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5918 – Virginia and States Rights

Guests: Rep. William Tuck (D-VA) and Rep. John Bell Williams (D- VA)

Morphew: Introductions...to Tuck...Virginia has been seen as the mother of the south, recent developments there have left many wondering if this is still true, has it changed?

Tuck: Well, I would certainly say that's not been changed in my mind or in the minds of a great many people in Virginia, and I believe in the minds of a majority of the people of Virginia. In Virginia there are those who favor fighting out this present trouble with the Supreme Court of the United States on the integration issue on a statewide basis and maintaining our state sovereignty and there are others who I believe are equally opposed to integrating schools who appear to be of the opinion that it's to the best to remove the state as a whole from the fight and leave the localities to fight by themselves. I would say that the main difficulty that faces us down there is that we are nearly all of one mind but is it (sic) that we are divided as to the methods and means by which the fight should be made. I think one of the, our troubles are probably better described by the language of one of the greatest English philosophers, Emerson, who I believe it said, 'The troubles of the world arise largely because the good and the better are forever in conflict while the forces of evil are united.' If the good and the better would cease conflict and unite the triumph over evil could be easily secured. And so I hope that in these struggles that we may yet be able to unite our forces and let Virginia plant her feet firmly upon the ground of state sovereignty and thus better enable itself to resist the movements of these forces of evil who are undertaking to destroy the liberties of people in Virginia and everywhere.

Morphew: Would you say that the determination of the people of Virginia remains firm on this issue?

Tuck: I would say the determination of the people of Virginia is more firm now than it ever has been and I believe that the majority of the people of Virginia still feel that we need more resistance, not less resistance.

Williams: Governor, wouldn't you agree with me that the issue of segregation or integration is really what might be termed a secondary issue in comparison with the constitutional issue which has been pointed up by the Supreme Court decisions, in other words, that that issue of segregation or integration is certainly secondary to the necessity for preserving our constitutional liberties?

Tuck: There's no question about that. We have, the two races in Virginia have lived in peace and harmony for more than 300 years, longer than any other place in the western hemisphere. And we understand the race problem. The white and the colored people have an appreciation and an understanding of each other and there's no difficulty, no particular difficulty in Virginia along these lines except such troubles as may have been aroused or stimulated by reason of these unfortunate decisions. But the thing that concerns the overwhelming majority of the people of Virginia is the preservation of our constitutional liberties and the continuation of the right to decide our own governmental problems without interference from the outside.

Williams: Governor, we've reached a sad state of affairs when a series of Supreme Court decisions can result in the passage by ten sovereign states of this union of legislative acts of interposition, substantiating the position that we are taking now that this Supreme Court decision is an unconstitutional encroachment upon the reserve powers of the several states. I might add that this is further born out by the resolution adopted by the Association of State Supreme Court Justices, chief justices, in which they took the Supreme Court to task and suggested that they should use or should exercise judicial restraint in the future in rendering their decisions. In addition, as you know, the American Bar Association has passed a rather strong resolution concerning these cases. And I would like to add this, as a thought, particularly in as much as you are from Virginia and it was a Virginian who wrote the declaration of independence. When it became necessary for this country to sever its ties with Great Britain, list its grievances in the Declaration of Independence, and I think that we find a parallel in the grievances listed against the British crown with the grievances which we in the South very legitimately and properly as American citizens are listing today against the usurpations of the United States Supreme Court and of course, against certain executive actions. Listen at this just a minute, governor, from the Declaration of Independence: "The king has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws, giving his assent to their pretended acts of legislation." Certainly there is a parallel to be drawn there by the president and both major political parties giving their assent to the Supreme Court's pretended acts of legislation, and further, the Declaration of Independence in those grievances complained against the crown for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments, for suspending our legislatures and declaring themselves invested with power to legislate for us in all cases whatsoever, and they of course listed another grievance and that was that troops were used by the president, by the king, in time of

peace, that they were required to quarter these troops in their own homes in time of peace. Of course, there's a parallel there in Little Rock. And in that Declaration of Independence they stated, that in every state of these oppressions we have petitioned for redress in most humble terms. Our repeated petitions have been answered only by repeated injuries. It's a sad thing to say, governor, but there is a parallel and let us hope that our complaints and our petitions and our grievances will not fall upon deaf ears and they were in the days when it became necessary for our people to declare themselves separate and apart from the British crown. Obviously, we have no intention of doing such a thing now, but I do find a parallel.

Tuck: John Bell, I certainly agree with you that those beautiful and strong words appropriately describe the situation which exists today, and of course I agree with you that there's no way that we can or would even desire to withdraw ourselves from the Union, but I do think that we'll win in this struggle if our people will only continue to resist and not undertake to give in or to recognize in any way the legality of an illegal decision.

Morphew: To Williams...you mentioned interposition, exactly what is interposition?

Williams: Interposition is simply an act by which a state interposes its sovereignty between the people and a usurpatious act or an illegal act of the federal establishment. In other words, it places the state between the people and the exercise of an illegal force by the federal establishment. Permit me to say that we feel that there are entirely too many people in this great nation of ours who either do not realize what is happening to this country through these encroachments upon the rights of the several states or are so timid that they do not care to raise their voices in opposition. I would like to admonish these people in this, in the words of the great Thomas Jefferson, who said that timid men prefer the calm of despotism to the boisterous sea of liberty. He said that the god that gave us life, gave us liberty at the same time. The hand of force may destroy but it cannot disjoin.

Morphew: How many states have used interposition so far?

Williams: Ten states, Dick, as I mentioned a moment ago. Ten states of this Union have passed legislative acts of interposition.

Morphew: Which means that in 10 states, the SC's integration decision in 1954 are of no effect in those states.

Williams: That is absolutely correct.