

9-13-1957

Which Constitution?

David Lawrence

U.S. News and World Report

Follow this and additional works at: https://egrove.olemiss.edu/citizens_clip

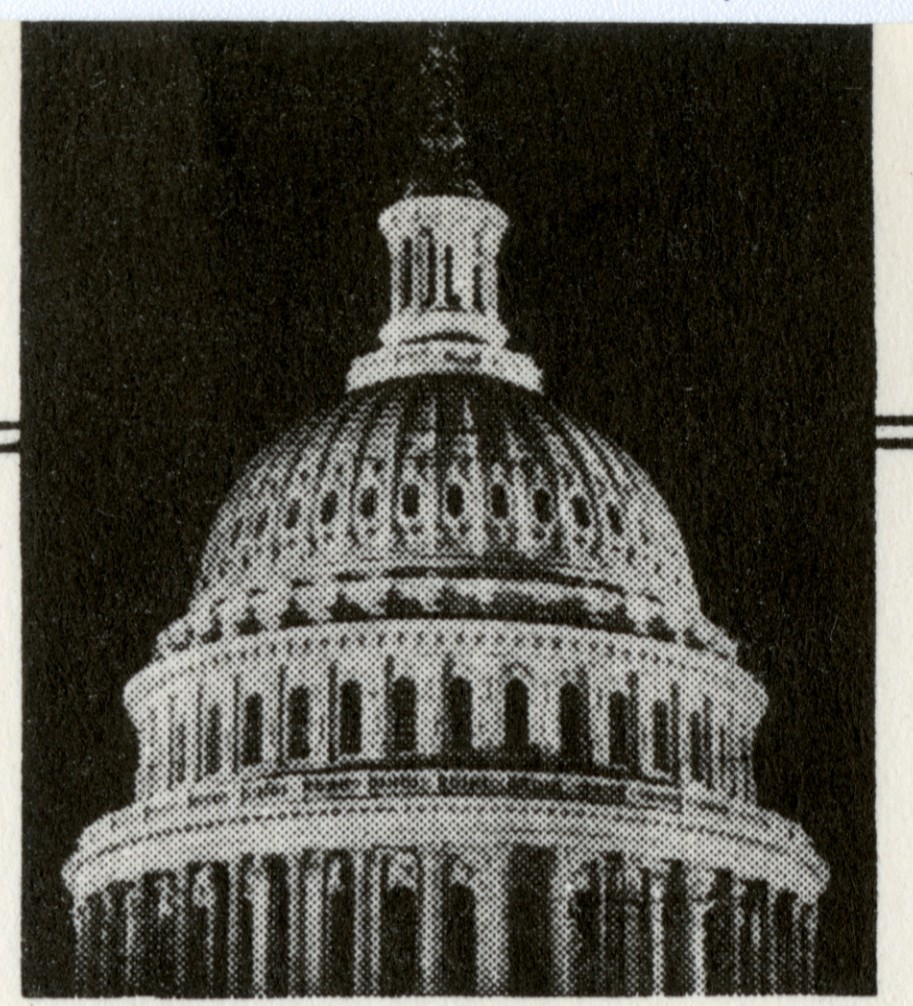


Part of the [United States History Commons](#)

Recommended Citation

Lawrence, David and U.S. News and World Report, "Which Constitution?" (1957). *Clippings*. 118.
https://egrove.olemiss.edu/citizens_clip/118

This Article is brought to you for free and open access by the Citizens' Council Collection at eGrove. It has been accepted for inclusion in Clippings by an authorized administrator of eGrove. For more information, please contact egrove@olemiss.edu.



WHICH "CONSTITUTION"?

BY DAVID LAWRENCE

PRESIDENT EISENHOWER, in telegraphing to the Governor of Arkansas last week, said:

"When I became President, I took an oath to support and defend the Constitution of the United States. The only assurance I can give you is that the Federal Constitution will be upheld by me by every legal means at my command."

But which Constitution?

Is the so-called Fourteenth Amendment, under which "integration" is being forced today upon an unwilling population in the South, really a valid part of the Constitution?

The Southern States, after the war was over, ratified the Thirteenth Amendment abolishing slavery and this was accepted as legal by the Federal Government. Yet when the same legislatures in the South subsequently assembled lawfully and rejected in due form a proposed Fourteenth Amendment, all Southern members of Congress were deprived of their seats in the Senate and the House. Federal troops were ordered to take charge of these State legislatures. Puppet legislatures finally did "ratify" under duress.

The Supreme Court in the last 89 years has never ventured in a single instance to decide the issue of whether this "ratification" was actually lawful.

Why, therefore, are some of us so explicit and eloquent nowadays in sanctifying the phrase—the "supreme law of the land"—as requiring compliance with the vague and undefined edicts of a Supreme Court that has plainly disregarded the illegality of the so-called Fourteenth Amendment?

Where in the Constitution are the federal courts given the right to control or regulate the schools of the nation and to dictate to them whom they shall admit as students and whom they shall refuse to admit?

Where in the Constitution is there any delegation of power to the Federal Government to put in jail parents who wish to persuade other parents to refrain from sending their children to mixed schools? Yet federal injunctions today seek to coerce these citizens and deprive them of their right to speak freely as guaranteed under the First Amendment of the Constitution.

The President's telegram to the Governor of Arkansas will become a historic document. It may have unfortunate consequences in the future relations between the States and the Federal Government. It appears to be an ill-advised statement prepared for Mr. Eisenhower by overzealous lawyers in the Department of Justice. The telegram said in part:

"You and other State officials—as well as the National Guard, which is, of course, uniformed, armed and partially sustained by the Federal Government—will, I am sure, give full cooperation to the United States District Court."

Where in the Constitution is any power given to the President or to anyone in the Federal Government to say to the Governor of a sovereign State that he must not use the National Guard—State troops—to maintain order? And since when does the fact that the National Guard receives funds or uniforms or guns from the Federal Government deprive the Governors of our States of their right to use these troops for State purposes without first obtaining the permission of the Federal Government?

Does this mean, too, that the allocation of federal funds to schools, which has been urgently advocated in recent months by the President, will give the Federal Government some new and hitherto unbestowed grant of power to pass judgment on the efficiency of a State Governor or to question his motives when he attempts to do his duty, as he sees it, under the Constitution of his own State as well as the Constitution of the United States?

Since when, to be sure, is it the duty of the National Guard to execute federal injunctions? Since when has the National Guard become an instrument of the federal judiciary? Since when has an injunction or order issued by a lower court become a final decree that must be obeyed under threats of reprisals by the Chief Executive even before the court order has been properly reviewed on appeal to the higher courts?

Are the Governors and State legislatures now mere puppets, and have our several States suddenly become "satellites" which can function only with the consent of a federal dictatorship?

There is only one Federal Constitution in America. It is in the Articles and lawfully-adopted Amendments to the document itself. All misguided attempts to amend this Constitution by the fiat of nine judges must be deplored as a usurpation of power and a defiance of the Constitution itself.

For to the people alone—uncoerced by military force—is given the power to change the Constitution. The method is specifically prescribed in the Constitution itself.

This is the way to preserve our dual system of government. It is the only way by which the nation can maintain internal peace and national unity.