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Guest (s): Rep. Arthur Winstead (D-MS) and Rep. Overton Brooks (D-LA)

Title: States Rights

Note: Questions were paraphrased and/or shortened by the transcriber. For the exact question, please consult the audiotapes.

Morphew: Introductions, both members of the House Armed Services Committee...to Winstead...any developments that indicate a trend away from the idea of a big centralized federal government and back to states rights?

Winstead: Well, I think we've had some definite trends. One especially, H.R. 3, which the House passed a few days ago, the first legislation we've had in either branch that tends toward curbing the Supreme Court, then nationally, I think the overwhelming endorsement the people of Arkansas gave Governor Faubus is also an indication that it should serve notice on all weak-kneed folks in our section and inform other people that we still believe on the whole and overwhelmingly in states rights and constitutional government.

Morphew: To Brooks...same question...

Brooks: Well I think unquestionably H.R. 3 marks a milestone of progress in that direction. I studied the bill very carefully since then and I've written some reports on it, too, and our people, if they realize the importance of it, which I know they will in time, will get behind that bill and see that it gets through this Congress and goes to the President of the United States.

Morphew: To Brooks...you are chairman of the armed services subcommittee which deals with matters pertaining to the national guard...

Brooks: That's true, and Arthur Winstead is a senior Democrat on that committee and Arthur's been a very valuable member to us. Arthur has been a faithful attendant and we need people there who'll come to the committee meetings. We have a real fight on now to preserve and strengthen the National Guard. The National Guard is nothing new in the history of the United States. You know, the guard precedes actually, it was preceded by the colonial militia. And the colonial militia preceded the foundation of this government by 125 years and so when our forefathers met together and formed a government, they

preserved the guard in several states and it's our duty and our responsibility to continue the guard as a state organization. And therefore, we've got a real fight now to do it and we're going to win that fight.

Morphew: To Winstead...do your opponents believe that it should be under federal domination?

Winstead: Well, I'd say the opponents that we deal with appears to me to be the Defense Department itself and administration leaders in both parties if I may say so. And we have to watch the language of every bill we have (???). And I say that Chairman Brooks, there of the subcommittee was known as Mr. Reserve-ist a few years ago on our full subcommittee. But we do have the support of practically every governor and every state in this union. And we have the support of the adjutant generals to maintain the integrity of the National Guard and we have to fight every inch of the way. But the main opponents we have is the Defense Department itself. The National Guard's not only state militia, why, in case of emergency, it would be the greatest civil defense group we have in this country. We don't have very much in America today for civilian defense other than the National Guard and our reserve organization. And the main opposition we have is the Defense Department itself and I believe Chairman Brooks will verify that. On the whole the United States public's behind maintaining the identity of the National Guard and supporting it.

Brooks: Oh yes, and we had, Dick, a committee of governors that came from the Governors' Conference in Denver, Colorado, straight to our meeting and told our committee, and Mr. Winstead was present, that every one of the 48 governors of the United States supported the program that we have for a strong guard. Now, the fight against the guard and the effort to cripple the guard is two-fold. First, it's to reorganize the guard. I have no objection to reorganizing the guard along pentomic (?) lines, but that type of reorganization is to strengthen the guard. But I object to a reorganization of the guard and our committee is fighting the type of reorganization that will weaken the guard and eventually eliminate the guard. Now, the program, too, is along this line: they say we can't support a national guard of 400,000 guardsmen. They want to reduce it 360,000 guardsmen. We had a national guard of 437,000 men that's already been reduced to 407,000 and now they come along and want to reduce the guard to 360,000 and to do that would wreck the national guard and we are opposing that program.

Morphew: To Brooks...reaction of subcommittee to Little Rock?

Brooks: Well, of course our subcommittee's against it and all patriotic Americans are against using bayonets and troops to enforce laws when we have the United States Marshall's office for that purpose and certainly the people of Arkansas revolted the other day when they voted Faubus in because they don't want to be ruled by bayonets and soldiers.

Morphew: To Winstead...any possibility that the guard could be called again in a similar case or is this just one case?

Winstead: Well, unfortunately, no one knows just what any president or administration might do. I certainly hope this taught the administration a lesson. Frankly, you can talk privately with all the lawyers in the country, any those who believe in integration, and those who believe there was a legal way to approach this thing, and every man I've talked to has admitted to me that the manner in which it was done was an illegal procedure. Now, I believe frankly that the president of the United States regrets exceedingly, I've got no authority for that except my belief and what I've seen, that a great mistake was made, great damage done to this country and frankly, it has not improve racial relations any but as to what they will do next year, I don't know. You know, we have 2 parties and both crowds are not immune to playing politics on a thing like this, trying to get minority votes, but I do believe the whole country's reacted. Now Chairman Brooks and myself and others introduce bill to curb this type of practice and I know the chairman met the same reaction I did. It was amazing to me to get letters from practically every state in this union condemning the sending of troops into Little Rock, Arkansas, under the circumstance. Now, that doesn't mean a majority of the people in every state believe in that, but it does mean that they're beginning to awaken. I know I received headlines from a paper in New Hampshire that said on first notice they thought the president was right but after consideration that if that practice could be carried on under that circumstance, it could be carried on in other conditions, it would finally bring about federal control of everything and destroy our states and our local government control. I hope they will not do that again, but time will tell.

Brooks: What was wrong, I think, Dick, about that situation regarding the National Guard was this: the guard is essentially a state force and not a federal force. It's under control of the governor. The guard should never be used internally inside of the United States unless the local governors call for the use of that guard and that has been the historic policy of the federal government since there was a government. And certainly the guard should not be used unless there is a real outstanding emergency and the local authorities complain that they're not able to enforce law and maintain order. In that event, they will ask for the bringing, the calling out of the guard or for the use of troops. Otherwise, if you don't pursue that policy the guard loses its state identity and becomes a federal force en toto, and that's what I think is wrong. The country will be in serious danger if we strip the states of the state military force which we call the National Guard. If we want to preserve this as a democracy, as a government of balanced powers, we have to preserve the National Guard.

Morpheus: The governor of Georgia issued an order to the adjutant general that under no circumstances would the NG in Georgia serve under federal orders unless the governor certified it was done in a constitutional manner.

Brooks: Well, you see, under the constitution of the United States, the governor has control of all of the officers in the national Guard. That's set there by the Constitution of the United States itself. It was intended that they be under control of the governors. To strip them of that authority, I mean the governors, of that authority in time of peace

without completely federalizing the guard under emergency powers in time of war, is taking the guard away from the states and this is what we object to.

Winstead: And isn't this true, that the northern governors in the northern states are just as jealous of the rights of the guards of those states as we are in the southern states? This thing in Arkansas was so politically involved till you might not get too much comment. But I find the northern governors, both Republican and Democrat, when you come to the showdown, they believe in having control of their own guard and running their own show so far as the guard's concerned, except in case of a national emergency when the federal government have a right to federalize.

Brooks: Well, certainly. In building armories for instance, the states contribute funds. Right now they've contributed \$35 million which money is on deposit, ready for federal use, they're so anxious to maintain the guard as a state force.