STATES' RIGHTS vs. FEDERAL TYRANNY

Founding Fathers Emphasized States' Rights To Preserve Liberty

THE greatest domestic issue facing the American people today is the problem of preserving the rights of the several States against ever-increasing Federal encroachment—States' Rights versus Federal tyranny.

Some would have us believe that States' Rights is no more than a time-worn cliche which a hundred years ago was used to promote Southern separatist aspirations and which now is employed as a device to facilitate the exploitation of racial minorities. We know that this is not so. States' Rights is an enduring and valid principle which transcends the issue of race and which has existed since long before there was a South.

For States' Rights is but the American term for the principle of local self-government, a fundamental and inalienable human right for which, over the centuries, our ancestors, both in Europe and in America, have fought and struggled and died. In the establishment of our Union, we recognized this right of self-government, we incorporated it in our written Constitution, and we gave it its American name of States' Rights.

But, important as this principle of local self-rule is, States' Rights is more than that. In our American constitutional system, States' Rights is the keystone of Individual Liberty. States' Rights is one of the two main principles which the Founding Fathers built into the Constitution to insure that Americans would be forever free.

The other principle relied upon by the Founders was, of course, the principle of Separation of Powers—the independence of the three coordinate branches of the Federal Government. These two devices, the Federal-State division of powers and the separation of the judicial, legislative and executive functions, constitute the basic framework of our system of checks and balances.

The ultimate objective of this checks-and-balances system, indeed the highest purpose of government, is the protection of the rights and freedom of the individual citizen—the promotion and preservation of individual liberty. "Liberty," said Lord Acton, "is not a means to a higher political end. It is itself the highest political end."

Therefore, in order for us to evaluate the importance of States' Rights in our political system, it is necessary that we examine States' Rights, not simply as a slogan or an interesting Southern political tradition, not simply as something in itself, but rather in relation to the ultimate political objective, which is individual liberty.

This is, of course, what the Founders had in mind. They were seeking means to insure that the newly-won individual liberties of the American people would be preserved. They knew full well that the greatest potential threat to the liberty of the individual lay in government. That is why they were insistent that the government they were setting up be limited and decentralized. They were determined not to create a power-apparatus which, however well it might work and however beneficent it might prove while in their hands, would someday become an instrument of tyranny over the people should it fall into the hands of evil or power-hungry men.

And, being realists, they knew that the power of government would—on many occasions, at least—fall into the hands of evil men of boundless ambition. They knew that the idea of a benevolent government, without checks, is a delusion. They knew the utter folly of setting up a government without limitations, in the reliance that good men would control it. Listen to the words of Patrick Henry:

"Would not all the world," he asked, "from the eastern to the western hemisphere, blame our distracted folly in resting our rights upon the contingency of our rulers being good or bad? Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty! I say that the loss of that dearest privilege has ever followed, with absolute certainty, every such mad attempt."

That is just what the Framers sought to do. By means of these two governmental devices, Separation of Powers and States' Rights, they sought to prevent that concentration of centralized power which they knew would be the death-knell of individual liberty in America. Liberty would be safe so long, and only so long, as these two principles remained intact and were scrupulously upheld.

We may express the Framers' thinking graphically in this way: The structure of our liberty rests upon these two supports, the twin pillars of States' Rights and Separation of Powers. So long as both these pillars stand, unimpaired, our liberties stand also. But if either one of these pillars be destroyed, or slowly
eroded away, then, surely and inevitably, the temple of liberty will come crashing down.

We are nearer to that eventuality than is generally realized. We are very near, dangerously near, to it. By processes which at first were gradual, but which in recent years have assumed a progressively increasing rate, the pillar of States' Rights has been almost completely eroded away, until what was once a sturdy and massive support of American freedom has been whittled down to a very tenuous column indeed.

Some people may rely on the idea that it is safe to destroy the rights of the States and create a centralized government so long as, within this centralized government, the principle of Separation of Powers is strictly enforced; that the latter principle is all that is really necessary to guarantee individual liberty. Nothing could be more wrong. The two pillars, States' Rights and Separation of Powers, are complementary to each other. Destroy or remove one, and the other will soon collapse. Jefferson warned that:

"... When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the centre of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated."

And even the arch-Federalist Alexander Hamilton saw clearly that the fate of individual liberty was inextricably tied up with the fate of the States. Said Hamilton:

"The States can never lose their powers till the whole people of America are robbed of their liberties. They must go together; they must support each other, or meet one common fate."

Actually, the process of infringing on the rights of the States is not new. It began early in our history. Thomas Jefferson saw the beginning of this process of usurpation by the Federal judiciary; he feared its ultimate result, and he expressed his fears as follows:

"... There is no danger I apprehend so much as the consolidation of our Government by the noiseless, and therefore unalarming, instrumentality of the Supreme Court."

With prophetic vision, the great Virginian warned further that the germ of dissolution of our Federal system lay in the Federal judiciary.

"... working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one."

This process, which Jefferson depicted, was beginning even in his own day. Nevertheless, despite this considerable degree of judicial usurpation over the early years; despite the War Between the States and the subsequent force-imposed amendments which radically altered the original structure of the Union; despite even the nationalizing influence of the commercial expansion of the post-War period, with the concomitant growth of the due process concept and the stretching of the interstate commerce clause — despite all these assaults and encroachments, the basic principle of States’ Rights remained fundamentally intact, remained a sturdy support of the constitutional liberties of the American people. The North, the nation as a whole, might have rejected the Southern contention that States’ Rights included the right to secede and dissolve the Union; but within the framework of Union the country was still dedicated to the principle of local self-government, or States’ Rights. Chief Justice Chase in 1868 echoed the prevailing popular view when he characterized the United States as “an indestructible Union composed of indestructible States.” (Emphasis added.)

Thus, until the 1930's our governmental system was still fundamentally based on States’ Rights, both in principle and in practice. Not to the extent that some of us had desired, to be sure; not to the extent that the Framers had recommended; but still to the extent that the great majority of those vital economic, political and social activities most closely affecting the lives of the people were the subjects of State control only, and were outside the province of the Federal Government.

In the last quarter-century, however, we have seen assaults on States' Rights at every point. We have seen the National Government in Washington expanded to its present swollen size, to the accompaniment of a steady diminution of the reserved powers of the States. It is not my purpose to attempt to fix the blame for this development. Suffice it to say that all three branches of the Federal Government participated in it, and that a people rendered fearful and timid by economic depression acquiesced in it. The Supreme Court resisted the trend until 1937, but in that year, as the Honorable Hamilton A. Long of the New York Bar explains in his brilliant study, USURPERS: FOES OF FREE MAN, the Court underwent a major policy-revolution. From that time forward, the Supreme Court's role has been one of willing, and then eager, collaboration in the process of aggrandizing the Federal Government at the expense of the States.

With the school segregation decision of 1954, the Supreme Court really went into high gear against the States and the Constitution. It stepped up its drive with the subsequent Steve Nelson and Girard College decisions. In 1957, the Congress and the Executive joined in the attack. The passage — in an atmosphere of bogus sanctity and mock legality — of (See States’ Rights — page 31)
an undercover agent for the FBI in the Communist ranks. Poskonka is also a meat packer. He said because people came to know him as a Communist his home had been stoned and that it had been difficult for him to keep a job. His wife said that neighbors abused her family during those years.

Dispersed because of an address he heard a Communist teacher make at a meeting of the United Packing House Workers in 1953 in which the teacher belittled the fighting of the Americans at Guadalcanal, and having a son serving in the U. S. Navy in the Pacific, Poskonka got in touch with the FBI and reported the incident and subsequently he became a member of the Communist Party to serve the Government as an undercover agent.

STATES' RIGHTS — (Continued from page 2) the mis-called Civil Rights Bill was shortly followed by the subjection of a once-sovereign State to bayonet rule.

We are indeed at a late hour to defend our liberties. The process of usurpation has gone so far that it is difficult to resist. Already tremendous pressure is building up to take from the States one of the most vital functions still remaining in their hands — public education. Massive Federal aid to education, which is being promoted in the guise of a national security measure, will surely and inevitably result, in a very few years, in total Federal control of the public schools — not only control over who attends them and how they are run, but *control over what is taught in them*. It need scarcely be said that once the usurpers gain control over the minds of our youth, the fight for freedom is lost.

With all the resources at our command, we must combat and defeat this subtle attempt to transfer control of our public school systems from the States to the Federal Government. Further, we must firmly and unceasingly resist any and all attempts on the part of the Federal Government to encroach in any way on any of those fields of activity still under State jurisdiction. In so doing, we must realize at all times what it is for which we are ultimately fighting.

In keeping up a constant struggle to preserve the principle of States' Rights, we are not fighting for any mere slogan. We are not interested in States' Rights simply as a name. We are interested — and vitally interested — in the principle of States' Rights, because it is an essential support of Liberty: the highest political end.

COURAGEOUS — (Continued from page 4) passed. "And pretty soon," Medina says, "the attorney was back with another question that was even clearer. And so they objected, and I overruled the objection."

"The witness refused to answer and I said, 'Now, you haven't any constitutional right to refuse to answer this question. I hereby direct you to answer this question.'"

The witness said: "I refuse."

Medina was prepared for this action, "I hereby sentence you to 30 days," he said, "for contempt of court in my immediate view and presence unless you sooner purge yourself by answering the question."

Then the whole courtroom rose as one man. There was yelling and shouting and hulla-ballooing such as no other American court had witnessed. The marshals and deputy marshals started running around, coming in from different parts of the courthouse.

That was Medina's crucial hour. He sat as quietly as if he were hearing a routine case. "Someone was helping me that day," he says. "Let me tell you that without any doubt."

Medina looked at one of the noisy individuals. "Is this Mr. Hall?" he asked. It was Mr. Hall. Then, addressing the court Reporter, Medina stated what Mr. Hall had said. "Mr. Hall," Medina continued, "I remand you for the balance of the trial."

A Mr. Winston was next on the list. Medina handed him identical treatment and continued until he had picked off five individuals and dealt quickly, quietly, and forcefully with each one.

Then the noise subsided.

This was not the end of the great trial which continued on and on until it seemed interminable. At one point it seemed that Medina, not the Communists, was on trial. And perhaps no trial in American history equalled this one for sheer drama, intrigue, and real significance.

Undoubtedly no other judge in history has undergone such prolonged, unjust, and vitriolic abuse as the Communists dealt to Judge Medina in this trial.

But for his firm adherence to American standards of justice, it is difficult to say what our position as Americans would be today. It is certain, however, that through his demonstrated wisdom, fortitude, and superlative courage, he has made America — and, indeed, the entire world — a better place in which to live.

Each of the foregoing men demonstrated a high degree of courage and, in doing so, helped to make this a safer America. That is what you must do if you are to serve your country well.

If you do that, no matter what your position in life, you can make a worthwhile contribution to a better America. One man with courage may become the very keystone to the future of our land, a dauntless patriot to preserve for future generations the glorious American Way of Life. That man may be you!

TRUMAN — (Continued from page 6) Angeles. Now, the oil tycoon, crony of Harry Truman, demands 5,000 of the 7,000 seats that will be left over after the seating of delegates, alternates, etc. In 1940, the Philadelphia gallery was packed with supporters of Wendell Willkie who stampeded the convention with their incessant calls, We Want Willkie. Apparently, Sugar-Daddy Pauley is set to see to it that what Truman wants, Truman will get at the 1940 convention.

Once again, we say, that is fine with all of us conservatives. Truman in the forefront, as he is determined to be, will serve as a good reminder that Truman-type liberalism reflects some of the worst elements of both Fascism and Communism. When American railroad workers exercised their right to go on strike, President Truman actually rammed through the House of Representatives a special law, borrowed from Mussolini's Fascist bag of tricks, to draft into the army and subject to military discipline all the workers who refused to run the trains as Truman demanded they should be run; (after terrorizing and bulldozing Italian railroad workers, the Fascist Dictator boasted that at least he made the trains operate on time), and in 1946 Truman ordered seizure and operation of coal mines, fined the United Coal Miners Union and John L. Lewis. Only the fast parliamentary footwork of the late Senator Robert A. Taft kept the Senate from being stampeded into giving
Harry Truman the kind of Fascist-like power over labor which no other American Chief Executive ever dared ask for.

When owners of steel companies refused to obey Truman's personal edicts, he used his power as Commander-in-Chief to try to act like a Stalin and seize the steel mills. This borrowing from the strategic book of Bolshevism was too much for even a liberal Supreme Court to stomach, and the High Tribunal stopped Truman dead in his tracks in the march toward Sovietizing of industry and Fascist control of labor.

Although he could have himself run in 1952, Truman bowed out and let Stevenson take the rap for the kind of mixed-up, messed-up maladministration which he gave the people in the name of liberalism. But now, come 1960, he seems pre-determined that the candidate and the platform shall bear his personal stamp and seal. Once again, we say: that is good news for the American people. They have been waiting a long time to speak at the polls regarding just how they feel about Trumanism.

The free atmosphere of American liberty, the air of loyalty to flag and country, will be cleaner, once the people have had an out-and-out opportunity to deal decisively with the Truman type of pinko, part-Fascist, part-Soviet, so-called liberalism.

FLAG — (Continued from page 14)

1813 Commodore Isaac Chauncey and General Montgomery Pike captured the city of York, now Toronto, and took from the Parliament House this royal standard.

One of the most conspicuous features of the historical exhibits in the United States National Museum, in Washington, is the flag collection, which includes some thirty examples of the American flag and shows its development in the various historical periods. Although there are no early colonial flags, such as were used before the flag of the United States was established by Congress, June 14, 1777, a fine example of the first United States ensign is shown. Representative of the Stars and Stripes is a flag said to have flown on the Bonhomme Richard, under command of Admiral John Paul Jones. On December 13, 1784, it was presented to Lieut. James Bayard Stafford, U.S.N., by the Marine committee of the Continental Congress, as a reward for meritorious services during the Revolution.

Another flag of the highest value is the original "Star Spangled Banner," of Francis Scott Key's anthem, which waved over Fort McHenry during the bombardment of September 13-14, 1814, and which was presented to the Smithsonian Institution by Eben Appleton. This flag is of the type having fifteen stars and fifteen stripes, adopted in 1784, upon admittance of Vermont and Kentucky into the Union. This type went into effect in 1785 and continued to be the standard until 1818, when Congress returned to the original thirteen stripes and provided for the addition of one star in the field for each State.

The trophy flags of the United States are the priceless symbols, not so much of our captures, as of our long honor roll of heroic victories won by the consistently maintained skill and efficiency, traditional daring and devotion to duty, on land and sea, by America's military heroes. The old bunting is treasured for its story of brave deeds and noble sacrifice, the heritage of both the victors and the vanquished. The bitterness of the conflicts is lost in the peaceful silence of the resting place of these old, honored flags.

AMERICA — (Continued from page 18)

them:

"Praise the Power that hath made and preserved us a nation,

Then conquer we must, when our cause it is just

And this be our motto, In God is our trust."

Many beloved patriotic songs are prayers or praises to the God of our fathers. Not only should their melodies be enjoyed, but also they should renew a feeling of reverence. In this hurried, restless age, Americans have come to take for granted our priceless heritage.

Every classroom in elementary schools, every teacher, and every parent should teach the historical facts which every citizen should know.

Our nation was built upon certain values, both patriotic and moral. A glance at our history proves that we are a deeply religious nation.

When the Pilgrims arrived in America in 1620, they wrote the Mayflower Compact, opening it with these words: "In the name of God." The forty-one signatures were signed "solemnly and mutually in the presence of God."

The liberty bell was inscribed with a passage from the Bible (Lev. 25:10), "Proclaim liberty throughout the land unto all the inhabitants thereof."

The Continental Congress on June 12, 1776, asked all citizens to observe July 20th as a day of prayer and fasting and "offer up our joint suplications to the all-wise, omnipotent and merciful Disposer of all events."

The Declaration of Independence makes four specific references to the dependence of our nation upon Almighty God.

The American seal is pictured with the "Eye of God" directly over the pyramid. The words "Annum Coeptis" mean "God has favored our undertakings."

This seal appears on every dollar bill.

George Washington, when he became President of the United States, April 30, 1789, originated the oath taken by all government employees and witnesses in court. The oath of office is the prayerful petition, "So help me, God."

Our nation, from its very beginning, has set aside one day as a day of Thanksgiving, a time for every citizen to express gratitude to our bountiful Creator.

George Washington issued orders that every regiment should have chaplains available. All branches of the U. S. armed services are officially staffed by thousands of chaplains of various faiths today.

Since 1863 all U. S. coins minted have been inscribed with the motto, "In God We Trust." But it was not until July 20, 1956, that the Congress declared those words to be the official national motto.

In the National Cemetery at Arlington, Va., is the tomb of the unknown soldier. It bears this inscription, 'Here lies in honored glory, an American soldier, known but to God.'

Many national monuments bear further tribute to our dependence upon the God of our Fathers. Three of the most famous monuments in Washington, D. C., have spiritual and memorable inscriptions chiseled on them lest we forget that God is the Source of our liberty.

Patriotism and knowledge of our nation's background, of our spiritual beginning is not inborn, is not an inherited trait. It must be taught right along with other fundamentals. It is the responsibility of parents, teachers, schools, and organizations to teach Americans what should be taught about the spiritual foundation of our nation.