

STATEMENT BY SENATOR STROM THURMOND (D-SC) IN THE SENATE  
WITH REFERENCE TO UNITED STATES SUPREME COURT, JULY 31, 1957.

Mr. President, I ask unanimous consent to have printed in the ~~Appendix of the~~ Record three newspaper articles which have come to my attention.

The first article is from the State in Columbia, South Carolina, and was published July 26 under the headline, "Self-preservation: US Bar Group Urges Legislation to Overcome Top Court Decisions." The second article, by the noted writer, Mr. David Lawrence, appeared in the Washington Evening Star on July 26 under the headline, "Jurists Look at Supreme Court." The third is a news story which appeared in the Washington Evening Star on July 25 under the headline, "Mallory Ruling Held Invitation to Crime."

Mr. President, each of these newspaper articles points up sharply the need for restrictions to be placed on the powers of the Supreme Court.

The first article describes the action of the American Bar Association's Committee on Communism in calling for legislation to overcome the effect of recent Supreme Court decisions. The Committee recommended legislation:

1. To protect confidential FBI files.
2. To insure the freedom of Congressional committees to investigate Communism.



3. To approve the right of the Federal Government to discharge persons who are security risks from any position.
4. To give the Justice Department the right to question aliens awaiting deportation about any subversive associations.
5. To correct the impression that the Smith Act was not intended to prohibit the advocating and teaching of forcible overthrow of the government as an abstract principle.
6. To permit educational institutions to exclude persons who refused to testify fully about past Communist activities.

The article by Mr. Lawrence related the action taken by a substantial number of the Chief Justices of State Supreme Courts in a recent meeting. They approved a resolution offered by Chief Justice Norman F. Arterburn of Indiana which condemned usurpation of the United States Supreme Court of fact-finding functions. It also condemned the Supreme Court for encroachment upon the rights of State Courts. The resolution declared:

"Decisions which are not founded on sound legal principles ~~are~~ <sup>or</sup> common sense tend to undermine confidence in the Judicial System and respect for the Courts."

The article on the Mallory case quoted Washington's Chief of Police as describing the ridiculous problems created by the Supreme Court's decision in the Mallory case. Police Chief, Robert V. Murray, cited four specific points to show the undue difficulties created by the decision.

Mr. President, I believe the gravity of the situation with reference to the recent decisions of the Supreme Court



(68-22)

are clearly pointed up by these criticisms coming from three distinct legal groups: The American Bar Association, the Chief Justices of the State Courts, and the Chief of Police in the Federal District. <sup>They</sup> all have vital stakes in protecting the public from ordinary criminals and from those who would destroy our very Government.

I have introduced a bill to limit the appellate power of the Supreme Court, and a number of other bills of similar nature have also been introduced. I hope the Court will take action on this very important matter before adjournment. We should <sup>not</sup> permit the Court to continue on its present course uncurbed.

END