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Guest (s): Senator John Stennis (D-MS)

Title: Civil Rights Bills

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

Morphew: Is there any difference between the civil rights bills this year and in previous years?

Stennis: Well, we have them every year, you know, and this year they are just about like they've been for several years now. We don't have the FEPC bill anymore and we don't have the so-called anti-poll tax bill anymore. But this is a version again of a force bill of a kind and of course, we are opposed to those bills and on the affirmative side, Senator Russell has already announced his plan and expects to offer, when the bills do come up, the Russell Amendment.

Morphew: And this would provide for a voluntary resettlement, wouldn't it?

Stennis: Yes, as contrasted to the mandatory and police form of the other bills, his proposal is a voluntary resettlement plan whereby any citizen, the head of a family, that is dissatisfied with the area in which he lives could have a certain amount of a federal grant that would assist him or even pay his way in getting relocation to some other area of the country. He'd have to prove his good faith, of course, but to go to some other area of the country where he thought his rights, he'd still have the rights and it would be more to his liking, and I think to great possibilities for a plan of that kind to take care of not only those that the civil rights bills are written about but others.

Morphew: Do you think it would reduce racial tensions in the south?

Stennis: Undoubtedly I think it would because everyone agrees that where the numbers are mixed in about equal proportions or have great numbers of both groups together is where the tension is the greatest. To diffuse that and spread it out is one of the very best constructive ways of meeting this problem and it also tests the good faith of everyone connected with the problem and connected with this promotions game, the passage of these bills, the whole idea.

Morphew: People in both houses have been concerned about the SC, I understand that there is some legislation in the works regarding this...

Stennis: Well, there's been very strong support here for H.R. 3, last year and this year too, and I believe that before the session's over there's a fine chance that this bill will become law which not only protects the rights of the states but protects all state law, not only with reference to subversion activities but it's a mere simple provision, too, that just says that no federal law shall be held by the court to strike down the provisions of a state law on the same subject unless the clear intent to do so is expressed in the federal law itself. Now, that means that the Congress will have to say exactly what it means and no one else, the Court, that is, will not have the authority to interpret, interpolate or read into the meaning and put words in parentheses and thereby strike down state law regardless of the subject matter, along the same line, and that is what has been happening so very severely in the last decade or more by our supreme Court.

Morphew: You mean, our SC has been deciding without having it written in the law when a federal law takes precedence over a state law...

Stennis: 'Preempted the field' is the term they use, meaning, as I understand, that it excludes the state from entering that field of legislation and also invalidates any law that the state had already passed on that subject. Now, there has been one recent decision in which the Supreme Court upheld the right of a state, it upheld a state law in a field that there was already some federal law on the same subject but, and I think that's a little reversal of approach and attitude perhaps partly in response to the agitation for this legislation. But over the years, they've been invalidating a great many state laws, basing their decisions upon language of federal laws that did not go that far in the opinion of many thoughtful lawyers and other people, so we hope that that bill can be made a law to supplement a strong sentiment in the country to stop the court from striking down state laws.

Morphew: This is something that should be of interest to Americans everywhere, shouldn't it?

Stennis: Oh, it certainly is. This is purely a constitutional question to save valid laws in the state of Washington, the state of Rhode Island or Louisiana or any other state and to uphold the constitutional right of state legislatures to legislate in these various fields. This is not a racial matter, this is not a sectional matter, this is purely a constitutional question of the utmost importance nationwide, and unless we return to some of those sound principles, we are going to totally change the whole concept of our government which means that it will have solely a centralized power here in Washington.

Morphew: What about Senator Talmadge's amendment about a constitutional amendment about education...will you tell us about that?

Stennis: Well, I think the Talmadge Amendment, and I join him as a co-sponsor or co-author, I think the Talmadge Amendment is a constructive way of trying to reach in a

practical manner a fact of life, and that fact of life is that the Supreme Court of the United States, although we think erroneously and without legal justification, nevertheless they have held in 1954 in effect that the schools must be integrated or cannot continued segregated on a racial basis. That's an invasion of the rights, clearly, the reserved rights of the state, but nevertheless, it's a fact of life that they held that, that they haven't reversed themselves yet, and there's no indication that they will, there's no indication through the new members that they will. So, this amendment is meeting that fact of life and merely provides that, of course, if adopted it will be the constitution, that the administration of public schools shall rest exclusively within the states, and in that way, we will have a chance to again work out at the state level and at the local level a plan of education, THE plan, that is best for all groups. I think every state in the union has had a very forward-looking, constructive, expanding public education program for all of its people. The administration of it was different, but it all looked forward and was strengthening the educational processes of the nation greatly. This amendment would merely put that power where it has been all the time until this decision and would give a new start, settle all the trouble, take the force element out, eliminate the troops, and the bayonets, and the things, the anxiety that gnaws at the hearts of the people of both races, the uncertainty for all our professional people in the educational field, which I think is second only to the ministry itself, and would be a tremendous forward step, not only for education but for the strength of our nation. And I hope strongly that through educational processes and the minds of people that support will grow for this movement.

Morphew: Some critics say that southern states would not provide for Negro education if the amendment passes...

Stennis: There's not a chance for that to happen. I've heard that criticism, it's just not going to happen, and the complete answer is that there's never been any requirement to afford the negro's education in any state, but in the face of that, every southern state has a mandatory provision of their state constitution requiring that these public schools be afforded to all their children, regardless of color, so to make that argument is to run contrary to all of history and all the precedents and all the practical values. I'm certain that it will not have that effect.