MR. MINIFIE: Senator, what is the difference between the present Supreme Court order on segregation and the 1896 decision calling for separate-but-equal facilities?

SEN. THURMOND: I am glad you asked that particular question because there are many major differences, all of which point with favor to the 1896 decision. First, the 1954 decision is without color of law under the Constitution. It is without legal precedent, upon which both our English and American systems of law are strongly based. It overturned approximately 75 federal court decisions, including one by the Supreme Court itself. It completely violated every concept of States Rights and the 10th Amendment to the Constitution. This amendment reserves to the States and the people all powers not specifically delegated to the federal government by the Constitution. There is no mention of federal responsibility for schools contained in the Constitution. After shoving aside the 10th Amendment and the separate-but-equal rulings of their learned and distinguished predecessors on the bench, the court then turned to the writings of psychologists and sociologists for some of its major points in its 1954 decision. I also look upon the 1954 decision as being an attempt by the court to legislate by judicial decree. And, this concerns me very much because I am a strong believer in Constitutional government and adherence to the principles of government as laid down by our country's founding fathers. They provided for the separation of powers in our government into three main branches—the executive, legislative, and judicial. A system of checks and balances was set to maintain
this separation of powers and to keep one branch from encroaching upon the powers of another. In recent years, there has been a dangerous trend toward a centralization of powers, and the encroachment of one branch on the powers of another—both in violation of the Constitution. The 1954 Segregation decision is a prime example of one branch exercising its powers to do what another branch has not seen fit to do and also the exercise by the federal government of powers reserved to the States.

MR. MINIFIE: Senator, you have mentioned the 10th Amendment to the Constitution in regard to States Rights. What about the 14th Amendment guaranteeing equal rights under the law and on which the Supreme Court decision was based?

SEN. THURMOND: This gets back to the question, Mr. Minifie, of the separate-but-equal doctrine. The 1954 court said that something cannot be equal if it is separate. The 1896 court recognized that facilities could be separate and still equal. Perhaps we can best interpret the meaning of the 14th Amendment by checking on the intent of the framers of this amendment. The 39th Congress—the one which framed and proposed the 14th Amendment—established separate schools in the District of Columbia, the seat of our nation's capitol. The preponderance of evidence contained in the briefs presented by South Carolina before the Supreme Court in 1954 showed that the Congress which approved the 14th Amendment and the States which ratified it did not understand it as applying to segregation in the schools. Of the 37 States to which the amendment was submitted, only 5 abolished or prohibited segregation in their schools when they ratified the amendment; and there is no evidence they did so because they thought the amendment required such action rather than as a matter of local educational policy. Of these 5, 3 later established
segregated schools after the 14th Amendment had become a part of the Constitution. I might point out here that the court saw fit largely to disregard this and other well-documented evidence regarding the intent behind the amendment.

MR. MINIFIE: What is the numerical ratio of Negroes to whites in South Carolina, and in the South generally?

SEN. THURMOND: According to the latest census figures in South Carolina, we have approximately 2,117,000 white persons and 1,900,000 Negroes. This means approximately 42 per cent of our population is composed of Negroes. As you recall, Mr. Minifie, one of the school segregation cases arose in a South Carolina school district named Summerton. There the Negroes outnumber the white students 9-1. Similar ratios exist in a number of our low-state counties and school districts. In some other Southern States the ratios on state levels are both higher and lower than in South Carolina. In Mississippi, for instance, the Negroes comprise 47 per cent of the population. In the District of Columbia, Negroes outnumber whites in the public school system on a 60-40 ratio.

MR. MINIFIE: Why do Southerners object to white and Negro students going to school in an integrated school system?

SEN. THURMOND: We object for a number of reasons. For one thing, we believe in Constitutional government and States Rights, and forced integration would violate the rights of the States. We see in this decision a clear violation of the principles for which we stand. Next, we in South Carolina have provided our Negro and white school children with equal facilities. In less than 4 years, South
Carolina has spent $150 million on new schools -- 60 per cent of them for Negroes. Twice as much per capita income has been spent for Negro school facilities. In fact, South Carolina leads the nation in the percentage of personal income devoted to school construction. I might add also that during my term as Governor, school teacher salaries were equalized. Next, I might refer you to an article that appeared in Harper's Magazine/which outlined some of the principle reasons why integration is not feasible. It was written by one of our most distinguished editors, Mr. Thomas Waring of the Charleston News and Courier. Mr. Waring said integration brings out a clash of cultures between the two races. In particular he pointed to differences in health, home environment, marital habits, crime, and intellectual development. It is also evident that integration efforts will create unwanted trouble and tensions among the people of both races who have lived for so many years in general harmony. Another important reason for opposition to integration is that the ultimate stated purpose of the integrationists is inter-marriage of the races.

MR. MINIFIE: In view of the Supreme Court's ruling, what alternatives would the Southern States suggest?

SEN. THURMOND: We would suggest a return to strong Constitutional government and a reversal of this and other recent actions by the federal government which clearly violate the Constitution and rights reserved of the States. The States were in existence first and created the federal government. In so doing/they
reserved to themselves as sovereign powers/all powers not specifically delegated. Segregation is a local custom within the bounds of State jurisdiction. I suggest as an alternative/that the federal government reverse its stand and give due respect to the rights of the States/in all matters coming under state control/and outside the jurisdiction of the federal government.

END