Mr. President:

One of the most damaging blows to Constitutional government in the United States was struck last September at Little Rock, Arkansas, when the President of the United States, over-riding the Constitution and the police power of local government, sent Federal troops into that city to bring about, by force, racial integration in Central High School.

It was a tragic incident. In the months that have passed since, I hope that the Administration has seen the error of its ways, so that it will not compound its blunder by repeating it.

Last year, the Congress passed an unwise, unnecessary, and unconstitutional bill referred to as the civil rights act, establishing a commission to study and make recommendations in this field. It may be that this commission will prove to be a potent force in establishing Federal policy. Quite frankly, I hope not, because I believe that this commission can do no good and may do much harm. However, I am facing facts. This is a powerful commission, and it may become an influential force in the Federal government.

When Mr. Gordon Tiffany appeared before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, the distinguished Senator from North Carolina (Mr. Ervin), recognizing the severe damage to the Constitution done by the reckless use of Federal troops, posed this question to Mr. Tiffany:
"Mr. Tiffany, do you favor the use of the Armed Forces to enforce so-called desegregation decrees of the Federal district courts?"

The record of the hearing shows that Mr. Tiffany was reluctant to give a direct answer to this question. He stated, first of all, that he believed the question to be irrelevant to the subject at hand. He qualified his answer most carefully. The Senator from North Carolina was persistent. After a time, Mr. Tiffany made this reply:

"Senator, I think the use of force is something that should be invoked only in extreme situations, as a very last resort. Because, in a field of this kind, where tensions may be high, the use of force can have far-reaching effects far beyond those in contemplation of any man. The circumstance may arise where such use might be unavoidable. All we can do is just pray that doesn't happen."

This may seem, at first glance, to be a moderate, restrained statement. It is almost as restrained as the remark made by the President about two months before he signed his infamous Executive Order sending the troops to Little Rock. At his news conference, the President said:

"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 the common sense of America will never require it."

The President could not imagine any set of circumstances where the armed invasion of a sovereign state would be necessary. Mr. Tiffany would invoke the use of force as "a very last resort."

And what is the "last resort"?

This question, too, came up at the Subcommittee's hearing. Mr. Tiffany replied:
"I would say that any determination of the use of force and what is the 'last resort' which might justify such determination is to be made by the person that has the authority to use that power."

In short, Mr. Tiffany holds that if the President believes the use of force is justified, if the President thinks that he has come to the "last resort," then the President should use force.

I believe I have fairly stated Mr. Tiffany's views, and that they are similar to the views held by the Administration last September prior to the invasion of Little Rock.

Now that I have given you the views of Mr. Tiffany and the Administration, I would like to spend a short while giving you the Constitutional viewpoint on the use of Federal troops to enforce racial integration.

I have a great and abiding interest in all of the devices established by government for the purpose of protecting the rights of individual citizens. In the final analysis, the purpose of all government is -- or, at least, should be -- to safeguard the individual in his inalienable right to life, liberty and the pursuit of happiness.

It is fundamental, in our system of local self-government, that the person who believes his individual rights have been abridged should appeal first to authority close at hand; indeed, his first recourse will ordinarily be to the policeman at the corner. If the corner policeman cannot give satisfaction, an appeal to higher authority is in order. But the sane and logical thing, in almost every case, is that disputes among neighbors are settled in the neighborhood.
STATEMENT BY SENATOR STROM THURMOND RE CONFIRMATION OF GORDON TIFFANY AS STAFF DIRECTOR, CIVIL RIGHTS COMMISSION, MAY 14, 1958

MR. PRESIDENT:

When this body confirmed the President's nominations to the Commission on Civil Rights, on March 4, I placed myself on record as opposing the nominations. As I explained at the time, I did not do this because of any objection I might have had to the individuals nominated.

In my opinion, as I expressed it then and as I have expressed it on numerous occasions, the so-called civil rights bill which was passed in 1957 was unnecessary, unwise and unconstitutional. I believe that the Commission, set up under the provisions of this iniquitous bill, cannot accomplish any good and that it may result in great harm, create dissension and divide our people. In this period when unity is so urgently required, for these reasons, I shall therefore record my vote in opposition to the confirmation of the nomination of Gordon MacLean Tiffany as Staff Director of the Commission on Civil Rights.

For these reasons, and also, in view of the information revealed on the floor of the Senate today by the distinguished chairman of the Judiciary Committee and the Counter-Internal Security Subcommittee, I shall record my vote in opposition to the nomination of Mr. Tiffany as Staff Director of the Commission on Civil Rights.

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