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Sherrmonds' second draft of
manifesto — this was turned over
for consideration by drafting committee.

STATEMENT ON THE SUPREME COURT DECISION OF MAY 17, 1954, IN THE
SCHOOL CASES.

We have individually devoted a great deal of serious thought to the Supreme Court's decision of May 17, 1954, in the school segregation cases. We condemn the illegal and unconstitutional decision of the Court. In solemn unity and determination, we shall fight for the preservation of the Constitution under which we hold office by will of the people.

The Constitution does not mention education. The control of public schools, therefore, is reserved to the States and the people. Parents should not be deprived of the right to guide and regulate the lives of their own children.

The Congress which framed the Fourteenth Amendment had no conception that it prohibited separate public facilities which were equal. The States ratified the Amendment without any such understanding. The Courts ruled on that basis in numerous cases from 1896 to 1954. The people accepted that doctrine through the years.

The evidence presented to the Court in the school cases made clear that the 39th Congress, in writing the 1866 Amendment, did not intend that it should apply to public schools. The same Congress enacted legislation to provide for the operation of segregated schools in the District of Columbia.

Thirty-seven States comprised the Union in 1868 when the Amendment was ratified. Twenty-six of the 37 continued to operate segregated schools or established them by subsequent legislation.

The Supreme Court, itself, beginning with *Plessy v. Ferguson* in 1896, ruled that separate public facilities which were equal did not deny a person equal protection of a State's laws. A total of 157 similar decisions re-affirmed this same doctrine.

In 1927, Chief Justice Taft, a former President of the United States, delivered the unanimous opinion of the Court in *Gong Lum v. Rice*. He re-affirmed the principle involved here by declaring that the matter "is within the discretion of the State in regulating its public schools and does not conflict with the Fourteenth Amendment."

Through the years, the people of the nation accepted the doctrine, but the Court wilfully, arbitrarily and illegally reverse the law of the land.

In view of the foregoing:

We re-affirm our reliance on the Constitution as the fundamental law of the land.

We decry the Court's encroachment on the rights reserved to the States.

We call upon our colleagues to join us in resisting invasion of the legislative field by the Judicial Branch of the Government. The Court must not usurp legislative power which belongs to the States and to the Congress, the Congress, itself, not having authority to regulate the public schools in the States.

We commend as truest patriotism the actions of the States which have adopted resolutions of interposition. Interposition is the use by a sovereign state of every lawful means to prevent the Federal government from carrying out its actions. In this position the State exercises its authority, granted by the Constitution, to take such legal steps as it deems appropriate to protect state sovereignty and the rights of the people. Interposition is a positive means by which the States can act to block the enforcement of the Court's decision.

We urge other affected States to take strong measures and to enact similar resolutions to present a solid front with their sister States against the illegal and unconstitutional action of the Court. Such action, if permitted to go unchallenged, could destroy the rights of the Congress, the rights of the States, and even the rights of the people themselves.

We pledge the States our support in using every lawful means of resistance against the decision of the Court.