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Guest (s): Rep. Robert L. F. Sikes (D-FL) and Rep. Jamie Whitten (D-Whitten)

Title: Trend Against Centralization of Power

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

Morphew: Introductions...to Sikes...have there been trends in recent months towards counteracting centralization of power in the federal government?

Sikes: Dick, I believe that there is definitely a trend in that direction. Now, it may take several years for the trend to actually develop to the point that you will see a noticeable result by virtue of legislation that has been enacted. But we are seeing a number of things that are happening now that shows that there are more and more people who are concerned about this trend toward centralization, more and more people who are concerned about the grasp of power by the Supreme Court, more and more people who are concerned about the fact that state laws are being invalidated by the Supreme Court. So that I think that there is definitely a trend back toward states rights, back toward decentralization of government. I don't think enough of our people who sit in the halls of Congress have been impressed with this fact to vote as they are beginning to see this situation here, but I predict that within a matter of time, as more and more people become more and more familiar with the problems, for instance problems of segregation and integration, and realize what the real problems are, what the real issues are, that you're going to find a different concept and a different attitude.

Morphew: To Whitten...could you give examples of things that have been done recently?

Whitten: Well, we have done several things. First, H.R. 3 which we are all familiar with, was passed by the House and we hope for the same action by the other body.

Morphew: Just for a brief rundown, what does H.R. 3 do?

Whitten: Well, it briefly, in very few words, 72 I believe to be exact, provides, would provide by law that the fact that the federal congress had acted in a given field would not preclude or invalidate all the laws in that field by the various states unless it was specifically stated in that law of Congress. I would like to add a little bit to what my friend, Bob Sikes, has said about the public awareness, and after all, Congress sooner or

later, in my opinion, reflects public opinion. I think early some various Supreme Court decisions were felt and recognized only by those that happened to be right where the lick hit, so to speak. Now that they have encroached in so many fields, in immigration and instructors in the schools and precluded states from running their own affairs, precluded the federal government from running its affairs in the way of exportation of people, now their beginning to see that if the Court takes to itself absolute power in a particular field they have thereby taken to themselves the right to set up absolute power in any field. And we can already see the pattern coming to the point it's being felt in various sections of the United States as much so as we felt it in the South in the first desegregation decision.

Sikes: Dick, may I comment briefly on H.R. 3?

Morphew: Yes.

Sikes: Because very frankly I think that is the most important one bill that the House of Representatives has passed during the current session of Congress, one of the most important during my time in Congress, because H.R. 3, while it's a very simple measure, a very short measure, would stop the wholesale invalidation of state laws by the Supreme Court. And we've see a greater and greater trend on the part of the Supreme Court in recent years to set aside in wholesale the laws of the various states. As Jamie has pointed out, the H.R. 3 would permit concurrent jurisdiction of laws in which both the state and the federal government have enacted legislation, but it would permit the state to enforce its own law unless there is a direct conflict between the two. The Supreme Court has moved into so many fields recently that unless this trend is reversed, it isn't going to be long until the states have no power left except to regulate the federal regulations.

Morphew: It won by a very comfortable margin, didn't it?

Sikes: And that, Dick, I think very clearly points up the question which you first asked me. We were surprised with the decisive victory in the House which H.R. enjoyed. The vote was about 150 against 250 for. As a matter of fact, when the debate on the measure started there was some question that it would be passed at all. Well, it was passed decisively and that in itself, I think, is a very strong indication that there is greater and greater awareness that the people through their elected representatives in the Congress must reassert themselves against centralization in government.

Morphew: Do you think this kind of measure could have been passed 2 or 3 years ago?

Sikes: I doubt it seriously. I think that the trend in the other direction was reaching its greatest heights at a period of 2 to 3 years ago. I think now the trend has reversed itself and there's an awareness even on the part of the administration and perhaps even on the part of the Supreme Court that they've gone too far.

Morphew: But the people who have always felt this way have no cause to relax their guard now, do they?

Sikes: Certainly not. We can be sure that the people who want the centralization of government are going to continue to do what they can to get it. The people must work harder than ever now that there are indications that the trend is being reversed.

Morphew: To Whitten...do you think this vote signified a reversal of this trend?

Whitten: I certainly think so, Dick. It's my opinion, and I don't mean to get in personalities here but those of us from our section of the country who have been foreseeing what was happening to us, who have been worked hard and been united in our efforts along this line, have had sometimes lip service from some of our colleagues and maybe their record vote when they had to vote, but quite frankly we've had lots of members that talked alright and voted on the record alright but who really didn't help. I think public opinion has crystallized to put a little strength in some of those members. I think that H.R. 3 and its passage is not only a realization by the membership of theirs, but it represents behind that membership an awareness on the part of the public. And I do think that to, as you are doing here and as others are doing, bringing this home to the people will bring about an improvement in the actions of their own representatives and at the White House or that it will bring about a change where you will get someone who will stand for these things. It's my opinion, if I might pursue it further, that this court never would have had this courage, false courage perhaps, to get on this limb if they hadn't felt that they had the support of the executive department. Now in that I'm not just trying to point the finger in one direction as against the other but in recent years, both parties and the candidates of both parties have been on a platform that went far afield from sound government in many, many of its aspects. Now if people get aroused enough to where they won't take that kind of a candidate for the presidency or that kind of a candidate for the Congress, we will see some improvement. And as tragic as it is to see the Supreme Court usurp the powers of the people and rewrite the constitution in every field, the wider they have spread their activities, the more public support we are getting all over the country.

Morphew: That is certainly an encouraging report.

Sikes: Dick, don't you think it would be well for us to point out that H.R. 3, which we have discussed, only touches on one phase of the problem? I think that one of the major things that we must try to do in the years ahead are to secure the enactment of a number of pieces of legislation to stop the trend, the present trend of the Supreme Court. I think that Congress, by the action of the House, has demonstrated that it can reestablish a proper balance between the courts, the legislature and the administration. I think it's essential that we do that. The rulings of the court have been very disturbing in many fields. For instance, out of the 39 cases affecting communism which have been before the Supreme Court in the last couple of years or so, they have ruled in favor of the communists 32 times. That is a shocking and a distressing thing and I don't think that Congress can dare to relax in its efforts to bring about a correction insofar as Congress properly can bring about corrections. Of course, basically, you have to have the right kind of people on the Court to ensure the right kind of decrees.

Morphew: You are on the appropriations committee and are author of a bill concerning the use of federal troops for occupation duty to carry out court decrees.

Sikes: Yes, that is true, and Congressman Whitten worked right beside me in an effort to secure the adoption of language which would have prevented the use of federal troops for occupational purposes or to enforce decrees from the courts on civil rights matters. Unfortunately, we were voted down on the amendment. I think that it was a proper amendment. The people don't expect their money, their tax money which is voted for the defense of the United States to be used to stand guard over little children in the high schools of this country. And I think the amendment should have been adopted. It was disappointing that it was voted down but I think we made a very strong case and showed to the government that Congress is seriously concerned with this matter and will continue to take other looks at it.

Morphew: And we all hope that this action will be a moot question in the future.