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6328 – Civil Rights Legislation

Guest: Senator Strom Thurmond (D-SC)

Morphew: Introduction...civil rights proposals currently being studied by Congress...they range all the way from blackmail to bribery to threats as they've been described by you and other southern lawmakers...what will these bills do?

Thurmond: That'll be fine.

Morphew: What do you feel is the reasoning behind the current series of demonstrations and threats of still more demonstrations? We see these racial demonstrations cropping up everywhere and we're being told that we'll see more if Congress doesn't pass legislation...do you expect you to legislate out of fear?

Thurmond: Well, it seems so. I understand that there's to be a March on Washington and Capitol Hill of 300,000 Negroes in August and I can see nothing in this except coercion and intimidation to try to force members of the Senate and House to pass a civil rights bill. So far as I am concerned they can bring a million people here and it will not affect my vote.

Morphew: In a general way, is this the proper function of our government, to pass these kind of laws?

Thurmond: No, it is not. Under the constitution there are certain fields of activity specifically delegated to the national government, the government here in Washington. All other activities are reserved to the states. For instance, in the matter of voting qualifications, under the constitution this is reserved to the states. The Congress has no power to pass a bill on voting qualifications. It would have to amend the constitution. It could do that in one of the two ways provided in the constitution if the people saw fit to

make such amendment. But at present the Congress has no power to pass a bill on voting qualifications, yet, the president has recommended one of the civil rights bills along this line. He's gone so far as to recommend that temporary registrars be appointed pending a suit to register people, to see that the vote is cast, to see that the vote is counted. This means that these federal officials would go down and control the elections. We don't need the federal officials controlling the state elections, and I think it would be a great mistake. Now, there's also another provision that's been recommended and that is that if it is claimed a person has a sixth grade education it will be assumed that he is literate. This will not be constitutional in my opinion because different states have different voting qualifications. The state of South Carolina, for instance, provides if a man can read and write the constitution, he can vote. If he can't read and write, then if he owns 300 dollars worth of property he can still vote, but the state of South Carolina has fixed that qualification. It has the right to fix that qualification. The national government does not have that right, therefore, I am opposed to those provisions concerning the qualifications for voting.

Morphew: Another provision would allow the attorney general of the United States to act as legal counsel for plaintiffs filing school desegregation suits, so if one person wanted to file a school integration suit they wouldn't have to bother getting a lawyer anymore, the justice department would provide them with counsel

Thurmond: Well, that is correct. If a student requests that a suit be brought or if his parents requests that a suit be brought and that they are not financially able to pay a lawyer or for some other reason it will further integration, then the attorney general on his own, in the name of the government, can initiate such suit, and this will prevent the necessity of the participant in the litigation employing his own lawyer. It's a very dangerous precedent and it simply means that they're after fostering and giving impetus to integration in every way possible and encouraging it in this particular way.

Morphew: As a member of the commerce committee you've been active on the hearings regarding the public accommodations law...what would this bill do?

Thurmond: This would simply provide that a man who owns a piece of property would have to serve or sell to anyone who cared to buy or to be served. This is in violation of the constitution. The constitution provides that no person shall be deprived of life, liberty, or property without due process of law. To make a man sell to someone he doesn't want to or serve someone he doesn't care to is depriving him of the use of his property. The government will practically be giving instructions how to use the property in every detail and this would be the precedent for such beginning. A man has a right to use his property as he sees fit so long as he does not disturb or hurt others, and this is a very dangerous law because under the Fifth and Fourteenth Amendments both private property would be used for a public purpose, so to speak. Now, we realize that power companies and gas companies and public utilities are in a different category, but this bill would the effect almost of putting private property, stores, motels, hotels, restaurants, barber shops, beauty shops, and other places like that in the same category with public utilities which in my judgment is a clear violation of the constitution.

Morphew: Those who believe in the right of private property ownership versus socialism, no matter how they feel about segregation or integration, shouldn't they be worried about this provision?

Thurmond: That is correct, Dick. And I have received a great many letters recently from people who favor integration who are opposed even to this provision. I received and I remember reading a letter today from a man who said that he was a liberal or a moderate, but he couldn't go along with this provision because this would prevent a man from using his property as he cares to use it and when the government steps in and directs the use of property, controls property, that is the beginning of a dictatorship.

Morphew: In a recent SC decision on race coming up from South Carolina, Justice Harlan wrote, "Freedom of the individual to choose his associates or his neighbors, to use and dispose of his property as he sees fit, to be irrational, arbitrary, capricious, even unjust in his personal relations, are things all entitled to a large measure of protection from government interference." This public accommodations law would seem to remove these rights?

Thurmond: Even Mr. Justice Harlan wrote that, and I think that enunciates a very important principle if we are going to protect private property, because it's beginning now with stores and beauty shops and barber shops and things of that kind, but if this precedent should be followed then it could even go to the home. And our homes are our castles, and I think it's a most dangerous precedent.

Morphew: Most people have been lead to believe that the Negro is seeking equality, do you believe that or is it more along the line of preferential treatment?

Thurmond: Well, one of their leaders, Farmer, who I believe is with the CORE organization, said that they want preferential treatment. From what I understand today, a great many of these leaders are claiming that they want to go back now and be remunerated for the treatment that's been accorded to their fathers or forefathers or ancestors. They want preference. And Dick, it looks like the government is willing to give preference. For instance, out in Dallas, Texas, there were three or four men promoted to supervisor or foreman and instead of taking those at the top of the civil service list as you usually would, they reached way down and pulled up men who were way down the line and promoted them. And in other places they have done likewise. Another place in Texas, the Veterans' Administration by verbal orders from Washington, I understand, has been ordered to employ Negroes.

Morphew: So actually, instead of removing discrimination which many of us have been told is the purpose of this civil rights controversy, what is actually being done is to discriminate against white people in favor of the Negro?

Thurmond: That is exactly the way it looks now that what they're doing is to promote discrimination but against the white man. People are entitled to equality but this

discrimination business has just been carried entirely too far and furthermore, if local Communities or states wish to pass laws or take action, that's a matter for them. But at the national level, again I say, there is not authority to do it. There is no authority under the constitution for the Congress to be passing laws that have been recommended here by the president.

Morphew: Prediction of how Congress will deal with this matter...can there be a compromise?

Thurmond: Well, Dick, these are very severe proposals. Extending the life of the Civil Rights Commission is objectionable and will create tensions, but it has been extended before and it's not as bad as some of the others and I would certainly vote against it. I don't know how far the southern senators will go with regard to it. With some of these other measures it seems to me there can be no compromise and that we must fight until the last ditch to prevent these objectionable, obnoxious, unconstitutional and un-American and impractical proposals from being adopted.