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Address to state convention of the United Daughters of the Confederacy

Strom Thurmond

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ADDRESS OF SENATOR STROM THURMOND (D-S.C.) TO STATE CONVENTION OF THE UNITED DAUGHTERS OF THE CONFEDERACY AT WINTHROP COLLEGE IN ROCK HILL, SOUTH CAROLINA, 8 P. M., OCTOBER 17, 1957.

This is an age of wonders. It is the atomic age and we stand at the threshold of an even more wonderful age in which man is about to learn the secrets of outer space.

But sadly, I must say also, the people of the United States are facing what could be a second tragic era if the Federal Government persists in following the policies it has adopted with reference to the rights of the States.

I hope and pray that the Federal Government will cease its unwise, unnecessary, and unconstitutional actions and avoid dragging our people into a second tragic era.

We of the South are a proud people. We come from a stock that has never flinched even in the face of defeat or rule by federal bayonets.

No one should be mistaken or misled. We are going to fight as long as we have breath, for the rights of the States and for the rights of our people under the Constitution of the United States.

Many of our leading national figures—including leaders of the Democratic National Party—have made a practice of insulting the South and striking at the heart of our institutions established under the Constitution. I want to remind these leaders of the contribution the South has made to the building of this nation.

The Southern States first issued the call for a Declaration of Independence. It was the great Southerner, Thomas Jefferson,
who wrote that immortal document, what the sage of Monticello proclaimed by pen, another great Southerner, George Washington, won with his sword.

After we had won our independence, we were without the machinery of government to preserve and perpetuate it. From the South came the movement that resulted in the Constitutional Convention of 1787. Washington presided over that convention. The main principles which the delegates wrote into the Constitution were taken from plans drafted by James Madison of Virginia and Charles Pinckney of South Carolina.

We have only to read the proceedings of the Constitutional Convention to know the part played by the States we represent in creating our Government.

Of the first 25 Presidents, the South contributed 10. In those critical formative years of our Republic, Southern Presidents held the reins of government for 53 years.

Not only in the affairs of government, but in economics, in science, in social development, in education, in religion, and in every field of endeavor that contributes to human progress, the South has made its full contribution in the building of our country.

Our progress was set back many decades by the War Between the States and when the war was over, we were subjected to the bitter Reconstruction Period. We experienced first hand the ordeal of a conquered and occupied land. Our economy was destroyed, and we had to rebuild on the foundation of a shattered civilization.
Throughout the whole period which has elapsed since the Reconstruction, we of the South, and we alone, have cared and provided for the Negroes in our midst. The progress which has been made by that race is a tribute to the efforts of Southerners, and of Southerners alone.

The people of the South—whites and Negroes together—have succeeded in lifting themselves to a new and high standard of living in spite of the many handicaps which have been placed in our way.

Until the agitation of recent years, the people of the South—white and Negro alike—knew and respected each other. They understood each other.

Our racial relations have been excellent and violence is abhorred by the white Southerner as much or more than by the persons of any race anywhere.

We must not let the pressures which have been exerted upon us destroy the understanding which so long existed between the white and Negro races in the South. Violence can not be condoned. Violence must be prevented. The States must punish lawbreakers.

But neither South Carolina nor any other State needs the assistance or the interference of the Federal Government to protect its citizens. The power of the Federal Government should not be exerted to interfere in the affairs of any State.

If a Governor should need the help of the Federal Government to preserve the peace, the Constitution provides that he shall call upon the President to provide the assistance required.
The use of federal troops to force the integration of the races at Central High School in Little Rock, Arkansas, was ill-conceived, ill-handled, and certain to be ill-fated in its result.

On February 16, 1957, United States Attorney General Brownell, the chief architect of the administration's integration program, appeared before a subcommittee of the Senate Judiciary Committee to testify in favor of the so-called civil rights bills then pending before the Committee.

A member of the staff of the subcommittee pointed out that both the Republican and Democratic political platforms of 1956 contained provisions against the use of force in segregation cases. The Attorney General was then questioned about the use of military force for the enforcement of civil rights laws.

Here is what the Attorney General said in reply to the questions:

"I am rather disturbed by you even raising these points, because, as I said so many times, public statements made by persons who intimate that there is any such thought in the minds of anyone here in Washington to use the militia in these cases does not represent the true state of facts, and I frankly think that the only reason it can be brought into the discussion at all is to confuse the issue.

"I do not know of any responsible public official
of any party of any branch of the Government that has made any statement that would even lead to an inference that there is any such thought in the minds of the Congress or the courts or the executive branch of the Government."

The Attorney General was then asked if it were possible under the statute being discussed to use troops. This was his reply:

"There are other statutes that would have to be considered in connection with that, and I think you will find the general rule is that the Governor of the State must request the President.

"We do not want to take away any supplementary aid which the Governor of a State may want."

The Attorney General further stated, "I think it is rather irresponsible to even bring it into these discussions."

Senator Ervin, of North Carolina, pointed out that in his opinion the civil rights bills then under discussion would provide the President with additional power beyond that already held under existing law to use the armed forces for the purpose of enforcing the laws.

The Attorney General threatened to leave the hearing at that point. Here is what he said:

"I believe there is in here an implication that the President of the United States would act recklessly if
not unconstitutionally, and I just cannot sit by and have the record contain any such implication of that.

"I really feel that this has gone far enough. It has no place in these proceedings, and I personally cannot stay here and allow any such implication to be drawn."

That was last February 16.

On July 17, 1957, the President stated at his news conference:

"I can't imagine any set of circumstances that would ever induce me to send federal troops into a federal court and into any area to enforce the orders of a federal court, because I believe that common sense of America will never require it."

On July 22, 1957, H. R. 6127, the so-called Civil Rights Bill, was being considered in the Senate. The question of the old force statutes of the Reconstruction Period had been thoroughly debated. The unanimous feeling of the Senate against the use of troops for the enforcement of civil rights laws was made dramatically clear.

The Senate voted 90-0 to remove from the statutes the authority for the use of troops to enforce civil rights laws. Even the House of Representatives, which passed the so-called Civil Rights Bill with the force provision in it, accepted this amendment of the Senate without complaint.

These points should be clear. The administration became angry when asked if troops might be used for the enforcement of
civil rights laws. The Congress had voted to remove the authority of the old force laws from the statute books. The Courts had not requested the use of troops for the enforcement of their decrees.

Nevertheless, the administration, which had scoffed at the idea it would exercise such power, on September 24, 1957, ordered troops to enforce the order of the Federal Court at Little Rock to integrate the races at Central High School.

Three sections of Chapter 15 under Title 10 of the United States Code were relied upon for authority to use the battle-trained paratroopers for law enforcement.

The Federal Government superimposed itself upon the sovereignty of Arkansas. Military rule was imposed upon Little Rock. Bayonets and rifle butts were used upon the citizens. Racial mixing was substituted for education.

The inevitable result was and has been the increasing of racial tension not only in Little Rock, and not only in Arkansas, but throughout the nation.

The order issued by the Federal Court at Little Rock for the integration of the Negro children into the white school was based upon the decision of the United States Supreme Court which was handed down on May 17, 1954.

That decision was based on the opinions of psychologists and sociologists rather than on the Constitution.

The Supreme Court sought to find justification for ruling against racial segregation in the public schools by asking certain
questions about the 14th Amendment to the Constitution during the hearings in the school segregation cases. However, the answers provided the Court were not to its liking, so the evidence presented was disregarded.

The preponderance of evidence presented in the briefs showed that the Congress which approved the 14th Amendment, and the States which ratified it, did not understand the Amendment as prohibiting racial segregation in the schools.

There were 37 States in the Union when the Amendment was submitted. A total of nine States did not have segregated schools and two abandoned them permanently after ratification of the Amendment.

On the other hand, 26 States were either operating segregated schools and continued to operate them or else established or re-established segregated schools after ratification of the Amendment.

The 39th Congress, which drafted the 14th Amendment, itself provided further evidence that it did not intend for the Amendment to be used to abolish segregation in the schools. That same Congress provided for segregated schools in the District of Columbia and for the establishment of Howard University, an institution exclusively for Negroes.

In addition to all the evidence that the 14th Amendment was never intended to apply to segregation in the public schools, many authorities believe the Amendment was never legally ratified. Of the 37 States in the Union on July 20, 1868, when the
proclamation was issued by the Secretary of State proclaiming the ratification of the 14th Amendment, the vote of 28 States was necessary to make the Amendment legally a part of the Constitution.

Ten States in the South—Texas, Arkansas, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, and Louisiana—rejected the 14th Amendment by action of their Legislatures. Four other States—Kentucky, California, Delaware, and Maryland—failed to ratify the Amendment. Also, New Jersey and Ohio rescinded their ratifications before the required total number of States had completed ratification.

This made a total of 16 States out of the 37 in the Union, failing to ratify the Amendment. Only 21 States, of the 28 needed, ratified voluntarily.

But Congress passed a law in 1867 forcing the ten Southern States to ratify the Amendment before their Representatives could take their seats in Congress at the next session. This law was passed over the veto of President Andrew Johnson, who had publicly denounced the law as unconstitutional.

When the Secretary of State announced the ratification of the 14th Amendment he pointed out that Ohio and New Jersey had rescinded their earlier ratification. Also, he stated that he was not authorized "to determine and decide doubtful questions as to the authenticity of the organization of State legislatures or as to the power of any State legislature to recall a previous act or resolution of ratification."
Even if the 14th Amendment were legally ratified, the fifth section of the Amendment must be considered. It provides that:

"The Congress shall have the power to enforce by, appropriate legislation the provisions of this Article."

Congress has never exercised the power contained in that provision of the 14th Amendment to enact legislation for the purpose of destroying segregation in the public schools. Congress has never by legislation interpreted the "equal protection" provision of the first section of the Amendment or any other part of the Amendment to apply to segregation in the public schools in the States.

In spite of all this evidence, the Supreme Court rendered its unconstitutional decision on May 17, 1954.

Even while the school segregation cases were being heard by the Supreme Court, it was predicted that a generation of litigation would result if the Court attempted to end racial segregation in the public schools.

To my regret, I must say that today the prospects of a generation of litigation would be welcome in comparison with the second tragic era into which we have been plunged by the use of federal troops to enforce integration in our public schools at the point of bayonets.

The President should immediately withdraw the federal troops from Little Rock. He should return the Arkansas National Guard to its normal status of State militia.
He should direct the Attorney General to withdraw from Little Rock all federal agents not normally assigned to that city. He should leave to the Governor of the State and to other duly empowered officials of the State, the city, and the school district, the matter of administering school affairs in Little Rock.

I am sure that tranquillity would soon return to the community if the Negro children who have been used as pawns in this game of power politics were transferred from the 30-year-old Central High School back to the new million-dollar Negro School with the 700 other Negro pupils in attendance there.

The people of Arkansas decide whether their duly elected and appointed officials are properly performing their duties. Neither the President of the United States nor the Attorney General has the Constitutional authority to make such a determination. The sovereignty of a State rests in the hands of the people.

During my fight in the Senate to prevent the passage of H. R. 6127, the so-called Civil Rights Bill, I stated:

"The laws of the nation are dependent upon the customs and traditions of the people. Unless law is based upon the will of the people, it will not meet with acceptance."

I believe that the result of the seizure of Little Rock by federal troops proves that Executive actions should not be taken without regard for the customs and traditions of the people.

In view of what has happened since the Supreme Court decision of 1954, let us examine the reason for the game of power politics
which has made pawns of innocent children. I think that Stewart Alsop, the newspaper columnist, stated the simple facts of the case most succinctly in an article published during August.

He said that "behind the shifting, complex, often fascinating drama of the struggle over civil rights, there is one simple political reality—the Negro vote in the key industrial States in the North. That is, of course, in hard political terms, what the fight has been all about."

The 1956 political platforms of both the Democrats and the Republicans contained planks supporting the Supreme Court decision in the school segregation cases. Both political parties fear the bloc voting of minorities in the pivotal States.

Both parties want to be in position to claim credit for the advancement of what has been called civil rights. Both parties want to capitalize on the Supreme Court decision and on the passage of the so-called Civil Rights Bill this year. They hope to benefit in the Congressional elections of 1958 and then to extend those gains into the Presidential election of 1960.

Mr. Stevenson, the defeated Presidential candidate of the National Democratic Party in 1952 and 1956, fully approved the action of the President in sending federal troops to Little Rock. On September 24 he declared in a statement that "the President had no choice... federal power must in this situation be used to put down force."

On September 29 at Chapel Hill, North Carolina, he again expressed approval of the President's action. He also criticized
the President for not having taken a strong position for civil rights enforcement before the Little Rock seizure.

Democratic National Chairman Paul M. Butler, on September 17, 1957, declared that "the Democratic Party will not pull back", from its position approving the decision of the Supreme Court in the school segregation cases. His statement was made in Raleigh, North Carolina, after a two-day conference with 60 Democratic Party officials from nine Southern States.

Mr. Butler also stated that the possibility of a third political party being organized would not prevent the Democratic Party from taking a strong stand on civil rights. Mr. Butler criticized the President for not taking a more courageous stand on integration.

Thus the people of the South find themselves in the position of being persecuted by both political parties.

They want to offer us as a sacrifice in return for the bloc votes of minorities who exert their influence through pressure and propaganda in the pivotal States of the North.

As long as we permit ourselves to be led meekly to the sacrificial altar of politics and offered up to appease the minority blocs, we deserve no respect or consideration.

The only consideration that will be given to our views will be that given to secure our votes if the national parties believe they need our support.

In South Carolina, there is no hope in the Republican Party. But there should be hope in the South Carolina Democratic Party.
The officials of the South Carolina Democratic Party should demand that the National Party give consideration to the principles of the South Carolina Democratic Party. The National Democratic Party should be called upon to dismiss the present National Chairman. He has made it absolutely clear that he is not interested in the views of the South.

As Chairman, it is his duty to represent the interests of all Democrats in every State, not just the Democrats who want to integrate the schools. The National Democratic Party cannot truly represent the best interests of all the Democrats in every State unless its Chairman is willing to listen to the views of our people. The present Chairman has proved that he does not qualify.

On the same day that the National Chairman declared that the Democratic Party would not compromise on civil rights, the South Carolina State Chairman was quoted in news reports as demanding that the National Chairman resign or be fired. Two days later on September 19 the State Chairman was quoted by The Associated Press as denying that he asked for the removal of the National Chairman.

If the State Chairman demanded the resignation of the National Chairman, he should stick by that demand. If he has not made such a demand, he should now do so officially. This is no time for passive resistance. This is a time for massive resistance against the insults and disregard of the National Party.

State Democratic Parties are independent bodies and not subject to the dictation of the National Party. The State Party
cannot be committed to any course of action not approved by the State Democratic Convention.

However, the officers of the State Party should secure from the Democratic National Committee a positive statement on whether the National Party is willing to give real consideration to the views held by South Carolina Democrats. The reply of the National Party should be given immediate publicity, so that every Democrat will have an opportunity to know what is to be expected from the National Party.

Then South Carolina Democrats can go to their precinct meetings and elect delegates to carry out their wishes at the County Conventions. The County Conventions can elect delegates to the State Convention who will stoutly support the principles of the South Carolina Democratic Party.

Delegates at the State Convention, composed of such real Democrats, would take appropriate action in choosing delegates to the National Convention and in other matters which might be considered.

Whatever course of action South Carolina Democrats decide upon in 1958 and in 1960 must be determined on the basis of the information available at the time of the State Conventions. Due consideration must be given to the actions of the National Democratic Party between now and then.

I would not, and should not, attempt at this time to predict what course the South Carolina Democratic Party will take in the
next election. As time goes by, I expect to have further comments to make on this subject.

Failing to secure proper recognition from the National Party, South Carolina Democrats will have to choose a course to meet the situation in 1960. The South Carolina Democratic Party should not hesitate to pursue whatever course is deemed to be in the best interests of the people of our State.

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