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Guest (s): Rep. John Bell Williams (D-MS) as guest host and Governor Orval Faubus (D-AR)

Title: 1954 Supreme Court Decision

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

Williams: Hello, everybody. This is Congressman John Bell Williams of Mississippi substituting for your regular host, Dick Morphew. Welcome to the Citizens' Council Forum. We are pleased to welcome as our guest on the Citizens' Council Forum today, one of America's most distinguished statesmen, the distinguished governor of the state of Arkansas, Honorable Orval Faubus. Governor Faubus was reelected to his third term as governor of the state of Arkansas last year with the greatest majority ever given a gubernatorial candidate in the history of the state. Welcome...

Faubus: Thank you, congressman.

Williams: Since the SC segregation decisions in 1954, you have become the central figure in the most serious constitutional crisis that has arisen since the war for southern independence. What is the real issue in this controversy?

Faubus: Well, Congressman Williams, the real and basic issue is very often submerged with what we sometimes term the extraneous matter. The real basic issue is the separation of powers as set up by the founding fathers and continued on to the present time. The real issue is the usurpation of powers reserved to the states by the federal government without going through the proper processes of amendment of the constitution. You find it very clearly illustrated in the writings of Jefferson which I've quoted quite extensively since the controversy arose. The real usurpation, of course, has been by the United States Supreme Court without any basis for the assumption of that power. Not only in the field which has always been reserved to the states, the field of education, but in other fields the Supreme Court has stepped in. You find that Jefferson in writing of this question said that the germ of this solution of our federal government is in the constitution of the federal judiciary. Then he said that, an irresponsible body working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped from the states and the government of all be consolidated into one. To this I am opposed because when all

government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated,' referring of course to the government of King George when the war of independence began. Now the Tenth Amendment says that all powers not delegated to the federal government nor prohibited by it to the states is reserved to the states and to the people. The states have the power, you can delegate it down to the localities or to the people, but when the federal government steps in and takes over the field then you have no more control over local affairs by local people who know them best and you have no control over state matters and of course, you know with the fifty states of the Union there is even greater variety of problems since we have fifty than there were when there were 48. And then you find, Congressman Williams, that George Washington recognized this, that the danger was great from the usurpation of power by any branch of government that was not delegated to it by the constitution. And he said this...

Williams...He mentioned that in his farewell address, did he not?

Faubus: He said, if, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates, but let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. And writing to me recently was a person who wrote thusly, 'It has been said that it is not so much the separation of the races as the continued separation of powers, federal, state and local, which guarantees the liberty of all races. And that I think, Congressman Williams, is the central issue in this whole conflict. It is not confined to Arkansas, it is not confined to the South, you find it in many fields throughout the nation.

Williams: As I understand our system, the federal government is limited and intended to exercise certain limited powers set out in the constitution...if it's not meant to be limited, then we don't need a written constitution, do we?

Faubus: The constitution would become a scrap of paper under the continued usurpation of the powers reserved to the states. That was the reason the constitution was written. They feared an all-powerful central government as they had in the old countries at that time, and therefore, sought to set up a government here which could not enter into many fields and all of those fields where power was not specifically delegated to the federal government were reserved, as the Tenth Amendment says, to the states and to the people.

Williams: Just how sincere do you think these pressure groups are in attempting to advance the welfare of our Negro citizens, for example, the NAACP.

Faubus: Well, there's plenty of facts and information to indicate the lack of sincerity in the leadership. Now, no one disagrees with the thought of the National Association for the Advancement of Colored People, that is a phrase with which all can agree, and in Little Rock and in Arkansas, we've been mindful of that. And in fact, when the

controversy arose over the forcible integration of the schools in the city of Little Rock, you find that the students who left Horace Mann High School to enter Central High School...

Williams: Horace Mann was the colored high school...

Faubus: ...Were leaving the colored high school, Horace Mann, which is far more modern than Central, only about four or five years old and incidentally rated fifth in the nation for being modern, utilitarian and beautiful. The degrees of the teachers in that school were higher than the degrees on average of the teachers in Central High School. Central High School is thirty years old, Horace Mann is four or five years old. So, they were leaving a finer school with better qualified teachers so far as the academic standards are concerned, and entering another school. Therefore, people who know the situation well could draw the conclusion that it was not a matter of advancement educationally of the students but was the promotion of these people who were the leaders who are on a paid basis because Mrs. Bates who headed the program is the paid worker for the NAACP in Arkansas, and incidentally, I have in my files information showing that over the country they've held testimonial dinners for her where funds are raised for her personal use. It said on the basis of repairing her home that had been bombed eleven times, which is untrue.

Williams: After it became necessary to close the high schools to keep the peace, I recall that private schools are now in place, holding all of the white children in Little Rock...is that correct?

Faubus: That is right.

Williams: Now, how about the colored children?

Faubus: Well, many of the colored students are continuing with their education in other schools. Under the act which we passed, there's no discrimination whatsoever in the use of funds for students. Race is not mentioned. So that funds could be transferred from that area where the schools were closed, to other schools which these students might enter, either public or private. So then the movement began to set up private schools because the public schools could not absorb all of those from the closed schools. All of the white students are in school. Most of the Negro students are in school. We were prepared to put all of them in school. And I had calls from Negro leaders who were interested and white citizens were interested also in helping to provide these educational facilities, but Mr. Wilkins, executive secretary of the NAACP came to Little Rock and set the policy in a public address, that they would not accept the use of these facilities even if they were offered or provided, if they were there ready they still would not enter the door because, as he said, it would jeopardize their case in the courts for the complete and total integration of the Little Rock school system. Now, you hear a great deal about the fact that nine Negro students among 2000 white students, but the Blossom plan under which all of this controversy developed, calls for the complete and total integration of the schools. It is not a question of token integration but the question of complete integration.

Williams: I think that is indicative of its insincerity of this group...

Faubus: Well, the paid leaders and also the attorneys have had a very good thing out of it. We've had more high priced attorneys in Little Rock since this thing began than we've ever seen before in the history of Arkansas and the attorneys on the local level have fared likewise.