A primary source study guide

Milestone Documents

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Strom Thurmond was the principal instigator behind the Southern Manifesto. (AP Photo)
“This unwarranted exercise of power by the Court ... is destroying the amicable relations between the white and Negro races.”

**Overview**

On March 12, 1956, as the second anniversary of the Supreme Court case *Brown v. Board of Education* (1954) approached, Senator Walter F. George rose to the speaker's podium in the U.S. Senate to announce the creation of the latest weapon in the segregationist arsenal—the Southern Manifesto. It was a bold, brazen document, signed by 101 of the South's 128 congressional members. The Southern Manifesto, formally titled a Declaration of Constitutional Principles, denounced the Supreme Court's *Brown v. Board of Education* decision, calling it an "unwarranted exercise of power." The Southern Manifesto's signers pledged to "use all lawful means" to "bring about a reversal" of the *Brown* decision.

The declaration of the Southern Manifesto was not the first act in the South's massive resistance campaign against school desegregation. It was, however, one of the most important. As *New York Times* columnist and leading intellectual Anthony Lewis wrote, "The true meaning of the Manifesto was to make defiance of the Supreme Court and the Constitution socially acceptable to the South—to give resistance to the law the approval of the Southern Establishment" (qtd. in Aucoin, p. 176). Indeed, the Southern Manifesto's signers hoped to provide an ideological foundation for the white South's resistance movement. Rather than focusing on standard southern arguments about black racial inferiority or miscegenation, the Southern Manifesto concentrated on historical and constitutional issues. At base, it was a rear-guard action meant to preserve an entrenched but discriminatory system of education, which had existed in the South since the Supreme Court's *Plessy v. Ferguson* (1896) decision.

**Context**

Although many white southerners had established independent schools for their children before the Civil War, the first formal public education systems emerged in the South in the late nineteenth century. Each southern state created its own Department of Education, with full power to draft curricula and enforce standards. In every case, however, southern schools segregated black and white students. The U.S. Supreme Court recognized the constitutional legitimacy of state-enforced racial segregation in *Plessy v. Ferguson*. This infamous decision cemented the "separate but equal" doctrine in American law, holding that racial segregation did not violate the Fourteenth Amendment's equal protection clause.

In 1954, as the Supreme Court considered *Brown v. Board of Education*, the "separate but equal" doctrine still governed race relations in America. Restaurants, restrooms, train cars, and taverns were segregated. In addition, seventeen southern and border states legally barred African Americans from white public schools, four western states allowed local school districts to determine segregation policy, and almost every other state in the nation practiced some form of de facto public school segregation. The Supreme Court's unanimous decision in *Brown* challenged the status quo and overturned the *Plessy* precedent. Chief Justice Earl Warren wrote, "In the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal" (http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=347&invol=483). A year later, in *Brown II* (1955), Warren announced that public school districts must desegregate with "all deliberate speed" (http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=349&invol=294). Yet, of course, it was not that easy.

In the mid-1950s white southern Democrats launched a legal and political campaign against *Brown v. Board of Education*. On May 17, 1954—the day that the decision appeared—Senator Harry F. Byrd of Virginia condemned the Supreme Court's school desegregation order. He warned of dangers that would result from racial mixing in the schools. Georgia's Governor Herman Talmadge took a different approach. He said that the Supreme Court had ignored precedent and overstepped the boundaries of its authority.

Powerful southern senator James Eastland of Mississippi took yet another approach. Eastland portrayed racial segregation as a natural, self-evident truth. "Separation promotes racial harmony," he told the Senate, ten days...
1896

- May 18
  The U.S. Supreme Court issues its decision for Plessy v. Ferguson, which holds that state-enforced racial segregation does not violate the Fourteenth Amendment’s equal protection clause; based on this decision, school administrators in the South segregate white and black children into separate schools, which are terribly unequal.

1954

- May 17
  The U.S. Supreme Court hands down its Brown v. Board of Education decision, which overturns the “separate but equal” doctrine that had permitted legalized segregation in the United States since Plessy v. Ferguson.

- June 26
  Senator Harry F. Byrd, the political boss of Virginia, declares that he will use all legal means to continue segregating Virginia schools.

- July 11
  Robert Patterson and his associates found the White Citizens Council in Indianola, Mississippi.

1955

- May 31
  The U.S. Supreme Court issues its decision in Brown v. Board of Education II, which states that school desegregation must proceed with “all deliberate speed.”

- August
  Emmett Till is murdered in Tallahatchie County, Mississippi, for allegedly whistling at a white woman; the accused assailants—two white men—are acquitted by an all-white jury.

- December 1
  Rosa Parks refuses to vacate her seat on a bus in Montgomery, Alabama, which sparks the Montgomery Bus Boycott.

1956

- February 24
  Senator Byrd of Virginia calls for massive resistance to Brown v. Board of Education and school desegregation.

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after the Brown decision. “It permits each race to follow its own pursuits, and its own civilization. Segregation is not discrimination….. It is the law of nature, it is the law of God, that every race has both the right and the duty to perpetuate itself. All free men have the right to associate exclusively with members of their own race, free from governmental interference, if they so desire” (Commager, p. 70).

Robert Patterson, a plantation manager from Indianola, Mississippi, agreed with Eastland. Patterson and a dozen friends formed the first White Citizens’ Council in July 1954. Their organization consisted primarily of white-collar, middle-class southern business leaders and professionals who used economic and legal means to discourage African Americans from pursuing court-ordered desegregation. By October 1954 twenty White Citizens’ Councils had appeared across Mississippi. Within two years the organization could boast more than 250,000 supporters throughout the South.

Although southern politicians and members of the White Citizens’ Councils often rejected base appeals to racism and violence, other southern whites commonly used these tactics to intimidate African Americans in the South. In 1955, for instance, four African Americans—including a young man named Emmett Till—were brutally murdered in separate cases of racial violence in Mississippi without one white person ever being convicted. Whites used threats of racial violence to keep African Americans from voting booths and courthouses, where they might most successfully challenge white supremacy.

As the South’s white political leaders struggled to unite disparate segregationist organizations, they drew on the region’s deep-rooted political traditions. No one was more successful in this endeavor than Senator Byrd of Virginia, who in 1956 called for massive resistance to the Brown decision. Byrd’s most powerful arguments against the Brown decision were based on the writings of James J. Kilpatrick, the conservative editor of the Richmond News Leader. Kilpatrick argued that the Brown decision represented a federal violation of states’ rights and that the southern states should interpose themselves between their citizens and the federal government, if it attempted to enforce the decision.

Senator Strom Thurmond of South Carolina, an outspoken critic of Brown v. Board of Education, showed keen interest in the interposition doctrine. In February 1956 Thurmond approached Byrd with an idea for a Southern Manifesto that might unite the South. He suggested that the document be constitutional and historical in nature and that it emphasize interposition. He wrote three drafts of the document in February 1956. In uncompromising, bombastic tones, Thurmond spoke publicly against the Supreme Court for violating the Constitution and the principles of federalism.

Thurmond’s work on the manifesto secured the support of Byrd, a soft-spoken Virginia reactionary who controlled his state’s political system through an elaborate network known as the Byrd machine. With Byrd’s assistance, Thur-
mond circulated drafts of the Southern Manifesto on Capitol Hill in the hope of winning support from other southern delegates. While a few die-hard segregationists were willing to sign on to Thurmond’s initiative, it proved far too radical for most southern congressmen to approve. Undeterred, Thurmond and Byrd threatened to issue the document with as many signatures as they could get.

At this point, the Senate’s southern leadership intervened. Walter F. George, the eighty-year-old senior member of the Georgia delegation, called a meeting of the Southern Caucus. Attendees agreed that Sam Ervin, Jr., of North Carolina would revise the manifesto with assistance from Richard Russell, Jr., of Georgia and John Stennis of Mississippi. Ervin’s draft of the manifesto tempered Thurmond’s rhetoric, highlighting the historical and judicial precedents that the Supreme Court had supposedly ignored in the Brown decision. Still, Ervin’s draft remained hard-hitting.

Leading southern moderates in the Senate, including J. William Fulbright of Arkansas, were discouraged by the Ervin draft. Although they wanted to demonstrate their fidelity to the southern cause of segregation, the moderates remained wary of the Southern Manifesto. As the historian Randall Woods has shown, Senator Fulbright rejected the idea that the states or the people could declare Supreme Court decisions unconstitutional. In March 1956, for instance, Fulbright wrote to a Little Rock constituent, “Under our system of government, the Supreme Court is specifically given the authority to interpret the Constitution, and no matter how wrong we think they are, there is no appeal from their decision unless you rebel as the South tried to do in 1860” (Woods, pp. 208–209).

In an effort to temper the manifesto’s most dramatic and troublesome phrases, Fulbright worked with his staff and a coalition of other southern senators, including Lister Hill, John Sparkman, and Price Daniel, to draft an updated, fifth version of the document. As Randall Woods shows, Fulbright’s new edition of the manifesto excised previous statements, which declared that the Supreme Court’s decision in Brown was “illegal and unconstitutional.” In place of these statements, Fulbright called the decision “unwarranted.” In addition, he encouraged southerners to “scrupulously refrain from disorder and lawlessness” (Woods, p. 209).

Fulbright’s draft proved too moderate for Thurmond and other hardliners. They wanted a dramatic denunciation of the Brown decision. Therefore, a committee of five senators including Thurmond, Russell, Stennis, Fulbright, and Daniel compiled a sixth and final draft of the manifesto. The committee completed its work in early March 1956.

About the Author

The Southern Manifesto was the product of many minds. The document, originally proposed by Senator Strom Thurmond of South Carolina, went through six revisions. Strom Thurmond (1902–2003) was the principal

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instigator behind the Southern Manifesto. He was born in Edgefield, South Carolina, and he graduated from Clemson College before serving as a school superintendent, a senator, a judge, and governor. In 1948 Thurmond rose to national prominence when he ran for president as head of the Dixiecrat Party. Although he won only four states and thirty-nine electoral votes, this was a remarkable showing for a third-party candidate. Thurmond's willingness to stand firm on racial segregation and his ability to muster inventive constitutional arguments in its defense made him a popular hero among many white South Carolinians. With their support, Thurmond won an election to the U.S. Senate in 1954 as a write-in candidate. He was the only person to accomplish such a feat. That same year, the Supreme Court helped define the course of Thurmond's early senatorial career with its Brown v. Board of Education decision. Thurmond opposed the decision and its enforcement. In 1956 he proposed the Southern Manifesto to desist the Court's decision.

Harry F. Byrd (1887–1966) was Virginia's most powerful political figure during the mid-twentieth century. He grew up in Winchester, Virginia, a small town in the Shenandoah Valley, where his father operated a local newspaper and an apple orchid. In 1915 Byrd parlayed a prosperous business career at the Valley Turnpike Company into a successful political career. He was elected to the Virginia state senate in 1915, the chairmanship of the Virginia Democratic Committee in 1922, and the governor's office in 1926. As governor, Byrd formed a coalition to control the state's political life for more than three decades. He advocated strict construction of the Constitution, racial segregation, and a pay-as-you-go economic policy that limited taxes and government spending. In 1933 Byrd was elected to the U.S. Senate, beginning a long political tenure that included key debates on school desegregation. Byrd's most infamous statement on the matter came in February 1956, when he called for organized massive resistance in the South.

Richard Russell, Jr. (1897–1971), was the most influential southern senator in 1956. He was born in Winder, Georgia, where he followed in his father's footsteps as a lawyer and legislator. He received a law degree from the University of Georgia School of Law in 1918 and, three years later, won an election to the state house of representatives. After a ten-year legislative stint, Russell was elected governor of Georgia and then U.S. senator. He served in the Senate from 1933 to 1971, leading the conservative coalition that dominated Congress from 1937 to 1963. Russell was a key figure in the drafting of the Southern Manifesto.

Sam Ervin, Jr. (1896–1985), was one of the most powerful and influential southern senators of the mid-twentieth century. Ervin, a native of Morgantown, North Carolina, attended the University of North Carolina at Chapel Hill and Harvard Law School. Ervin parlayed a distinguished service record in World War I into a successful political career as a Democratic North Carolina state assemblyman, criminal court judge, and state supreme court justice. In 1946 Ervin was elected to finish the remainder of his brother's term in the U.S. House of Representatives. Ervin quickly gained reelection in his own right and, after four terms as a congressman, received an interim appointment to the Senate in 1954. As a congressman, Ervin strongly opposed civil rights reforms. He condemned the Brown v. Board of Education decision in 1954 and helped to draft the Southern Manifesto two years later. But Ervin carefully cloaked his opposition to desegregation in terms of his dislike of big government. He thus avoided the blatantly racist argument commonly used by other southern politicians at the time to oppose civil rights initiatives.

John C. Stennis (1901–1995) was a long-serving Mississippi senator well known for his segregationist views. Stennis was born in Kemper County, Mississippi, and graduated from Mississippi State University and the University of Virginia Law School. While still enrolled in law school, Stennis won a seat in the Mississippi House of Representatives. He pursued successful careers as a prosecutor and a circuit court judge before winning a special election to the U.S. Senate, convened following the death of Mississippi senator and die-hard segregationist Theodore Bilbo. Stennis spoke out openly against the civil rights movement and helped to draft the Southern Manifesto in 1956.
Arkansas. In 1942 Fulbright was elected to Congress, where he promoted support for the eventual creation of the United Nations. In 1944 Arkansas voters elected Fulbright to the Senate, where he helped establish the Fulbright Scholar Program. Fulbright also earned a reputation as an opponent of Republican Senator Joseph McCarthy. Early in his career, Fulbright was a dedicated supporter of segregation. He opposed the Supreme Court decision in Brown v. Board of Education but urged fellow southerners to pursue a moderate opposition to the civil rights movement. In 1956 he toned down much of the hyperbolic tone found in the first draft of the Southern Manifesto to produce a more moderate but still thoroughly pro-segregationist document.

Price Daniel (1910–1988) was a Democratic senator from Texas and early opponent of the civil rights movement. He was raised in Dayton, Texas, and obtained a law degree from Baylor University. In 1939 Daniel was elected to the Texas House of Representatives, where he gained fame as an opponent of a state sales tax. After a brief stint as speaker of the house, Daniel enlisted in the army to serve in World War II. After the war, Daniel returned to Texas and was elected state attorney general in 1946. He unsuccessfully defended the University of Texas's segregation policies in the landmark Supreme Court case of Sweatt v. Painter (1950). Although Daniel was a moderate politician in many areas, he opposed civil rights reforms and was the last leading southern senator to participate in the drafting of the Southern Manifesto in 1956.

Explanation and Analysis of the Document

The Southern Manifesto, in the first three paragraphs of its “Declaration of Constitutional Principles,” denounces the “unwarranted” decision in Brown v. Board of Education as a “clear abuse of judicial power.” According to the manifesto, the Supreme Court ignored important constitutional precedents in the Brown decision. The manifesto states (in paragraph 11) that rather than following a traditional, strict- constructionist view of the Constitution, which had dominated school-segregation law for five decades, the Supreme Court justices “substituted their personal, political, and social ideas for the established law of the land.” The manifesto declares that in doing so the justices overstepped their bounds and invaded the realm of states’ rights.

The manifesto’s signers challenge the Brown decision’s most controversial finding: that segregated education deprives African Americans of their Fourteenth Amendment equal protection rights. The manifesto rejects this idea outright. It declares (in paragraph 4) that the Fourteenth Amendment’s framers never intended to “affect the system of education maintained by the States.” Indeed, the manifesto presents evidence to the contrary. It argues (in paragraphs 4–7) that the Fourteenth Amendment does not mention education. Indeed, the Congress that proposed it “subsequently provided for segregated schools in the District of Columbia,” and twenty-six of the thirty-seven states that considered ratification of the amendment either possessed or developed segregated systems of public education. The manifesto’s authors consider these points conclusive evidence that the Fourteenth Amendment does not provide legal justification for school desegregation.

The manifesto also claims (in paragraphs 8 and 9) that the Brown decision rejects a series of well-known legal precedents, including Roberts v. City of Boston (1849), Plessy v. Ferguson (1896), and Gong Lum v. Rice (1927). These cases each recognized the constitutionality of state-enforced segregation. Gong Lum v. Rice was perhaps the most powerful precedent in the group. In this case, the U.S. Supreme Court had declared that public school segregation was “within the discretion of the States .… and does not conflict with the Fourteenth Amendment” (http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?friend=public&court=us&vol=275&invol=78). The manifesto’s authors argue in the following paragraphs that this decision and others like it confirm the “habits, traditions, and way of life” in the South. Now, however, without any “constitutional amendment or act of Congress,” the Supreme Court was “changing this established legal principle,” which had existed for almost a century. Southerners would not abide by the Court’s decision. On the contrary, they would use “all lawful means to bring about a reversal of this decision.”

The Southern Manifesto’s constitutional argument sidesteps the base appeals to racism and violence that so many segregationists relied upon. In fact, the manifesto’s authors blame (in paragraph 12) the Supreme Court for “destroying the amicable relations between the white and Negro races” in the South. This self-serving, fallacious interpretation of the Jim Crow era would become a standard political ploy in the segregationist argument against the Brown decision. Segregationists argued that it was the Supreme Court, not the white South, that treated African Americans unfairly. For in its Brown decision, the Court had “planted hatred and suspicion” where previously there had been “friendship and understanding.”

Despite the manifesto’s defiant tone, the document concludes with a hint of moderation. The document’s signers “appeal to the States and people … to consider the constitutional principles involved” in the school desegregation debate. No program of interposition or nullification is proposed. On the contrary, the manifesto’s signers pledge to use “lawful means” to seek a reversal of the Brown decision. In addition, they request the people of the South to “scrupulously refrain from disorder and lawless acts.”

Audience

The Southern Manifesto was a unique document in twentieth-century American politics. In many ways it harkened back to the legislative petitions or memorials of the nineteenth century. Such documents often expressed a particular constituency’s strongly felt sentiments but carried no formal legal weight. Although it was primarily a statement of purpose by white southerners engaged in massive resistance, a manifesto that criticized a landmark Supreme
Court decision signed by eighty-two representatives and nineteen senators could not be easily dismissed, which, of course, was what the manifesto's framers intended.

As a statement read from the Senate floor and entered into the *Congressional Record*, the Southern Manifesto was aimed at all Americans but also appealed to some groups in particular. On a basic level the manifesto lent emotional support to southern white school board members, local governmental officials, and others actively opposing the desegregation of public schools. By adding the prestige of national political figures, the manifesto gave massive resistance a veneer of social legitimacy, at least in the southern political climate. It also invoked a common southern argument used since the antebellum period, namely, that the South was a distinct region that could settle its unique racial problems only without outside pressure.

The manifesto, more broadly, went through several rewrites specifically designed to appeal to nonsoutherners and moderates. By invoking history to place the segregationist cause on the same moral side as the Kentucky and Virginia Resolutions or as the political thought of James Madison, the manifesto's authors sought to appeal to conservatives and opponents of big government in all sections of the country. It also invoked a common southern argument used since the antebellum period, namely, that the South was a distinct region that could settle its unique racial problems only without outside pressure.

The manifestos reinterpretive use of historical figures and references came as a warning to northern Democrats that the white South was united in its defiance of integration and would split the party if necessary to achieve this goal. By the same token, the Southern Manifesto's authors sent a strong message to the Eisenhower administration (and presumably to all those who aspired to the White House in the future) that the Solid South would not back a presidential candidate that supported desegregation. The Southern Manifesto also reminded the U.S. Supreme Court to tread lightly on the issue of civil rights, as it needed the voluntary support of lower federal courts staffed by southern judges, as well as state and local government officials, to carry out its decisions.

**Impact**

The Southern Manifesto had an immediate impact in the South, where it unified legislators and encouraged resistance to desegregation. The most obvious example of the manifesto's success occurred in state legislatures. There, six southern states passed interposition resolutions in April 1956. Four states—Alabama, Mississippi, Georgia, and Florida—actually declared the *Brown* decision null and void within their borders. Even moderate states such as North Carolina and Tennessee joined the chorus of protest in 1957.

State legislatures in the South also pursued other, more pragmatic tactics to avoid school desegregation. One such method was the passage of pupil-placement acts, which required African American students to complete applications, tests, and in some cases personal interviews before their request for transfer would be considered by the state. Another legislative tactic pursued in a handful of states empowered the governors to cut funding for public schools should the federal courts order desegregation.

The legal posturing of southern legislatures was put to the test in a series of school-desegregation conflicts that erupted in the mid-1950s. In Mansfield, Texas, Governor Alan Shivers called the Texas Rangers to halt the desegregation of Mansfield High School. In Clinton, Tennessee, John Kasper and Asa Carter stirred up segregationists who attempted to halt the integration of Clinton High School. In Little Rock, Arkansas, Governor Orval Faubus deployed the Arkansas National Guard to uphold segregation. Although his efforts were thwarted by President Eisenhower and the federal court system in 1957, the following year, Faubus and the state legislature closed the high schools in Little Rock for the year to prevent integration. In Virginia, a similar story developed when Governor J. Lindsay Almond closed nine schools in four localities to prevent desegregation in September 1958. The federal courts intervened again, however, and massive resistance in Virginia ended in February 1959.

Although the Southern Manifesto encouraged resistance to the *Brown* decision, it is difficult to determine the document's long-term significance. It is well known that school desegregation proceeded slowly in the South during the 1960s, but the degree to which this related to the Southern Manifesto is questionable. The document remained of symbolic, rather than legal, significance. It provided southern segregationists with a popular rallying cry by which they continued to resist integration.

**Related Documents**

Essential Quotes

“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.”

(Paragraph 1)

“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.”

(Paragraph 3)

“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.”

(Paragraph 12)

“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.”

(Paragraph 20)

“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.”

(Paragraph 21)

347&invol=483. Accessed on February 22, 2008. The Supreme Court’s decision in Brown v. Board of Education declared that school desegregation in America was unconstitutional.


President Dwight Eisenhower issued Executive Order 10730, which required the desegregation of Central High School in Little Rock, Arkansas.

Bibliography

■ Articles


■ Books


■ Web Sites


—By Jeffrey L. Littlejohn
### Questions for Further Study

1. Compare the presentation of the Fourteenth Amendment found in *Brown v. Board of Education* with that enunciated by the Southern Manifesto’s authors. Which interpretation do you find most convincing?

2. In what ways did the Southern Manifesto’s authors invoke the states’ rightist tradition of the eighteenth and nineteenth centuries?

3. Why would the Southern Manifesto’s signers adopt the platform of “interposition,” knowing its historical limitations?

4. Did the Southern Manifesto’s signers legitimately believe that it would halt the implementation of *Brown v. Board of Education*, or did they see it merely as a short-term measure to delay school desegregation?

5. To what extent was the Southern Manifesto successful in delaying the enforcement of *Brown v. Board of Education*?

6. After the massive resistance campaign failed, how did the Southern Manifesto’s signers react to the increasing success of the civil rights movement?

### Glossary

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<thead>
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<th>checks and balances</th>
<th>the ability of separate federal branches to limit each other’s powers</th>
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<tr>
<td>dual system of government</td>
<td>the division of sovereignty between the state and federal governments</td>
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<td>rights reserved to the States</td>
<td>rights held exclusively by the states under a system of federalism and guaranteed by the Tenth Amendment to the Constitution</td>
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<tr>
<td>separate but equal</td>
<td>a phrase describing the system of segregated facilities in American society</td>
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SOUTHERN MANIFESTO

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 14th 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 Lumin 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**

- **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.
  - **Louisiana:** F. Edward Hebert, Hale Boggs, Edwin E. Willis, Otterton 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.
  - **Tennessee:** James B. Frazier, Jr., Tom Murray, Jere Cooper, Clifford Davis.