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Press release from the office of Senator Strom Thurmond on argument presented to the Senate, 1959 September 12

Strom Thurmond

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WASHINGTON, SEPT. 12--Senator Strom Thurmond (D-SC) warned his Senate colleagues today that they would be violating their oath to uphold the Constitution if they vote an extension of the life of the "unconstitutional" Civil Rights Commission.

The South Carolina Democrat presented to the Senate a lengthy legal argument against the constitutionality of the Commission's rules of procedure and the 1957 Act which established the Commission. He read to the Senate most of a recent federal court ruling which said the rules or procedure violate the "due process" clause of the Constitution. He also quoted from legal briefs prepared by two State Attorneys General for consideration by a three-judge panel now reviewing the lower court ruling.

In addition to striking at the constitutionality of the Commission, the Senator also leveled some strong verbal blasts at the Commission's actions and its recently-issued report. He said the Commission has "contributed and is contributing more to racial unrest, tension and bad relations than any other force or factor which has been conceived by Congress in modern times."

Noting the "shallowness of mental process" illustrated by some Commission findings, the Senator maintained that they could only stem from "the deepest of bias."

Thurmond stated that he found himself in agreement with the Commission on only one point, its first finding in the field of voting. This finding indicated there was not sufficient information on "voting according to race, color, or national origin," and the Commissioners recommended that the Bureau of Census undertake a nation-wide compilation of registration and voting statistics to include a count of individuals by race, color, and national origin. He endorsed the recommendation and proposed the Census study as a "practical and more suitable replacement for the Civil Rights Commission."

The proposals to appoint federal election registrars, to take away State power to control most voting qualifications, Commission advice to segregated schools to speed desegregation, and integration of housing all drew harsh words of condemnation from Thurmond.

On the appointment of federal election registrars, he said: "Such a proposal would not only be unconstitutional, but would in fact, establish a federal dictatorship--if indeed it could be enforced."
The proposed constitutional amendment on elector qualifications drew this remark: "Their proposal for destruction embodies a constitutional amendment which would transfer all substantial control and authority over the eligibility of voters from the States, where it now resides, to the Federal Government, where it can only reside in tyranny." 

On the proposal to have the Commission act as an advisor and conciliation service to speed school desegregation, Thurmond said: "I can assure the Senate that there is no desire--much less demand--for the advice or conciliation efforts, nor for the integration schemes, of this or any other federal commission. I doubt seriously whether any such desire exists anywhere. This is just another of those self serving, self-perpetuating, empire-building justifications."

The Senator had this to say on the housing recommendations: "I have long realized that the race agitators propose to use housing as a tool to mix the races... In their proposals the avid integrationists on the Commission spell out the methods by which housing can be used to integrate the races. These are interesting to note because their use is more often by surreptitious means, and here we have them spelled out in the open. For instance, they would adopt a policy of 'scatteration' in public housing by sprinkling public housing units throughout residential areas and installing in them persons of a race different from those living in the community... Mr. President, this policy of 'scatteration' is nothing new to the Congress of the United States. I distinctly recall that such a policy was incorporated in the Omnibus Housing Bill reported by the Banking and Currency Committee of the Senate in 1958 but was deleted by an amendment I offered on the floor."

Thurmond wound up his criticism of the Commission's report with these words: "The question before this body is whether to continue an ill-conceived instrument of racial strife wielded under the influence of philosophies alien to all that true and patriotic Americans hold dear."

Turning to the authority given the Commission by the Congress and the authority taken by the Commission, the Senator reminded the Senate that the so-called Civil Rights Act of 1957 and the Commission created under it were "sold to the country as being concerned merely with voting rights, not education or housing." He was particularly critical of Section 102 of the Act which provides for witnesses at Commission hearings to be accompanied by their own counsel solely for the purpose of advising them on their constitutional rights.

"Mr. President, seldom has a subsection been drafted by any Congress which has been so pregnant with basic deprivations and exclusions of the historical standards of fair play which permeates our jurisprudence, and which we loosely refer to as due-process."
He said this section negates the right to be represented by counsel and merely conveys the right to be advised on one's constitutional rights rather than his overall legal rights.

Subsection (g) of Section 102 established what Thurmond calls the "star chamber" session of the Commission. He offered this criticism: "This subsection so completely ignores constitutional safeguards contained in the Constitution and imposed by the people for the protection of individual liberties, that one would logically conclude that its proponents had formerly existed in a vacuum, rather than in a democratic society. It is completely incompatible with freedom of speech and press. It precludes the right of confrontation of accuser by the accused, as well as the right of cross-examination."

The Senator finished his address against the extension of the life of the Commission by pointing to the "relatively small number of sworn complaints" filed with the Commission and the recent press reports that the Commissioners do not desire to serve past their November 9 deadline. In concluding, he said: "It is obvious, Mr. President, that the attempt to extend the Commission is a propaganda effort, done in defiance of the Constitution."