

MINORITY REPORT

AS TO THAT PORTION

OF THE

PROPOSED PLATFORM ENTITLED

“Civil Rights”

Presented on behalf of:

**ALABAMA, GEORGIA, NORTH CAROLINA,
ARKANSAS, LOUISIANA, SOUTH CAROLINA
FLORIDA, MISSISSIPPI AND VIRGINIA**

In accordance with the Rules of the Convention, this Minority Report is personally signed by more than ten percent of the members of the Committee on Resolutions and Platform.

In 1952 the candidate of the Democratic Party for President of the United States was favored only by the voters of the States of West Virginia, Kentucky, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Arkansas, and Louisiana.

In 1956 the candidate of the Democratic Party for President of the United States was favored only by the voters of North Carolina, South Carolina, Georgia, Alabama, Mississippi, Arkansas, and Missouri.

This minority report is signed by members of the Platform Committee who are delegates from each and every one of those two groups of States except Missouri, Kentucky and West Virginia.

In 1952 and 1956 as well as in prior years, the States of North Carolina, South Carolina, Georgia, Alabama, Mississippi and Arkansas were the backbone of the Democratic Party. Nevertheless, since 1952 the people of those States as well as the people of Louisiana, Florida, and Tennessee have been subjected to every conceivable harassment in the field of civil rights at the instigation of well-organized pressure groups, residing for the most part in States that have not favored the candidates for the Democratic Party for President and Vice President of the United States.

Increasingly, the loyalty of the people of the South to their party has been repaid with scolding and derision. Pretending to invoke the Constitution of the United States, those who are attacking the South have ignored the fundamental law of the land—and, in particular, the Tenth Amendment to the Constitution of the United States. Despite these attacks, the Democrats of the Southern States have sent delegates to this 1960 convention whose aim was and is to unify the party and restore Constitutional government in this land of ours.

Notwithstanding the Southern States are still being subjected to a campaign of studied vilification. The climax of this campaign is the so-called "civil rights" proposal in the platform just adopted by a majority of this convention's Platform Committee. In a continuation of our efforts to unify the Democratic Party, to help insure that the voters of our States support the nominees of this convention, and still retain their self-respect, we request delegates from all States to join with us in rejecting that portion of Section IV of the proposed platform entitled "Civil Rights." We call upon delegates from all the States of this Union—North, South, East and West—to join with us in defending against the calculated effort which is being made by the radicals of both political parties to drive the States of the South from the Democratic Party.

Upon the adoption of the proposed "civil rights" plank in the meeting of the Platform Committee on July 11, 1960, we read and filed a simple dissent, stating that we emphatically repudiated those provisions incompatible with the Constitution of the United States, which undertakes to establish an indestructible union of indestructible States. We asserted then, and we assert now, that the "Rights of Man," which is the purported theme of this platform, can be protected only by the observance of the Constitutional division of delegated powers between the Federal and State Governments and by strict adherence to the Constitutional guarantee that all powers

not delegated by the States to the Union are reserved to the States or to the People.

The Tenth Amendment to the Constitution of the United States is a part of the Bill of Rights equal in force and dignity to the First Amendment and all of the other amendments which comprise the Bill of Rights. When a court or a legislative group or an executive disregards or violates the rights of a State under the Tenth Amendment, thereby the rights of the people under the First Amendment to worship, to read, to speak, to print are jeopardized. A mere majority which can today ignore the Tenth Amendment can tomorrow ignore the First Amendment and all the others.

In this platform plank it is stated: "The right to vote is the first principle of self-government. The Constitution also guarantees to all Americans the equal protection of the laws." These sentences are high-sounding, but they ignore a proper application of the Constitution of the United States.

Repeatedly the Supreme Court of the United States has held that a person's right to vote is derived from the laws of a State. The State prescribes the ages, the length of residence required, the educational qualifications required, and all other reasonable qualifications it deems necessary and advisable for the general welfare of its citizens. The only Constitutional restrictions on this right of any State is that it shall not be abridged or denied by reason of race, color or previous condition of servitude. While the 14th Amendment to the Constitution adopted in 1868 prevents a State from denying to any person within its jurisdiction the equal protection of the laws, that Amendment was long ago construed so as to allow a State to prevent women from voting. The 14th Amendment did not prevent a State denying to its female citizens the right to vote. That right was secured only by the 19th Amendment, adopted about forty years ago.

The members of Congress—Senators and Representatives—are chosen by the people of the several States comprising this Union. They are answerable to their people at home. What is their duty, what is their code of ethics, is to be determined by them and those who choose them. They have the power under the Constitution to enforce that document and all Amendments to it by appropriate legislation. What is or is not appropriate legislation under the powers delegated to Congress is for determination by the Courts. It is the duty of the President to see to it that the laws—not rights—are fully executed. The President has nothing to do with any "right" unless and until that right has been constitutionally established by law.

* * *

For six years and two months there has been a rising demand that the South should obey the law of the land, so-called, and establish systems of public schools unsegregated as to race or color. This clamor overlooks the fact that never has any Court decided that any State could be compelled by anyone to set up a system of integrated schools. But those who have so chided the South for its alleged breach of the law of the land now foster not only breaches of the law of the land, but breaches of the peace. They condone and even sanction trespassings upon private property. Their encouragement and approval of "sit-in demonstrations" on a specious moral principle flout the declaration of the law of the land promulgated by a Court, one of whose members is a distinguished former Solicitor General

of the United States who participated in the argument of the school cases before the Supreme Court.

By no stretch of the imagination can the Constitution of the United States be interpreted so as to assure equal access for all Americans to all areas of community life. A church, a social club, a fraternity, a sorority, a lodge—each is an area of community life, but neither Congress nor the Court has the Constitutional power to assure the entrance into those areas of any or every American.

The Supreme Court of the United States has recently held that the Civil Rights Act of 1957 is appropriate legislation under the 15th Amendment. If legislation has been needed "to secure for all Americans the right to vote" that statute would suffice. It has been used by an Attorney General, as politically minded as any delegate here, only four times. That it has not been used more frequently is not proof of the fact that he and the President are not "strong and imaginative." It is proof of the fact that alleged abridgements or denials of the right to vote are grossly exaggerated.

For example, in a complaint against the State of Georgia, it was alleged that there were roughly 5,000 Negroes of voting age in a certain county of that State who were denied the right to vote. Upon the trial of a case arising from that complaint, the Federal Government admitted that only a meager 35 of those 5,000 had even applied for the right to vote and that of those 35 only 10 were qualified. And yet the State of Georgia was pilloried before its sister States for denying the right of vote to thousands. What political hogwash that is!

For a convention composed of American delegates to support "whatever action is necessary to eliminate literacy tests" as requirements for voting is unthinkable. Even the most ardent salvationists would have to admit that such action could be only in the form of an Amendment to the Constitution of the United States. Very recently the Supreme Court of the United States decided that the requirement by a State of reasonable literacy tests as a condition for voting was a proper exercise of its Constitutional powers. Would you permit a man or woman who did not know his or her a-b-c's, who could not add two and two, who did not know who was President of the United States, Governor of his State, or Mayor of his city, to vote for or against candidates for these offices?

For our part, we are opposed to the establishment of a Government by the idiots and the ignorant for the idiots and the ignorant. The liberal salvationists among us have been shouting for the need for education, more money to be spent on it than ever before in our history. At the same time and in this same platform document they would abet ignorance and illiteracy. Apparently their credo is, when it comes to voting, let's keep 'em dumb to be more easily herded to the polls like sheep!

There is no "Constitutional requirement that racial discrimination be ended in public education." All that the Courts have said on this subject is that if a State chooses to establish and maintain a public school system, the children in the schools of that system may not be segregated by the standard of race or color. If the people of any State choose to abandon their public schools rather than to integrate them, no Court or Congress may

compel the submission of any plan of compliance with "the Supreme Court's school desegregation decision."

And we the undersigned are here to say that the States of the South will not be bribed with "technical and financial assistance," held out as bait in this platform, into sacrificing their children upon the altar of political expediency.

Most of the remaining paragraphs of this so-called "civil rights" plank in the platform constitute a synopsis of legislation which has at least twice been rejected by the Congress of the United States, a majority of whose members belong to the Democratic Party.

Will the delegates to this convention lead their party to defeat with the halter of a platform framed upon the insistence of a radical wing of our party—a platform pledging our party to the support of legislation which not twice but three times has been rejected by this very party?

We submit that is one of the key questions of this convention.

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Fellow Democrats, if we would reflect upon it, the big evil of our confused day not only here in the United States but in countries the world over is unlimited government. For nobody is qualified to wield fairly unlimited power.

And yet what is the main activity of the liberals and salvationists in our party who assert that they would bring to us a new, shining, mass-action democracy that would free us from the sad misconceptions of the past? It is the activity of ever-enlarging Big Government control, which always corrupts and always dehumanizes.

In this matter of Government-enforced social equality, which is threatening to engulf our accepted educational processes, for example, the so-called liberals are telling us that we of the South are unthinking, that we are resisting change and the inevitable march of expanding democracy.

But it is not change that we of the South resist, nor democracy that we shun. We do resist the kind of change that will turn us more and more into a super-state. We do resist the kind of change that will not just run us but over-run us. We do shun the kind of democracy that believes Big Government alone, beyond any private institution or private will, has the wisdom and compassion to deal with the problems of the future. We do shun the kind of democracy that from a pinnacle in Washington can tell people all over the land by what rules our schools should be run, and that if those rules are disobeyed the right of the people to run these schools will be taken away from us. To our minds, that is a burlesque of democratic living. It is a travesty of real democratic procedure.

No Government can become the final arbiter of all social, economic and political difficulties. It simply does not have the capacity. The tougher our problems, the more that Big Government is inclined to wallow in indecision and complicate the remedies—until finally, frazzled and perplexed, it resorts to the age-old preachment of the tyrant: Accept the imposed order or feel the weight of this mailed fist.

This is democracy? Actually, it is the refutation of the fundamentals of Americanism. You and I must always remain aware of the fact that our America is a land made up of many nations and many races, many traditions and many creeds. We must ever be mindful of the fact that our America was born in non-conformity, that our America grew great on diversity, on the right of people to be different and that this pluralism or many-sidedness of our America which is currently taking such a political whipping from self-styled liberals and angry leftists is truly inseparable from the magnificent vitality of our great country. We should all pay heed to the strong conviction that in a representative democracy men can indeed belong to the central political unit and enjoy at the same time the sustenance of their own particular faiths and their own particular fellowships.

In all our considerations, let us remember this one thing about our presence in history: That the essential conditions of America's swift development and unusual progress has been freedom—freedom to make social choices, freedom to promote our economy, freedom to elect our rulers. Freedom made America great, and that freedom gets its initial thrust and energy from the flexible and unregulated interplay of personal vitalities. Efforts to suppress this proper function inevitably produce the moral tensions, disorders and confusions that we are experiencing in mounting crescendo today.

It is the hope of the undersigned States of the South that these beliefs in independence will never die in our strong land, for if they do perish we are convinced that our vigor will depart and that we will become something much less politically, economically, socially and morally than we are today. We intend to stand for these beliefs and fight for their preservation. We trust that you good people will do the same.

Respectfully submitted,

JAMES H. GRAY,
State Chairman,

CHARLES J. BLOCH
Georgia Delegate

Georgia Democratic Party.

On behalf of the following States:

ALABAMA

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