

STATEMENT OF SENATOR STROM THURMOND (D-SC) UPON INTRODUCTION OF  
SUPREME COURT JUSTICE QUALIFICATION BILL ON SENATE FLOOR,  
JANUARY 29, 1959.

MR. PRESIDENT:

The recent decisions of the United States Supreme Court clearly indicate both a non-judicial approach and ignorance of existing conditions in the various sections of our country.

I believe the Supreme Court desegregation decision to be the outstanding judicial blunder of all times. This blunder was compounded last fall when the <sup>Members of the Court</sup> ~~the Court~~ ordered immediate integration at Little Rock, and in so doing, broke at least three historic precedents in judicial proceedings. First, they attempted to rule out private school plans when this case was not before the Court; second, they asserted that they made a certain statement in their 1954 decree which cannot be found there; and third, they affixed the signatures of three new Justices to the 1954 decision, although they were not present for the arguments and the decision in that case.

In the desegregation decisions, the Court has done irreparable harm to the country by application of a wholly unjudicial approach. Although I consider the decisions in the education field as the most outrageous examples of this approach, it is by no means the only example. It is only a part of the overall story.

The Court's usurpations have practically reduced sovereign States to mere political subdivisions of an oligarchy.

The Court has arrogated to itself powers rightfully belonging to the Congress. It has usurped powers of the Executive Branch.

It has thwarted efforts of both the Congress and the Executive Branch to insure the internal security of our country.

It has unleashed on society self-confessed rapists, murderers, and other criminals.

It has repeatedly substituted its <sup>opinion for the Constitution</sup> ~~judgment-for-what-the~~ and the law.  
~~Constitution-and-law-ought-to-be,-for-what-they-in-actuality-are-~~

It has shown a complete lack of knowledge of the underlying reasons for the doctrine of stare decisis.

The Congress, as the direct representatives of the people, has an obligation to protect the Constitution from those in positions of power who lack respect for that document and the principles of

government enunciated therein. Congress is also obligated to protect the American people from the judicial tyranny which flaunts the rights of every citizen of this country.

To continue to ignore the Supreme Court's abuses is to court disaster. Our obligation can only be discharged by facing the issue and dealing with it in unequivocal terms.

As one step in the direction of returning the Court to its proper sphere of activity, I send to the desk a bill to amend the criteria of qualifications for Supreme Court Justices.

*Begin* This bill would require as a prerequisite to appointment as Chief Justice or Associate Justice of the Supreme Court, a minimum of five years judicial experience on the District Court or Circuit Court of Appeals of the United States, or on an Appellate Court or Court of General Jurisdiction of one of the several States. It would further provide for a rotation of these appointees among the several judicial circuits of the United States.

I sincerely hope that this measure will be given early and favorable action by the Congress.

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