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Correspondence, John C. Stennis, March 4-8, 1948

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[REDACTED]
COLUMBUS, MISSISSIPPI

Columbus, Mississippi,
April 4th, 1948.

Senator John C. Stennis,
Senate Office Building,
Washington, D. C.

Dear Senator Stennis:

I thank you for copy of your speech on Dis-
mantling the Constitution, made in the Senate on March 4th. It came
today, and I have found it good Sunday reading.

APR 6 1948
I wish it had come sooner so I could have exercised the right
of eminent domain over it. I addressed the County Executive Com-
mittee and other citizens assembled in the Courthouse on March 20th,
and I didn't mince words in talking of the Civil Rights program.
I spoke for fortyfive minutes before the Kiwanis Club here and a
large number of guests last Thursday, and I again said plenty about
the Civil Rights program. Last Thursday I quoted your colloquy
with a senator on the committee having the antipoll tax bill in
charge, in which you asked him if he thought there should be two
sets of qualifications, one for those voting in federal elections,
and the other for those voting in state elections, and the senator
indicated that that situation might develope, and you then asked him
if he could cite you to any section of the Constitution that said
there may two sets of qualifications for voters, and the senator
didn't make the citation because there is no such provision in the
Constitution. I had seen an account of that colloquy in some pa-
per. I have been against the Civil Rights program from its incep-
tion. It would be destructive of the Constitution, and that is
exactly the consummation the men back of the program hope to bring
about.

As I think of it, the point of attack should be that Supreme
Court. It is a packed Court, packed for a definite purpose. They
have the old Theodore Roosevelt idea of amending the Constitution
by judicial interpretation instead of by the method set out in the
Constitution. About three years ago I was offered a case by an old
client, and I knew it would go to the Supreme Court, and in a letter
I declined the employment and said that I did not care to appear
before that Court as then constituted. It was carried there by an-
other lawyer, and lost. Macauley in a letter to an American friend
one hundred years ago predicted that a president would eventually
be elected who would pack that Court, and with a packed Court he
would run the Constitution out of his way. That thing has happened
and because those men are comparatively young they will have time to
effectuate their purpose. I except Justice Burton from what I have
said. In the Virginia Bus Case his dissent was rested upon historic
Southern ground--that the matter fell within the police power of
the state which had been reserved to the states by the Constitution
itself. He is a better man than his associates.

I emphatically approve your speech; it was fine; keep on pull-
ing the mask from the faces of some of those hypocrites.

Your friend,
[REDACTED]

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

United States Senate

COMMITTEE ON
RULES AND ADMINISTRATION

April 8, 1948

Civil Rights

[REDACTED]
[REDACTED]
Columbus, Mississippi

Dear Mr. [REDACTED]

You can hardly realize how much I do appreciate your splendid letter of April 4th, which greatly encourages me and inspires me to further effort. I have always had great respect for your sound judgment in matters of government and to know that my efforts here meet with even a small measure of approval from you is indeed encouraging.

I have been doing some special work on the anti-poll tax bill and I am convinced that it is one of the most dangerous proposals ever before the Congress, involving far more than the matter of paying a poll tax. The real question is whether or not the members of Congress shall prescribe the qualifications of the voters that are to elect them. On cross-examination in the hearings on this bill, every single witness except Senator Pepper admitted that there was no legal authority to base the bill on except a hope of what the Supreme Court might say about it. They could not cite one single case, but had to fall back on a more or less side remark made by Justice Stone in a Classic case, and not one single practicing lawyer filed a brief saying he believed the law was constitutional.

I have found that you are certainly correct in your estimate that the Supreme Court is the branch of our government that can do us the most harm. Most any bill that passes the Congress can be greatly toned down or modified at least, but the Supreme Court can set aside precedents of one hundred and fifty years standing by one stroke of the pen. I have met Justice Burton and have had some social chats with him and find him to be a most delightful character and highly esteemed among his former colleagues here.

Again thanking you for your splendid letter, and with kind personal regards, I am

Cordially your friend,

U. S. S.

JCS/11