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Radio script of Senator Strom Thurmond (D-SC) on trial by jury and auto insurance over-charges, recorded 1957 March 28

Strom Thurmond

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MY FRIENDS AND FELLOW CITIZENS:

During the past two years, and especially this year, we have heard a great deal of noise from liberal elements in this country advocating the enactment of stronger so-called civil rights laws.

But in all this furor, neither you nor I have heard any of the liberals calling for greater protection of the fundamental right of Americans to trial by jury. It may surprise some of you to know that in certain instances, under present laws, you might be denied the right of trial by jury. Nevertheless, that is the situation.

Article III, Section 2, of the Constitution guarantees that:

"The trial of all crimes, except in cases of impeachment, shall be by jury ..."

Further on in the Constitution, the right of trial by jury is spelled out in the Sixth Amendment. It states:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed ..."

In spite of these constitutional provisions, our federal laws do not provide the protection of trial by jury in all cases.

The accused person, under present law, is not entitled to trial by jury in contempt cases when he is charged with violation of a court order or injunction.

However, there is a special provision of the present law which guarantees trial by jury to persons charged with violation of
court orders in labor dispute cases.

Also, under present law, the accused does not have the right of trial by jury if the United States is a party to the case.

Thus, in effect, the Attorney General of the United States could instruct a District Attorney to prosecute all cases involving school matters, or any other matter, and thus deny the defendants their right of trial by jury.

Because of these denials of the right of trial by jury, I have introduced a bill in the Senate with Senators Eastland and Byrd to protect the constitutional right of trial by jury.

This bill would do two things. It would give every citizen the right now enjoyed by persons in labor disputes who violate injunctions. It would also give everybody the right of trial by jury in cases even when the United States was a party in the case.

The time has not come in this country when the end justifies the means in courts of justice -- and I do not believe such a time will ever come. I cannot visualize any situation under which it could be claimed that justice is best served by denial of jury trial, if the accused desires a jury to hear his case.

The bill I am co-sponsoring would extend the same right to every citizen. That is what the liberals claim they want in other matters.

During the past week, at hearings of the Auto Marketing Practices subcommittee, I learned that certain automobile insurance companies operating in South Carolina have over-charged policy holders. I wrote to State Insurance Commissioner R. Lee Kelly and
called this matter to his attention.

If you are now, or have been, insuring your automobile with the Calvert Fire Insurance Co., the Emmco Insurance Co., or the Service Fire Insurance Co., you should write the company and ask if you have made any over-payment on your premiums. These companies have written more than 15½ million dollars in direct premiums in South Carolina in the past six years.

The subcommittee of which I am a member learned that overcharges for auto insurance on a 3-year term of financing could have amounted to as much as $125, in some instances. Some refunds have been made by the companies, but the letters they sent out were so vague that you might not have understood you were due a refund. I urge you to check up on whether you are due to receive money back.

This is Strom Thurmond in Washington. Thank you for listening and this station for making this time available each week.