

5-4-1948

## Correspondence, R.E. Wilbourn, John C. Stennis, May 4-August 10, 1948

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ATTORNEYS AT LAW

MERIDIAN, MISSISSIPPI

May 4, 1948

*no enclosure*

Senator John C. Stennis  
Washington, D. C.

Dear Sir and Friend:

I enclose a clipping from the Commercial Appeal. Perhaps you know about this matter and have before you the fuller details thereof.

I am wondering, if the Democratic Party and the President are really committed to and believe in the doctrine of States' Rights, how they can reconcile the application of their so-called Civil Rights proposals to all the states regardless of state action; and how they can consistently insist that Congress should legislate on these proposals.

As I understand the proposition, each state under the constitution has the right to fix the qualification of voters and the undoubted right to impose a poll tax and to make payment of such poll tax a condition of the exercise of the right to vote. If there is anything in the doctrine of States' Rights, Congress has no business trying to legislate on the subject.

The states also have the undoubted right to enact proper segregation laws, under the terms of prior decisions of the Supreme Court of the United States, where equal facilities are provided for each race, mean that the necessity for, or wisdom of, segregation laws, and the provisions of such laws, are primarily and necessarily for state action; and that the validity of such laws as are enacted and whether or not they conform to the constitution are legal questions for the determination of the courts. This is the way it has worked out in the past, and it seems to me that Congress has no business undertaking to legislate on the question at all.

Congress has no right under our constitution to exercise the police powers of the states, and the proposed anti-lynching law, it seems to me, is so clearly unconstitutional, as that no right thinking representative in Congress who has any appreciation at all of constitutional law has any basis for a contention to the contrary. If the Chairman of the Democratic Committee, the President and the Democratic Party wish to avoid a revolt against the President and the Party because of these matters, then it seems to me that they ought to make a clear announcement on all three of the foregoing propositions

MAY 6 1948

WILBOURN & WILBOURN  
ATTORNEYS AT LAW  
CITIZENS NATIONAL BANK BUILDING  
MERIDIAN, MISSISSIPPI

R. E. WILBOURN  
J. C. WILBOURN  
R. G. LORD, JR.

Senator John C. Stennis

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and the Fair Employment Practice Act; and distinctly say that they are committed to the proposition that Congress has no jurisdiction to and should not violate the States' Rights by undertaking to litigate on such questions.

I am unalterably opposed to each and every one of the measures now being agitated and proposed, and personally I have reached the point where I do not want to go along with the Democratic Party unless it gets right on these questions. I feel that now is the time for the Democrats of the South to insist in the interest of all the people throughout the nation upon a clear-cut, definite, ringing declaration on these propositions, or else.

With kindest regards and best wishes.

Sincerely yours,

[REDACTED]

[REDACTED]

REW:mgj

Enclosure

C. WAYLAND BROOKS, ILL., CHAIRMAN  
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ALBERT L. SEIDEL, CLERK

# United States Senate

COMMITTEE ON  
RULES AND ADMINISTRATION

May 8, 1948

Meridian, Mississippi

Dear Mr. [REDACTED]:

I wish to thank you so much for your letter of May 4th which has been quite helpful to me and in which I agree one hundred percent.

On final analysis these so-called Civil Rights bills have absolutely no constitutional foundation, but the most serious one, as I see it, is the anti-poll tax bill which will carry Congress into the field of suffrage, and once they enter it they are there without any constitutional limitations at all. It is a field totally denied to them so far as qualifications of electors are concerned, but if they enter the field at all over this prohibition, then Congress will be there unrestrained.

Some most excellent briefs were filed on this question in the recent poll-tax hearing, a copy of which I am having forwarded to you. I call your particular attention to the briefs of Mr. Orton and Mr. Charles Warren. The subject had been so completely briefed that in my minority report I conceived and followed the idea of writing a report, not in the form of a brief for the Judge to read, but the plain statement of the facts and the principles for the Jury to read, and am pleased to enclose one herewith. The soundness of these propositions are pretty generally admitted by the lawyer members of the Senate, but they certainly do not like to go on record to vote against these bills.

I inquired about your welfare from everyone who has been here from Meridian, and am always glad to hear from you. Write me again.

With cordial good wishes, I am

Your friend,

U. S. Senator

Enclosure

JCS:ch

ATTORNEYS AT LAW

MERIDIAN, MISSISSIPPI

May 12, 1948

Senator John C. Stennis  
Washington, D. C.

Dear John:

Many thanks for your kind letter of May 8th, and for sending me your data about the anti-poll tax bill. I hope you will be able to defeat it. You are 100% correct in your position regarding it. If the minority report were carried to its logical conclusion, then the mere fact that Congress decided that it had jurisdiction to enact the law would be the end of the question and there would be no need for any courts to determine whether or not an act is or is not constitutional.

I was in Jackson on the 10th attending the Supreme Court and taking part in some business conferences. I did not get to attend the States' Rights convention which was in session that day.

Confidentially, a rather prominent citizen of Jackson, whom I met on the street along with a group of other fellows, did not seem to understand why you and Senator Eastland could not have attended this meeting. He seemed to think that neither of you came because of the Rivers and Harbors bill, but that from his viewpoint he did not understand why you two senators could not have flown down to Mississippi for the meeting and then gone right back. From my personal viewpoint I take it both of you would have been there if you had felt that your attendance in Jackson was more important than your presence in Washington and with the likelihood that someone of these Civil Rights programs might come up before the Senate at most anytime, I am guessing that it was better for you both to remain in Washington. I am mentioning this simply to let you know in yours and Senator Eastland's interest at least from one source, there was a question mark about the absence of both of you from the meeting. Each of you might very tactfully, without reference to any suggestion that anyone questioned your absence, make such statement as you felt would be to your advantage with reference to the whole matter and to why you did not get to be present at the meeting.

With best wishes always,

Sincerely yours,

REW:mgj

MAY 14 1948

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ALBERT L. SEIDEL, CLERK

## United States Senate

COMMITTEE ON  
RULES AND ADMINISTRATION

May 17, 1948

[REDACTED]  
Meridian, Mississippi

Dear Mr. [REDACTED]:

I thank you so much for your letter of May 12th and the information contained therein. I shall try to handle the matter about being away from Jackson as you suggest. The actual facts were it would have been a neglect of duty to have left here under the circumstances. I talked with Governor Wright over the telephone on Saturday before the meeting, and he told me that in view of conditions we were facing here he thought that we should not leave Washington. I appreciate your attitude about it and I am glad of an opportunity to relate these facts to you.

With very best wishes to you and yours, I am

Your friend,

U. S. Senator

JCS:VM

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ATTORNEYS AT LAW  
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██████████  
MERIDIAN, MISSISSIPPI

August 6, 1948

Senator John C. Stennis  
Washington, D. C.

Dear John:

Congratulations to you on the success of the efforts to prevent passage of the Anti-Poll Tax Bill. I was glad to see the comments in Newsweek on your speech, which was in keeping with your character.

I noticed in the press or heard over the radio a suggestion of a possible compromise of this question by Southern Representatives and Senators going along with a proposed constitutional amendment to outlaw poll tax requirements. I do not know your views on that proposition, but I am opposed to it for several reasons, which I submit for your consideration, as follows:

1. It will be the opening wedge to give to the Federal Government eventually absolute control over the qualifications of voters, thus depriving the several states of a right they now have to determine within the limits of the 15th amendment the qualifications of electors.

2. The matters that concern each of the several states locally are more numerous and, in many instances, of very vital importance in view of local conditions and problems peculiar to each state. Each state should be allowed to fix the qualifications of voters in the light of its own problems, so as that the character and intelligence of the state should govern.

3. If the poll tax requirement were abolished by the State, I feel the State should have the right and power to reenact it, if conditions made it necessary to insure, or to aid in maintaining, an electorate composed of the character and intelligence of the State.

4. If the States hope to preserve states' rights, then it is important that they not release to the Federal Government any more constitutional powers than may be needed for purely federal functions.

With best wishes, I remain

Sincerely yours,  
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████████████████████

REW:mgj

C. WAYLAND BROOKS, ILL., CHAIRMAN  
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# United States Senate

COMMITTEE ON  
RULES AND ADMINISTRATION

ALBERT L. SEIDEL, CLERK

August 10, 1948

Honorable R. E. Wilbourn  
Citizens National Bank Building  
Meridian, Mississippi

Dear Mr. Wilbourn:

I thank you very much for your letter of encouragement with reference to the Anti-Poll Tax Bill and appreciate your reasons for opposing a constitutional amendment on this subject.

I agree wholeheartedly with every point you make as to the amendment, but I am so concerned lest Congress pass an Anti-Poll Tax Bill and it be upheld by the Supreme Court, thus leaving Congress supreme in the field of suffrage without any restrictions or limitations whatsoever, that I may at some point agree to the submission of a constitutional amendment to the extent that I shall not try to debate it indefinitely, but shall oppose it on the Floor, vote against its submission and then oppose it in my home state. That was my position here this time and I held out until the last against any kind of a compromise with them under any conditions whatsoever. We got by with it this time but I do not know what the situation will be in January when I expect the battle to be renewed on a broader scale and in a more intensive form.

I am always anxious for your thought on any subject and appreciate your counsel and valuable advice.

With kindest personal regards and all good wishes, I

am

Your friend,

U. S. Senator

JCS/11