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1959

INAUGURAL ADDRESS

OF

THE HONORABLE

**Ernest F. Hollings**

AS GOVERNOR

OF

SOUTH CAROLINA



Columbia

January 20, 1959

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## INAUGURAL ADDRESS

This, the most honored day of my life, I want to speak to you not of parties or politics, but of governments and men. I want to speak of the future.

I have just sworn before God and before you, my people, that I will preserve and defend the Constitution of South Carolina and the Constitution of the United States. The Constitution of the State has been amended so many times that it is difficult to recognize the original—but it has been amended legally. The Constitution of the United States has been amended illegally by the Supreme Court and today we struggle to recognize the original. This “noblest document ever penned” has been defiled by careless men of less nobility. Our United States Constitution, like all great things, finds its greatest strength in its permanency—and when that permanency is casually handled, its greatest strength suffers, and weakens, and perishes.

I feel particularly solemn this day as I take the highest office in our state, which is one of the few remaining citadels of belief in the traditions and principles upon which our nation was founded. With clear conscience, and clear convictions, I reaffirm to the world that we are a government of laws and not of whim—that our deep sense of civic responsibility demands a respect for the law—that if the slightest law is to be respected, then the greatest law is to be hallowed. We recognize that the United States Constitution is an inspired document and a great gift and hope to mankind—but when the form and letter and spirit of that Constitution is ingored, a gestation period of chaos erupts into a miscarriage of conscience and propriety. We find a United States Attorney General pledging economic blackmail against our Southland. We see both political parties competing to hurl the greatest insult and defamation at our door. And worse, we find a confused and petulant Chief Executive assuming command of a marching army, this time not against Berlin, but against Little Rock. This same Commander admonishes the Southern governors that in taking the oath to support the United States Constitution, they swear allegiance to the Supreme Court and the Court’s version of “the law of the land.” Or to be specific, he and others insist that the governors are sworn to integrate the public schools.

The law of the land, my friends, is the same today as it was the day this nation was founded in 1787—that is the Constitution of the United States. As Mr. Charles Warren, eminent historian of the

Supreme Court, stated: "However the Court may interpret the provisions of the Constitution, it is still the Constitution which is the law and not the decision of the Court."

The men who assembled and drafted our Constitution and those who have subsequently lawfully amended it made it apparent and definite that the individual, the State, and the Nation, were all to have rights. As a matter of course the rights must be different in scope since the needs are different in scope. Note carefully, I have emphasized "in scope"—they are not different in degree, for the national government can no more take away a man's life or property without due process of law than can that same individual refuse to serve in our Armed Forces. Equally true is this with regard to the powers of a sovereign state over the individual. While some states allow eighteen years olds to vote, other states forbid it, and the individual citizen of eighteen in a forbidding state is not denied equal protection of the laws because he can't vote.

Paramount among these powers reserved to the states, therefore is that of regulating elections, and equally paramount is the power of providing and regulating public education. Both of these powers remained undisturbed by the Fourteenth Amendment. The right to vote without regard to race was not guaranteed until two years later by the Fifteenth Amendment. It is clear both by law and intent that the Fourteenth Amendment did not disturb the fixed boundary between the right of the individual and the power of the state in providing public education. Both the Congress that framed the Amendment and the states that ratified it continued to operate segregated schools. When the doctrine of "separate but equal" was sanctioned by the Supreme Court of the United States in 1896, neither Congress nor any court or state protested. On the contrary, everyone understood this doctrine as the basis upon which the states could conduct public education. The correctness of this understanding was confirmed repeatedly by the highest state and federal courts in an unbroken line of decisions. The boundary line remained fixed. There is today no law and no provision of the Constitution requiring racially integrated schools. Until the Constitution is lawfully amended and the boundary line changed, the South stands on this boundary and on this principle. Until the Constitution is lawfully amended, my refusal to integrate our people during the next four years will not conflict with the oath just taken.

In fact, the contrary is true. I cannot conscientiously take this oath to protect and defend the Constitution of the United States and not object to the Supreme Court usurping the amendatory power that constitutionally is vested in three-fourths of the states. To do so would give us a government of men and not of laws. This danger was foreseen by our forefather in the founding days of this republic, for it was George Washington who said in his Farewell Address:

"If, in the opinion of the people, the distribution or modification of the Constitutional powers be in any particular wrong, let it be corrected by an Amendment in the way which the Constitution designates, but let there be no change by usurpation; for though this is one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Nevertheless, the danger grows and members of the Court claim for it the function, and even the duty, of amending the Constitution at will. In his dissenting opinion in *Green v. United States* in March, 1958, Justice Hugo Black, with the concurrence of Chief Justice Earl Warren and Justice William O. Douglas, said this:

"Indeed, the Court has a special responsibility where questions of constitutional law are involved to review its decisions from time to time and where compelling reasons present themselves to refuse to follow erroneous precedents; otherwise its mistakes in interpreting the Constitution are extremely difficult to alleviate and needlessly so."

In other words, when these Justices disagree with earlier and long-standing interpretations of the Constitution, such interpretations are mistakes and should be corrected by the Court, because the amending process is "extremely difficult," and "needlessly so" when the Justices can so easily take the place of the constitutional three-fourths of the states.

The Supreme Court of our land was established to decide litigation in the light of past decisions and not in spite of past decisions. It is not the Court's function to lay down "the law of the land" by judicial fiat. It is the Congress under the American system that makes law. Flagrantly, baldly usurping the amendatory power of three-fourths of the states, the justices of the Supreme Court apparently take their gospel from Richard III, whom Shakespeare caused to say:

"Strong arms shall be our conscience, swords our law.  
March on, join together to pell mell,  
If not to Heaven, then hand in hand to Hell."

It is distressing that the justices don't know where they are trying to force us, but it is even more distressing that they, like Richard, apparently don't care.

I shall not dwell on the subject of segregation as it affects race relations. We all have heard too much on this subject and there is too much to be done in the days ahead for us to waste our energies and arouse our tempers over a subject upon which we in South Carolina are in essential agreement. We are fortunate in having a well nigh boundless store of good will and understanding among all races and beliefs in South Carolina. In South Carolina, in our schools, peace patrols the school corridors; unlike New York, we do not need armed guards. The Negroes of our state feel as all of us feel, that schools are intended for education. They feel that their Governor and General Assembly are doing everything possible to provide them the best educational program and the best opportunity to succeed on an individual basis. Let alone, we shall continue to do this. As a practical matter, this can only be done in the segregated pattern, and for those who would by integration destroy the education, culture, opportunity, and friendship of both races, I simply state that our position of determined resistance remains unchanged.

The segregation stand of the South is symbolic of the stand of our forefathers against the oppression of government when this great republic was founded. This nation was founded on a desire to avoid government. The unconditional surrender making possible the Constitution, the Supreme Court, and the government in Washington, was obtained by an army of the colonies or states, and not of a national government. The difficulty of establishing and maintaining such an army gave the basis for the primary need and function of our Federal government—that of national defense. While today this fiscally remains the primary function, all powers for all purposes have been pre-emptorily assumed so that rather than the government defending the citizen, the citizen feels a need for being defended from the government.

While everyone cites segregation as a point of argument with respect to race relations, I cite it as a challenge which faces South Carolina—and all of the other forty-eight states. South Carolina and the South stand in the critical role of fighting against a tide which would sweep us into national mediocrity, crush the states and their citizens into national molds, stifle the views and rights of minorities,

and destroy the original constitutional balance of power among the individual states and the federal government.

This is a continuing threat, and it runs deeper than most persons realize. Americans who live in other parts of the country and who are not presently faced, as we are in the South with an obvious and alarming onslaught against our rights, have no understanding of the fundamental at stake. The federal system of checks and balances, America's unique contribution to the science of government, is at stake!

South Carolina and the South are standing firm against this national attempt to wipe out the boundaries which were designed to preserve this system. Because we do so, we are labelled reactionaries by those so-called "liberals" who seek to force their own idea of the centralized State upon all of the United States. It must be admitted that we do react against their scheme to subvert the basis of American government as we have known it through the years. We also admit that we are conservative, in the sense that we seek to conserve those principles of government, and of free enterprise, which have been tried and proved, and which have made this nation what it is today. We in South Carolina see no conflict between such conservatism and progress; indeed, we think they go hand in hand toward bringing us a better life, and it is our mission to put forward a dynamic conservatism as an asset, not a liability.

When we speak of such conservatism and the free enterprise system, we speak of the right to work and make a profit as compared to the power of the government to interfere and to take the profit. The only reason free people on this earth work is to make a profit from their labor. If they work for other people, their reward is called a wage or salary. If they work for themselves, it is called a profit. If they work only for an oppressive central government, it is called Communism. Without the hope of a wage or profit no person would ever work or no business would ever be established, except as slave or regimented labor. Without the realization of a profit no business could continue to live, and without an adequate profit no business would be able to grow. The opportunity to profit, to live, and to grow is fundamental to the American system of free enterprise. When the Federal government through its taxing power and other policies kills this incentive to work and profit, to live and grow, then the boundary of the purpose for government as we know it is exceeded by the power of government and we are lost. History is well marked by

civilizations which have collapsed following the loss of that basic strength inherent in the initiative of the individual citizen.

We make no apologies for this conservatism; indeed we proclaim it as evidence that we in South Carolina have resisted—and will continue to resist the dictation of a power-happy federal government. Both our state and our people have maintained their self-respect and are pledged to continue fighting to retain their self-government. We are susceptible neither to threats of federal pressure nor to promises of federal aid.

A great South Carolinian, Robert Y. Hayne, whose plaque appears at the entrance to our State Capitol, once had this to say to a colleague in the United States Senate:

“Sir, let me tell that gentleman that the South repudiates the idea that a pecuniary dependence on the federal government is one of the legitimate means of holding the states together. A moneyed interest in the government is essentially a base interest; and just so far as it operates to bind the feelings of those who are subject to it to the government—just so far as it operates in creating sympathies and interests that would not otherwise exist—it is opposed to all the principles of free government and at war with virtue and patriotism.”

South Carolina no longer stands simply as the geographic center of a defeated South. We occupy the larger and more compelling role as the stronghold of traditional thought in America. Let it not be believed for a moment that we, or our Southern neighbors, stand alone in our resistance to federal encroachment on those rights which, by every rule of common sense and by every rational constitutional interpretation, should be exercisable by the states alone. In this respect, millions all over the nation stand with us, realizing as we do that the last of our prerogatives in local self-government is imperilled.

The businessman of our country realizes that our free enterprise system is not founded on the excesses of Northern pressure groups. He appreciates his heritage and seeks a region where the people are willing to defend that heritage. With all the charges of prejudice and bigotry, with all the talk of illiteracy and backwardness, with all the fears of school interruption and disorders, the American businessman continues to flow South. He comes not just for markets and climate, but because of the character of our people and state government. Public office is still a public trust. We are a stable people and

we have a stable government. We believe in living within our means. We refuse to increase taxes unless absolutely necessary. Our legislature will not enact an appropriation bill and I, as governor, will not sign such legislation except within the expected revenue. The people themselves believe in individual rights and individual responsibility. We believe that the freedom to work is as fundamental as freedom of speech or freedom of worship. We believe in a day's work for a day's pay. We do not look for security but for opportunity. South Carolina is a good place to live and provide opportunity for our children. We recognize the indisputable fact that ours is the only way that we can give to our young people of every walk of life and of every section of our state the efficient public education without which our children will not be able to achieve the economic, social, and political future that their parents would want them to have. We are a law-abiding people and will not stand for violence against our churches and schools. There is tolerance and understanding and good will among all of our peoples. This is our South Carolina today.

We are a state of hope and dedication—a state touched by destiny. The Battle for the Republic is truly at hand. On our shoulders ride the cape of leadership, the hope of free enterprise, and the dignity of truth. On my shoulders rests the burden of presenting the case for South Carolina, but it is you who have supplied the evidence, and it is you who are the witnesses. I will not desert your cause, nor will I fail you. I recognize the problems, but they only give me enthusiasm for the solutions. With an humble prayer for God's blessings and guidance I assume this task with a vigorous pride that while South Carolina and our Southland twenty-five years ago may have been the nation's number one economic problem, today we are the nation's number one hope for the survival of the free enterprise system. Today we are the nation's hope for the survival of constitutional government. Today we are the hope for the future.