WEDNESDAY, JANUARY 13, 1954

JOINT ASSEMBLY

ADDRESS BY GOVERNOR JAMES F. BYRNES AND ELECTION OF OFFICERS

At 12 o'clock noon the Senate appeared in the Hall of the House.

The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

The Clerk of the House read the Concurrent Resolution:

H. 1783.—Mr. Blatt: A Concurrent Resolution inviting His Excellency, James F. Byrnes, Governor, to address the General Assembly in Joint Session at 12:00 Noon on Wednesday, January 13, 1954.

Governor Byrnes was escorted into the Hall of the House by a Committee composed of Senators Mozingo, Wilson, Abrams and Jefféries and Mrs. Fitzgerald and Messrs. Gaines and Hixon.

The President of the Senate introduced Governor Byrnes who then addressed the Joint Assembly as follows:

South Carolina continues to grow. Our population is increasing. Our wealth is increasing. Last year the per capita income in this State increased more than the average increase of the United States.

The increase in population and in wealth has resulted in increased demands upon the State Government for services to the people.

TRAFFIC SAFETY PROGRAM

Recently I sent to each of you an interim report by a committee I appointed to consider a highway safety program. The Chief Highway Commissioner reports there were fewer fatal highway accidents during the past year and fewer during the recent holidays. But we are still losing too many lives in highway accidents. I recommend legislation providing for:

(1) The re-examination of drivers who have not been subjected to a driver examination within a four-year period.

(2) Regulatory licensing of commercial driver training schools.

THE HOUSE RECEDES

At 11:40 a.m., the House, on motion of Mr. CLINKSCALES, receded subject to the call of the Chair.
(3) Requirement of driver training in the curricula of all State high schools.
(4) Regulations controlling the location of roads entering State highways.

SCHOOL BOND LIMIT

I recommend the limit of the bonded indebtedness for the building of schools be increased from $75,000,000 to $95,000,000 at any one time. This is necessary because of legislation at the last session increasing the allotment from $15 to $20 per pupil.

ELECTION LAW REPORT

About a year ago I appointed a committee to study the 1950 election law. That committee has filed with me a report recommending many amendments. Because I think all of them merit serious consideration, I will have a copy of the report forwarded to each of you.

18-YEAR-OLDS VOTE

I desire to recommend a change in the election laws which is not referred to in the report submitted by the committee. I recommend that the qualifications for registration and voting be changed from 21 years to 18 years.

Qualifications for suffrage should be determined by the States and not by the Federal Government. There is nothing sacred about the requirement that in order to vote a person be 21. This arbitrary decision that one reached maturity at 21 was made some centuries ago. We have wasted millions in education if the young men and young women of this day between 18 and 21 are not more mature in thought and better informed than persons of that age were a hundred years ago.

Of course any age fixed as a qualification of voters would be arbitrary. But there is good reason for fixing 18. If a young man of 18 can be forced to risk his life for his country in time of war, he should have the privilege of voting for those public officials who determine whether or not this country shall go to war, and whether or not he should be drafted.

I recommend the submission of an amendment to the State Constitution to accomplish this purpose.

WOMEN ON JURIES

I recommend an amendment to the Constitution to permit women to serve as jurors. Under the Constitution of the United States women are qualified electors. Our statute provides that jurors shall be selected from among the electors. But the State Constitution specifically provides that men shall serve as Petit Jurors.

Just as the participation of women in elections has resulted in cleaner elections, their service on juries will result in improving the administration of justice.

TAX STUDY

Last summer I appointed a committee to make a survey of our tax structure and advise me as to desirable changes, particularly in administration. The report of that committee when received will be submitted to you.

PROHIBIT STATE LEVY

In 1951 I urged the submission to the people of a constitutional amendment providing that for State purposes the State cannot levy taxes upon real property.

I again urge such action.

Whenever the equalization of property assessments is urged, the opponents express fear that the Legislature may levy taxes upon real property for State purposes and one county may have an advantage over others. That fear would be removed by a constitutional amendment providing that the State cannot levy such taxes.

Such an amendment would not only contribute toward the equalization of assessments, it would make it possible for the Legislature to consider the removal of the so-called floor tax paid by merchants. That tax raises little money and encourages great prevarication.

CONSTITUTIONAL CONVENTION

I again recommend that you give the people an opportunity to vote as to whether they wish a convention held to draft a new State Constitution.
The number of Constitutional amendments I recommend in this message is some evidence of the necessity for a convention. In the last General Election the voters approved a constitutional amendment which makes legislators eligible to serve as members of such a convention.

When last considered, much opposition to the convention was based upon the fear that small counties might be abolished or that several counties might be combined for representation by one senator. The convention resolution could specifically provide against the consideration of such proposals.

INDUSTRIAL PROSPECTS

In my opening remarks I said that South Carolina was growing. Last Spring a number of industrialists who had in previous conferences indicated they were considering establishing new plants in the State postponed action because of unfavorable conditions in the financial markets.

While in New York at the United Nations, I had more than usual opportunities as your Governor to confer with a number of these industrialists. As a result of the reduction of interest rates, they are now showing renewed interest in locating plants in South Carolina. The prospect is bright for new industries and the expansion of existing industries.

SOUND FINANCIAL STATE

The report submitted to you by the Budget and Control Board furnished evidence of the sound financial condition of your State.

The estimate for the next fiscal year is based on the actual revenue for the last twelve months. Should business conditions improve during this year and if appropriations are not increased, there would be a surplus. Should there be no improvement in business conditions, there would be a deficit.

The opinion of everybody in the business world in whose judgment I have confidence is that as a result of the ending of the Korean War, there will be a slight recession or readjustment of business.

DECLINE IN REVENUE

Under the circumstances existing in December it was the opinion of the Budget and Control Board that we could not recommend the expansion of activities or increases in salaries requested, even though many seemed meritorious.

Our judgment seems to be confirmed by the statement issued on January 8 by the Tax Commission.

The revenue collected for the six months ending December 31, 1953, was $404,000 less than for the same six months of 1952. (This excludes the revenue from the gasoline taxes which cannot be used for general purposes.)

The most disturbing fact is that the amount collected in December, 1953, which can be used for general purposes, was $750,000 less than the amount collected in the same month, 1952. Should this accelerated trend continue during the next six months, instead of a surplus for the current year we would have a deficit.

RESERVE FUND

Whenever our revenue fluctuates as much as these figures indicate, it is the duty of a prudent man having regard for sound government to provide a reserve fund.

Every well managed corporation maintains a reserve. Every prudent citizen tries to save something for the proverbial rainy day.

If we fail to establish a reserve fund and the revenue continues to decrease as collections did in December, you will have to appropriate less than the amount recommended by the Budget Board, or it would become the constitutional duty of the General Assembly before adjourning to provide additional revenue.

No member should say "It can't happen here." The experience of 1950 was only three years ago. At the beginning of that fiscal year the State had a surplus of three million dollars. At the end of the year there was a deficit of five million dollars. The Legislature was forced to levy an additional tax on cigarettes, beer and gasoline.

I recall the experience of 1950 because I know that some people believe a surplus is an evil. I think a deficit is a greater evil.
For these reasons I urge that of the $9,414,870 surplus of June 30, 1953, we first transfer six million dollars to the Reserve Fund. Then $2,657,000 will be necessary to care for anticipated deficiencies this year and for the purchase of school buses.

USE OF SURPLUS

The remaining surplus of the last fiscal year would amount to $757,870. I recommend that it be spent in improving the State Tubercular Sanatorium. A new building should be provided for Negro women patients, or we should accept no more such patients.

Should the revenue collections increase over the December rate, and indicate for the current year a surplus, I recommend such surplus be spent as follows:

First, improvements at the Penitentiary for the safety of guards and more humane treatment of prisoners.

Second, sufficient funds to complete a training school and hospital for mentally defective Negro children similar to the school at Clinton for white children.

Third, the remodeling of the Talley building at the State Hospital to care for the constantly increasing number of patients there.

Of course, these appropriations will depend upon whether there is any surplus during the current year.

OTHER REQUESTS

I know there are many other meritorious requests that would require millions of dollars. Some of them make a great appeal to me. I do not mention them because I do not see how you can safely appropriate for them, and I do not want to make your problem more difficult.

AID TO DEPENDENT CHILDREN

I recommend that the Legislature amend the State Law relating to public welfare aid to dependent children so as to make the South Carolina code conform with the limits of aid established by the Federal Law.

This would provide increased benefits to 13,500 children. The State would during the next fiscal year receive $324,000 in additional Federal funds without increasing the State’s appropriation.

LAW ENFORCEMENT

In the closing days of the last session the General Assembly passed a bill establishing a law enforcement training school for the benefit of all law enforcement officers in South Carolina.

The law provides that sessions of the school should be held from time to time in the various Judicial Circuits under the supervision of the head of a division of the University of South Carolina.

No money was appropriated. However, arrangements have been made to conduct the first school under this program. This school will begin later this month and instructors will be furnished by the FBI, U. S. Army, Narcotics Division of the U. S. Treasury Department and other law enforcement agencies. They will be of assistance to the local officers upon whom we must depend for the enforcement of law.

These instructors have agreed for this session to serve without any compensation. But we cannot expect officers to continue to receive such instruction without some cost to the State. It will cost little. I recommend that sufficient funds be appropriated to continue this work.

I have asked the Director of the FBI to permit additional members of the State Law Enforcement Division to attend the FBI training school.

I have also directed the Chief of the State Law Enforcement Division to make no new appointment to that force of any man who cannot qualify to attend the training school of the FBI.

Notwithstanding the best efforts of the officers you have appropriated for in the counties and the assistance given them by the State Agency, several homicides remain unsolved. I know there are unsolved crimes in every State. But I want law enforcement in South Carolina to be better than other States. I want to make South Carolina unsafe for criminals.

POLICE RETIREMENT

I recommend that a joint committee be appointed to study the retirement system of Peace Officers under the statute estab-
lishing the Police Insurance and Annuity Fund. The physical qualifications for their service requires an earlier retirement age than other employees of the State. But the dangerous character of their service justifies higher benefits than they now receive.

The fund upon which their benefits depend comes from dues and from a percentage of Court fines or forfeitures of lands. It is just as unwise to make the retirement benefits of Peace Officers depend upon a percentage of fines as a result of arrests they make as it would be to base their salaries on such fines.

In the association are employees of the State as well as counties and cities. The three employers, as well as the employees, should make contributions to the Fund. It should be established on a sound actuarial basis. The State should contribute to it and supervise it so that young officers now paying dues will have no fear as to receiving benefits upon retirement.

The school transportation problem will become more important each year.

WALK-WAYS TO SCHOOL

I recommend legislation directing the Highway Department to construct out of its funds a sidewalk or walk-way on one side of the main highways for a distance of one and one-half miles from public school houses located on such highways. This is the distance in which students must walk to school unless there should be vacant seats in the school bus.

One of the few tax sources showing an increase in December and during the last six months is the gasoline tax. Some of the funds devoted to farm-to-market roads and main highways could be devoted to this program.

It is not necessary that walk-ways be surface treated. The important thing is to get the school children off the highway. It may save the lives of some of our children.

SCHOOL EXPENDITURES

Since I became Governor, the State aid toward operating public schools has increased from $35,782,487 to $67,138,783, the amount estimated for the next fiscal year. Of course, this does not include the large amount spent by counties.

In three years the annual State aid for teachers' salaries has increased 43 per cent. However, the compensation of our teachers is still less than the compensation paid teachers by neighboring States.

We know that our school population is annually increasing. I realize the number of pupils per teacher in the first few grades should be decreased. Administration costs have increased and these are recurring expenditures.

The continued improvement of our school system is an objective very dear to me. In the light of the revenue statement I have just made, I regret that I do not see how the amount for the public school system can be increased above the recommendation of $67,000,000. That is an increase of $2,322,438 over the current year. It does not include the $1,907,000 recommended for new buses.

At the end of the school year 1952-53 the school program had resulted in the discontinuance of 824 schools. Of these 537 were Negro schools, 287 white schools. Nearly all of them were in rural districts and were one- and two-teacher schools. They were tragically inadequate.

The children who attended those schools, white and colored, are now being transported in new buses to consolidated schools where they will have educational opportunities equal to those in the cities.

PROGRESS OF SCHOOLS

Our misfortune is that we are called upon now to do in a few years what should have been done for our school system during the last 75 years. Long since we should have instituted this program to provide equal facilities between the schools of the rural areas and the cities and between schools for white and Negro students.

I deplore the statement frequently made in the press and over radio that our program was forced by a Court Order. That is untrue. In 1951, in urging the adoption of the new educational program, I said, "We should do it because it is right. For me that is sufficient reason." The General Assembly has held that view. It took political courage for you to support that program. You had it, and I will always be proud of having been associated with you in that effort.
No one of us knows whether the United States Supreme Court will undo all that we have done in recent years and strike down the public school system as it has always existed in this State.

Whether the Court decision be favorable or unfavorable, I see ahead of us years of litigation.

If the decision be favorable, we must have intelligent and forceful leadership that will insist upon maintaining equal facilities. However, I fear that the politicians of some Northern States will cause suits to be brought by deluded followers in many counties claiming facilities are not equal despite the fact we are allocating two-thirds of the building funds for Negro schools and approaching substantial equalization also in transportation throughout the State.

I shudder when I think of the consequences should the decision of the Supreme Court be adverse. Should that occur, the responsibility for the decision as to our future course would be yours and mine.

Whatever occurs, we shall not shirk our duty.

The committee composed of members of this General Assembly and several citizens appointed by me, which committee was appointed to consider our course in the event of an adverse decision has rightly refrained from holding public hearings. The discussions at such hearings might be misconstrued by the Court as efforts to influence its action. I hope the committee will continue that course.

Should you conclude your labors and adjourn before the Court files its decision, and the decision be adverse, I shall call a Special Session of the General Assembly.

For many reasons which I do not now wish to discuss I am sure that even should there be an adverse decision this Legislature would have ample time to consider the problem. You will need time and need wisdom too, because the problem will be more serious than any that has confronted a General Assembly since the end of the Reconstruction Era in 1876.

The legislators of that day met and mastered their problems. May God grant you the wisdom and courage to meet and master your problems.

**ELECTION OF STATE LIBRARIAN**

The Clerk of the Senate read the following concurrent Resolution:

S. 391.—Senator Jeffries. A Concurrent Resolution fixing Wednesday, January 13, 1954, immediately following the address of His Excellency, James F. Byrnes, Governor of South Carolina, as the time for a Joint Assembly to elect a State Librarian.

The President announced that nominations were in order for a successor to Mrs. Virginia G. Moody, State Librarian.

Senator Jeffries nominated Mrs. Virginia G. Moody.

Senator Abrams seconded the nomination of Mrs. Moody.

On motion of Mr. VERNER nominations were closed and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President announced that Mrs. Virginia G. Moody was duly elected for the term prescribed by law.

**ELECTION OF A CHIEF JUSTICE OF THE SUPREME COURT OF SOUTH CAROLINA**

The Clerk of the Senate read the following Concurrent Resolution:

S. 392.—Senators Brown, Gressette, Graham and McFaddin: A Concurrent Resolution to fix the time for a Session of the Joint Assembly to elect a Chief Justice of the Supreme Court to succeed the Honorable D. Gordon Baker, whose term expires in 1954, for Wednesday, January 13, 1954, immediately following the address of His Excellency, James F. Byrnes, Governor of South Carolina, to the General Assembly.

The President announced that nominations were in order for a Chief Justice of the Supreme Court of South Carolina to succeed the Honorable D. Gordon Baker.


Senators Parler and Graham seconded the nomination of Justice Baker.

On motion of Senator Baskin nominations were closed and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the President announced that Justice D. Gordon Baker was duly elected for the term prescribed by law.