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Guest (s): Rep. William C. Cramer (R-FL)

Title: Supreme Court Decisions

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

Morphew: Introduction...first Republican senator elected in Florida in modern times...on a subcommittee studying recent decisions of the Supreme Court...have any of the studies of your subcommittee been passed into law?

Cramer: Well, we almost got the legislation acted into law. Two or three bills have already passed the House but none have passed the Senate. There seems to be a logjam there, there's just too many liberals in the Senate to be willing to consider decisions that in effect correct decisions which many of us believe should be corrected as decided by the Supreme Court involving communists, states rights, and criminal law enforcement principally, that was the group of cases we were considering.

Morphew: Could you list some of the decisions you studied and the way they affect the average citizen in the day to day life?

Cramer: Well, Dick, one of the decisions, there were a number, one was the so-called Yates decision, but before I discuss that, I know you recall that there was one Supreme Court decision three years ago that Congress did reverse or clarify and that was the Yates FBI Files case which, Congress enacted a law which closed the FBI files to persons who, defendants and other persons who might want to look in them and get material they're not entitled to. Now, so far as the other decisions which have not been enacted into law, except most of them have passed the House, there were the Yates case that dealt in the field of subversion, the Smith case, that decision did a great deal to undermine the Smith Act and Congress, that is, the House, passed a bill that would redefine the Communist Party so that contrary to the Supreme Court's interpretation, it wouldn't only outlaw the Communist Party on a national level but also the cells and the state organizations which the Court found were not included in the definition of the Smith Act, which was almost an inconceivable decision because even the majority leader, Mr. McCormick, stated on the floor of the House that it was his belief that it did apply. The legislative history clearly showed. So that bill did pass the House, I'm hopeful that the Senate will act but as I say, it's somewhat doubtful. Then there were a number of other decisions. There was

the Mallory case that dealt with the Negro rapist in Washington, a confessed rapist who because he was held between arrest and arraignment for 7 and ½ hours, even though he confessed to the rape, the Court let him go on the basis that his constitutional right had been violated. That bill I'm hopeful will pass the senate in order to clarify that decision, so that time alone is not the determining factor in deciding whether a confession is admissible or non-admissible, that is whether or not it was a forced admission or a free admission.

Morphew: So in this Mallory decision, the SC said that he should be freed because it felt he had been held too long even though he had confessed?

Cramer: That's correct. The result of it was that a confessed rapist was permitted to go scot-free and incidentally the same person was involved in a rape in a nearby town again and it looks like he's finally going to go to jail but he should have gone to jail a long time ago.

Morphew: One piece of legislation that many of us in the south are familiar with, H.R. 3...the states rights act...that has passed the House hasn't it?

Cramer: It has. I am not only familiar with it but I introduced one of the bills myself, and of course, that had the effect of trying to do something about the decision which in effect said that where the federal government had acted in any given field where the federal government has power to do so and where that clause of the constitution comes into effect, the preemption clause, that it is assumed that the federal government intended to preempt the entire field and of course, that has never been the construction as a member of congress, that I've ever placed, and I don't think members do, that our mere acting in the field automatically excludes even though, a state action, even though there's no conflict between the acts themselves.

Morphew: So the states are powerless to protect themselves against subversion merely because congress has passed legislation in that same field.

Cramer: Well, that's an example, communism, subversion, the Smith Act is an example of where that could easily be so interpreted and that was the interpretation in that case, incidentally.

Morphew: Most of the topics we've talked about would fit into a general description of states rights, do you feel that there is a growing realization on Capitol Hill of the rights of individuals and rights of states versus central government?

Cramer: Well, of course, as a Republican and as a southerner, I am dedicated to the concept that the tenth amendment to the constitution that provided that all powers not specifically delegated by the states to the federal government shall be reserved unto the states and unto the people. There are some people that, in Congress I might say, some of the liberals don't think that that really should have any real meaning and that's where I differ with them. And so far as the greater federal government, paternalism, and the

larger federal government affects individual rights, we have that fight going on constantly. We had a fight last, a few days ago, on the federal aid to education bill, as an example. Many of us feel that that's one field where the federal government should leave the control of policy matters concerning education of our children, which is the greatest asset we have in this nation, to the local governing authorities, the local school boards, and in that way we will never have to run the risk of perhaps someday getting a rather dictatorial commissioner of education or some secretary of Health, Education, and Welfare who has some philosophy of his own that he wants to impose upon the mind of the people, of all the children of our country. That's a great risk. We can't afford to take it.

Morphew: So local control is preferable to federal control?

Cramer: So long as there's local, divisive control under the people in the local school boards, I'm not concerned about subversive material or alien material being taught and the minds of our children being thus affected.

Morphew: Recently we've been subjected to 'liberal' arguments that we have to do certain things to please world opinion...is this part of the same trend toward centralizing government and destroying our freedoms?

Cramer: Well, I don't know exactly what you have reference to, but there are a lot of people who believe that what we do here should be largely governed by what happens overseas or what effect it might have on our relationships with other nations. Well, of course, that's one factor that has to be weighed. We can't ignore the fact that we are living in a world that every day is being telescoped closer and closer together by circumstances, but the primary concern under our constitution of our legislators should be for the welfare of our own people.

Morphew: Do you feel that the people are awakening to the dangers of central government or being lured into this something for nothing concept?

Cramer: Well, there are a lot of people who are, there's no question about it. If they get something for nothing they think, apparently, the government has a way of manufacturing money or something. A lot of people don't realize that if we collect taxes, it comes from the same sources that your local government, largely, it comes from the pockets of the local people, different types of taxes, of course, but it means that much less tax available for local governing authorities to use on a local level. And we must acknowledge that the local governing authorities are the ones who must retain the great deal of the responsibilities. If not, we're going to end up with a socialistic government, and that's what we must avoid and that too comes up day after day in many of these bills, such as depressed areas, such as the new CCC camp proposal for 1960 at the time of our greatest prosperity in the history of this nation, talking about a 400 million dollar CCC camp proposal. These are the ideas that are permeated by these people who would just as soon everything be turned over to the federal government and I just don't agree with it.

Morphew: I'd like to get the opinion of a southern republican on this question...do you believe that the southern position on states rights is getting across to the rest of the nation? Do you believe other congressmen and their constituents becoming aware of some of the problems that we face and that they are national problems?

Cramer: Well, I am becoming more convinced, particularly as a result of the president's leadership. In Gettysburg, he made his great speech on states rights and pointed out that if we don't reverse this trend, we're going to end up with national socialism. I think also in view of the vetoes of a number of these spending bills and a number of these centralization bills by the president, the people are behind the president in this respect. He has pointed out what the risk is, what the problem is, very clearly. And the action taken in the last few congresses, vetoes sustained and so forth, I think clearly reflects the desire of the people that the federal government measure very carefully any new field they go into, avoid them if at all possible, and in any of the existing fields they prevent their expansion any more than the national need absolutely demands.