing and issuing a
Declaration of Constitutional Principles with regard to the Supreme
Court decision of May 17, 1954, is most significant. The signers
of this declaration represent a large area of this nation and a
great segment of its population. Solemnly and simply we have stated
our position on a grave matter so as to make clear there are facts
that opposing propagandists have neglected in their zeal to persuade
the world there is but one side to this matter.

In suggesting that a meeting of like-minded Senators be held,
it was my thought that we should formulate a statement of unity to
present our views and the views of our constituents on this subject.
My hope also was that the statement issued should be of such nature
as to gain the support of all people who love the Constitution: that
they would see in this instance the danger of other future encroach­
ments by the Federal Government into fields reserved to the States
and the people.

My people in South Carolina sought to avoid any disruption of
the harmony which has existed for generations between the white
and the Negro races. The effort by outside agitators to end segre­
gation in the public schools has made it difficult to sustain the
long-time harmony.

These agitators employed professional racist lawyers with funds
contributed by persons who were permitted to deduct the contributions
from their taxes. The organization established to receive the funds
also enjoys the status of freedom from taxation.

Except for these trouble-makers, I believe our people of both
races in South Carolina would have continued to progress harmoniously
together. Educational progress in South Carolina has been marked
by $200 million worth of fine school buildings in the past four years,
providing true equality, not only for white and Negro pupils, but
also for urban and rural communities.

In the South Carolina school district where one of the segre­
gation cases was instigated, the Negro schools are better than the
schools for white children. Yet the Negroes continue to seek admis­sion to schools for the white race.

This is sufficient proof that, while South Carolinians of both
races are interested in the education of their children, the agita­
tors who traveled a thousand miles to ferment trouble are interested
in something else. The "something else" they are interested in is
the mixing of the races.

They may as well recognize that they cannot accomplish by
judicial legislation what they could never succeed in doing by
Constitutional amendment.

Historical evidence positively refutes the decision of the
Supreme Court in the school segregation cases.

The 39th Congress which in 1866 framed the 14th Amendment to
the Constitution -- the amendment which contains the equal protection
clause -- also provided for the operation of segregated schools in
the District of Columbia. This is proof-positive evidence that
the Congress did not intend to prohibit segregation by the 14th
Amendment.

The Supreme Court admitted in its opinion in the school cases
that "education is perhaps the most important function of State and
local governments." But the Court failed to observe the constitu­
tional guarantees, including the Tenth Amendment, which reserve
control of such matters to the States.

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If the Supreme Court could disregard the provisions of the Constitution which were specifically designed to safeguard the rights of the States, we might as well not have a written Constitution. Not only did the Court disregard the Constitution and the historical evidence supporting that revered document, it also disregarded previous decisions of the Court itself.

Between the decision in Plessy v. Ferguson in 1896 and the reversal of that opinion on May 17, 1954, a hundred fifty-seven cases were decided on the basis of the separate-but-equal doctrine. The United States Supreme Court rendered 11 opinions on that basis; the U.S. Courts of Appeals 13; U.S. District Court 27; and State Supreme Courts, including the District of Columbia, 106.

Such disregard for established doctrine could be justified only if additional evidence were presented which was not available when the earlier decisions were rendered.

No additional evidence was presented to the Court to show the earlier decisions to be wrong. Therefore, the decision handed down on May 17, 1954, was contrary to the Constitution and to legal precedent.

If the Court can say that certain children shall go to certain schools, the Court might also soon attempt to direct the courses to be taught in those schools. It might undertake to establish qualifications for teachers.

I reject the philosophy of the sociologist that the Supreme Court has any authority over local public schools, supported in part by State funds.

The Court's segregation decision has set a dangerous precedent. If, in the school cases, the Court can by decree create a new constitutional provision, not in the written document, it might also disregard the Constitution in other matters. Other constitutional guarantees could be destroyed by new decrees.

I respect the Court as an institution and as an instrument of Government created by the Constitution. I do not and cannot have regard for the nine justices who rendered a decision so clearly contrary to the Constitution.

The propagandists have tried to convince the world that the States and the people should bow meekly to the decree of the Supreme Court. I say it would be the submission of cowardice if we fail to use every lawful means to protect the rights of the people.

For more than half a century the propagandists and the agitators applied every pressure of which they were capable to bring about a reversal of the separate-but-equal doctrine. They were successful, but they now contend that such methods are unfair. They want the South to accept the dictation of the Court without seeking recourse. We shall not do so.

I hope all the people of this nation who believe in the Constitution -- North, South, East and West -- will support every lawful effort to have the decision reversed. The Court followed textbooks instead of the Constitution in arriving at the decision.

We are free, morally and legally, to fight the decision. We must oppose to the end every attempt to encroach on the rights of the people.

When the Court handed down its decision in the school segregation cases, it attempted to wipe out constitutional or statutory provisions in 17 States and the District of Columbia. Thus, the Court attempted to legislate in a field which even the Congress had no right to invade. A majority of the States affected would never enact such legislation through their legislatures. A vast majority of the people in these States would staunchly oppose such legislation.

Legislation by judicial decree, if permitted to go unchallenged, could destroy the rights of the Congress, the rights of the States and the rights of the people themselves.
The people and the States must find ways and means of preserving segregation in the schools. Each attempt to break down segregation must be fought with every legal weapon at our disposal.

At the same time, equal school facilities for the races must be maintained. The States are not seeking to avoid responsibility. They want to meet all due responsibility, but not under Court decrees which are not based on law.

I hope a greater understanding of the problem which has been thrust upon the South and the nation will be sought by our colleagues who do not face the segregation problem at home. Other problems of other areas require consideration and understanding. I shall try to give full consideration to them.

All of us have heard a great deal of talk about the persecution of minority groups. The white people of the South are the greatest minority in this nation. They deserve consideration and understanding instead of the persecution of twisted propaganda.

The people of the South love this country. In all the wars in which this nation has engaged, no truer American patriots have been found than the people from the South.

I, for one, shall seek to present the views of my people on the floor of this Senate. I shall fight for them in whatever lawful way I can. My hope is that consideration of our views will lead to understanding and that understanding will lead to a rejection of practices contrary to the Constitution.

The End