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Statement opposing civil rights bills pending before the Constitutional Rights Subcommittee of the Senate Judiciary Committee

Strom Thurmond

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STATEMENT OF SENATOR STROM THURMOND OF SOUTH CAROLINA IN OPPOSITION TO CIVIL RIGHTS BILLS PENDING BEFORE THE CONSTITUTIONAL RIGHTS SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE, MARCH 4, 1957

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE:

My purpose in appearing here today is to state my opposition to the so-called civil rights bills now pending before this subcommittee. On February 26, I appeared before the subcommittee of the House of Representatives which is also considering similar bills. At that time I made a lengthy statement which I wish to request be made a part of the record of the hearings of this committee. I shall make only a few remarks concerning the pending bills.

The proposals embodied in the so-called civil rights bills pending before this committee are:

1. Unconstitutional generally,
2. Unneeded entirely, and
3. Unworthy of consideration by the Congress.

As a general class, these bills are unconstitutional because they attempt to usurp or infringe upon the rights of the States as guaranteed by the United States Constitution. We must never forget that all the power held by the Federal Government is power that was granted to it by the States in the Constitution.

Only those powers specifically delegated by the States to the Federal Government in the Constitution are within the scope of federal authority. There is no inherent authority on the part of the Federal Government.

Even the United States Supreme Court ruled against such a generalization when President Truman attempted to employ that
argument in the steel seizure case in April 1952.

It is true that the Congress has the power to make laws in the fields listed in the Constitution. However, in matters which would infringe upon the rights of the States, the Congress is barred, just as the President, from legislating on any theory of inherent authority, or, as the Supreme Court has in effect legislated, on the basis of "changing times."

In the statement which I have requested be made a part of the record, I have pointed out in some detail the effective coverage and operation of the laws of the States in the fields under consideration in these bills. Even if such legislation were constitutional, there would be no reason or necessity for federal legislation.

The States are doing a better job of using their police powers appropriately than could ever be done by a department or agency of the Federal Government. Public officials on the scene can best administer the law.

In all the hearings of this and the 84th Congress on these so-called civil rights proposals, I have found no good and valid reason for their enactment. No substantial evidence has been presented to show, even if the bills were constitutional, that they are needed.

The unworthiness of such legislation is demonstrated by the fact that political leaders in both parties intensified their drive for the bills after the election returns last fall indicated a shifting of bloc votes. One party then seized upon this type of legislation as a means of persuading the so-called minorities that they should continue to support that party. The other party,
sensing the importance of the shift politically, decided to make an even greater play for the minority bloc votes.

What each political party should be doing is to devote itself to constitutional government, so that no citizen anywhere in this country would have to support candidates purely on a sectional basis. Disregard for constitutional principles forces division along sectional lines.

Those who propose unconstitutional schemes are responsible for sectional divisions, not those who defend against them.

At this very time the Congress is considering a resolution which is designed to present a united American front to the world. Foreign dictators must realize that Americans join hands in emergencies, regardless of domestic difficulties and divisions.

However, these so-called civil rights bills tend to divide Americans. They have added to the tensions and unrest which did not exist until recent unconstitutional decisions of the Supreme Court destroyed the faith of a great many people in the Court.

Propagandists have tried to sell the American people on the idea that the defeat of these bills would provide Russia with new arguments against us. That is not a valid reason in favor of the bills. If we permit Russia to control our domestic policy by deferring to what she might say about us, then we shall have bowed to the dictates of communism.

Instead of considering what Russia might say, we should be concerned with the mandate given to the Congress by the people of the United States in ordaining the Constitution as the basic law of the land.
Americans will stand together against communism. But we who believe in constitutional government cannot stand with those who advocate these vicious proposals now before the committee.

Mr. Chairman, I hope this committee will vote against these bills. I urge that this be done and that a start be made to restore constitutional guarantees instead of further tearing them down.