21–3 Southern Manifesto, 1956

Southern whites mounted a resistance to desegregation and a fervent defense of Jim Crow laws following Brown v. Board of Education II (the follow-up case to Brown v. Board of Education where the Supreme Court ordered the integration of schools). Signed by almost all southern legislators, the manifesto was a call-to-arms for many Southerners. The manifesto opposed the Supreme Court's decision in Brown, charging that the Court had abused its judicial power, and had threatened states' rights and "the amicable relations between the Negro and the white races."

SOURCE: *Congressional Record, 84thCongress, Second Sess.,* Vol. 102, part 4 (March 12, 1956). Washington D.C.: Government Printing Office, 1956. 4459–4460.

THE DECISION OF THE SUPREME COURT IN THE SCHOOL CASESDECLARATION OF CONSTITUTIONAL PRINCIPLES

Mr. [Walter F.] GEORGE. Mr. President, the increasing gravity of the situation following the decision of the Supreme Court in the so-called segregation cases, and the peculiar stress in sections of the country where this decision has created many difficulties, unknown and unappreciated, perhaps, by many people residing in other parts of the country, have led some Senators and some Members of the House of Representatives to prepare a statement of the position which they have felt and now feel to be imperative.

I now wish to present to the Senate a statement on behalf of 19 Senators, representing 11 States, and 77 House Members, representing a considerable number of States likewise. . . .

DECLARATION OF CONSTITUTIONAL PRINCIPLES

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law.

The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this Constitution with its provisions for change by amendment in order to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public officeholders.

We regard the decisions of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal Judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people.

The original Constitution does not mention education. Neither does the 14th Amendment nor any other amendment. The debates preceding the submission of the 14th Amendment clearly show that there was no intent that it should affect the system of education maintained by the States.

The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

When the amendment was adopted in 1868, there were 37 States of the Union. . . .

Every one of the 26 States that had any substantial racial differences among its people, either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same law-making body which considered the l4th Amendment.

As admitted by the Supreme Court in the public school case *(Brown v. Board of Education)*, the doctrine of separate but equal schools "apparently originated in *Roberts v. City of Boston* (1849), upholding school segregation against attack as being violative of a State constitutional guarantee of equality." This constitutional doctrine began in the North, not in the South, and it was followed not only in Massachusetts, but in Connecticut, New York, Illinois, Indiana, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania and other northern states until they, exercising their rights as states through the constitutional processes of local self-government, changed their school systems.

In the case of *Plessy v. Ferguson* in 1896 the Supreme Court expressly declared that under the 14th Amendment no person was denied any of his rights if the States provided separate but equal facilities. This decision has been followed in many other cases. It Is notable that the Supreme Court, speaking through Chief Justice Taft, a former President of the United States, unanimously declared in 1927 in *Lum v. Rice* that the "separate but equal" principle is "within the discretion of the State in regulating its public schools and does not conflict with the 14th Amendment."

This interpretation, restated time and again, became a part of the life of the people of many of the States and confirmed their habits, traditions, and way of life. It is founded on elemental humanity and commonsense, for parents should not be deprived by Government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principle almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land.

This unwarranted exercise of power by the Court, contrary to the Constitution, is creating chaos and confusion in the States principally affected. It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside mediators are threatening immediate and revolutionary changes in our public schools systems. If done, this is certain to destroy the system of public education in some of the States.

With the gravest concern for the explosive and dangerous condition created by this decision and inflamed by outside meddlers:

We reaffirm our reliance on the Constitution as the fundamental law of the land.

We decry the Supreme Court's encroachment on the rights reserved to the States and to the people, contrary to established law, and to the Constitution.

We commend the motives of those States which have declared the intention to resist forced integration by any lawful means.

We appeal to the States and people who are not directly affected by these decisions to consider the constitutional principles involved against the time when they too, on issues vital to them may be the victims of judicial encroachment.

Even though we constitute a minority in the present Congress, we have full faith that a majority of the American people believe in the dual system of government which has enabled us to achieve our greatness and will in time demand that the reserved rights of the States and of the people be made secure against judicial usurpation.

We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.

In this trying period, as we all seek to right this wrong, we appeal to our people not to be provoked by the agitators and troublemakers invading our States and to scrupulously refrain from disorder and lawless acts.

Signed by:

MEMBERS OF THE UNITED STATES SENATE

Walter F. George, Richard B. Russell, John Stennis, Sam J. Elvin, Jr., Strom Thurmond, Harry F. Byrd, A. Willis Robertson, John L. McClellan, Allen J. Ellender, Russell B. Long, Lister Hill, James O. Eastland, W. Kerr Scott, John Sparkman, Olin D. Johnston, Price Daniel, J.W. Fulbright, George A. Smathers, Spessard L. Holland.

MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES

Alabama: Frank W. Boykin, George M. Grant, George W. Andrews, Kenneth A. Roberts, Albert Rains, Armistead I. Selden, Jr., Carl Elliott, Robert E. Jones, George Huddleston, Jr.

Arkansas: E.C. Gathings, Wilbur D. Mills, James W. Trimble, Oren Harris, Brooks Hays, W.F, Norrell.

Florida: Charles E. Bennett, Robert L.F. Sikes, A.S. Herlong, Jr., Paul G. Rogers, James A. Haley, D.R. Matthews.

Georgia: Prince H. Preston, John L. Pilcher, E.L. Forrester, John James Flynt, Jr., James C. Davis, Carl Vinson, Henderson Lanham, Iris F. Blitch, Phil M. Landrum, Paul Brown.

Louisiana: F. Edward Hebert, Hale Boggs, Edwin E. Willis, Overton Brooks, Otto E. Passman, James H. Morrison, T. Ashton Thompson, George S. Long.

Mississippi: Thomas G. Abernathy, Jamie L. Whitten, Frank E. Smith, John Bell Williams, Arthur Winstead, William M. Colmer.

North Carolina: Herbert C. Bonner, L.H. Fountain, Graham A. Barden, Carl T. Durham, F. Ertel Carlyle, Hugh Q. Alexander, Woodrow W. Jones, George A. Shuford.

South Carolina: L. Mendel Rivers, John J. Riley, W.J. Bryan Dorn, Robert T. Ashmore, James P. Richards, John L. McMillan.

Tennessee: James B. Frazier, Jr., Tom Murray, Jere Cooper, Clifford Davis.

Questions:

1. How did the southern legislators defend their position against the Court's decision?
2. What was the sublime threat that the order to desegregate public schools was having in the South?
3. Explain why much of their argument is specious with regards to education and the original Constitution.
4. Who was invading the South?