

For release 9:00 a.m. (E.D.T.)

STATEMENT BY  
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GOVERNOR OF ALABAMA  
BEFORE THE SENATE COMMITTEE ON COMMERCE  
IN OPPOSITION TO SENATE BILL 1732  
9:00 a.m. (E.D.T.)  
JULY 15, 1963

Mr. Chairman -- Members of the Senate Committee on Commerce.

I appreciate the opportunity to appear before you today and give my views on the important matters now before this Committee.

The leaders of the Federal government have so misused the Negroes for selfish political reasons that our entire concept of liberty and freedom is now in peril.

We daily see our government go to ridiculous extremes and take unheard-of actions to appease the minority bloc vote leaders of this country.

I was appalled and amazed to read of recent statements by Pentagon officials relative to proposed civil rights investigations on our military installations. There was a time when military installations were established in accordance with the requirements of the national defense posture.

Today these officials use the threat of withdrawal of military bases to accomplish political purposes. Any officer or official issuing such orders should have his

background investigated.

Although he may not be affiliated with our enemies, his actions play into their hands by jeopardizing the security of this nation.

The Air Force is encouraging its personnel to engage in street demonstrations with rioting mobs and is even offering training credits as an inducement. Perhaps we will now see Purple Hearts awarded for street brawling -- heretofore they were awarded on the field of combat.

I note that by way of further intimidation, one of the President's committees has recommended that any business be placed off limits to military personnel unless they surrender to current Federal ideologies.

Is the real purpose of this integration movement to disarm this country as the Communists have planned?

For a century certain politicians have talked about Southern mobs, which were actually non-existent. But now that we have Negro mobsters and mobs running in the streets of our cities, these politicians and the press refer to them as demonstrators.

These so-called demonstrators break laws, destroy property, injure innocent people and create civil strife

and disorder of major proportions.

Yet they receive sympathy and approval of the leaders of our Federal government.

I personally resent the actions of the Federal government which have created these conditions. As a loyal American and as a loyal Southern Governor, who has never belonged to or associated with any subversive element, I resent the fawning and pawing over such people as Martin Luther King and his pro-Communist friends and associates.

When this bunch of incendiaries comes to Washington they are given red carpet treatment, and I dare say if they came into this room here, some of the members of this Committee would feel compelled to greet them in such a manner as to publicly demonstrate their concern for so-called civil rights.

Last Friday Governor Barnett showed this Committee a picture of Martin Luther King and a group of Communist + pro - comm leaders attending a meeting together. As widely reported in the press in the last two months, King's top lieutenant in Alabama, Fred L. Shuttlesworth, a self-styled "Reverend", was elected president of the "Southern Conference Educational Fund" which is headquartered in New Orleans and active in seventeen Southern states. This organization has been described

by both the Senate Internal Security Subcommittee and the House Un-American Activities Committee as an organization "set up to promote Communism" throughout the South. The Cincinnati Enquirer, in its issue of Sunday, June 9, 1963, quotes the following statement of Shuttlesworth as to his leadership of this Communist organization:

"Generally, the House committees are governed by Southerners who will label any organization subversive or communistic that seeks to further the American aims of integration, justice and fair-play.

"To a segregationist, integration means Communism. I can think of nothing more un-American than the House Committee on Un-American Activities."

Recently Martin Luther King publicly professed to have fired a known Communist, Jack O'Dell, who had been on his payroll. But as discovered by a member of the United States Congress, this public profession was a lie and O'Dell had remained on King's payroll.

On a recent visit to this country, why was it that Ben Bella, a Communist in my opinion, had his first conference in this country with Martin Luther King? And then Ben Bella flew to Cuba and embraced the Communist Castro and said that he is one of the world's greatest. Is there any connection?

I come here today as an American, as a Governor of a Sovereign State and as an individual with full respect for Constitutional government. I appear to respectfully call upon the Congress of the United States to defeat in its entirety the Civil Rights Act of 1963.

The President of the United States stated in his message accompanying Senate Bill 1732 that "enactment of the Civil Rights Act of 1963 at this session of Congress -- however long it may take and however troublesome it may be -- is imperative".

The President might well have further stated: "and however many people it hurts or businesses it destroys and regardless of the rights of the vast majority of our people".

In my judgment, the President of the United States and the Attorney General of the United States, by

design and political motivation, are sponsoring and fostering a complete and all inclusive change in our whole concept of government and society -- a revolution of government against the people.

Senate Bill 1732 -- the so-called public accommodations bill -- would, together with the President's full civil rights package, bring about government of the government, by the government and for the government.

The free and uncontrolled use of private property is the basic and historic concept of Anglo-Saxon jurisprudence. The primary reason our forefathers came from Europe to carve this nation out of a raw and savage wilderness was for the purpose of using, controlling and enjoying their private property and to pursue their chosen professions without fear of interference from kings, tyrants, despots, and I might add, Presidents .

I don't think it's necessary today to talk to you at length about the constitutional basis for legislation such as this. You know that similar legislation has been declared unconstitutional.

You know that in the 1883 Civil Rights Case the Supreme Court of the United States ruled out the Commerce

Clause as the basis for legislation nearly identical in effect to that contained in Senate Bill 1732.

You know that the 14th Amendment -- which amendment is of doubtful origin and questionable validity -- was held by the 1883 Court to merely allow legislation predicated upon the correction of the operation of state laws only -- and in no sense gave the legislative branch the right to enact statutes providing a code for the regulation of private rights.

No part of the bill before you qualifies as to constitutionality even assuming that you operate on the premise that the 14th Amendment was validly ratified in accordance with the requirements of the Constitution -- and it was not.

Gentlemen, I'll tell you what this Senate Bill 1732 does -- it places upon all business men and professional people the yoke of involuntary servitude -- it should be designated as the "Involuntary Servitude Act of 1963".

Under the provisions of Senate Bill 1732, if you are engaged in any profession where you offer your personal services, you cannot refuse to serve anyone without

fear of violating this Act. I don't know of any business or profession that does not have some abstract connection with interstate travel or interstate movement of goods. Under the provisions of this Act, the lawyer, doctor, hairdresser or barber, plumber, public secretary-stenographer, etc., would no longer be free to choose their clientele.

Nobody who offers services to the public or attempts to engage in his chosen profession will be free to operate without fear that the police state which is now vigorously rearing its head will dictate his every move and tell him exactly how he can run his business. In fact, if the provisions of the Act are passed and enforced many individuals will no longer have any business.

Section 3(b) of the Act provides: "The provision of this Act shall not apply to a bonafide private club or other establishment not open to the public, except to the extent that the facilities of such establishments are made available to the customers or patrons of an establishment within the scope of sub-section (a). I submit to you that I am at a loss to understand the true meaning



and full import of this exception. I am wondering if it constitutes a "sleeper" in this Act designed to destroy the privacy of private clubs and "other establishments". In fact, what is the definition of the term "other establishments"? Does it include fraternal and social organizations, churches, religious organizations, the Masonic Lodge, the Order of the Eastern Star, the Knights of Columbus?

Would this "exception clause" cover the following situation?

A certain exclusive private club having a membership composed entirely of Italian-Americans has a rule allowing members to bring guests, many of whom travel in interstate commerce. The club also has another strict rule that guests must be limited solely to Italian-Americans. Under the provisions of this Act may a member bring in a non Italian-American traveling in interstate commerce despite the club rule forbidding it? Another example that arises would be the fact that my Masonic Lodge has strict rules against bringing in non-Masons and/or Masons not of the same type organization as mine. I have taken many interstate traveling Masons to my Lodge. Can a member bring a non-Mason or Mason of another type organization into my Lodge if he is a guest traveling in interstate commerce?

Section 5 of the Act provides for civil actions for preventive relief including injunction, restraining order or other order. I wonder what this "or other order" implies? Does it not mean being heavily fined or placed in Federal Prison for contempt of court if you refuse to obey? This same Section provides that this relief may be obtained by the person aggrieved or by the Attorney General of the United States and it provides further that the relief may be obtained where a person has not actually violated any section of the Act, but there are grounds to believe that any person is about to engage in any of the many prohibited acts. This is the beginning of "thought-control" legislation. In other words, they can take you to court and try you for what you are thinking or possibly thinking about doing -- whether you ever carry your thoughts into effect or not.

It is interesting to note that in Section 2(g) of the Act, which in effect constitutes the preamble of the Act, it is stated as fact that discrimination reduces the mobility of the national labor force and prevents the most effective allocation of national resources, including

the interstate movement of industries, particularly in some of the areas of the nation most in need of industrial and commercial expansion and development.

This is a thinly veiled reference to the South -- which - contrary to the statement contained in the preamble of this bill -- is now and will continue to enjoy the greatest industrial growth of any section of the United States.

I cannot help but wonder if some of these same people who are now so worried about our industrial growth are not some of the same people who fought the removal of the "Pittsburgh Plus" discriminatory freight rates which for so long kept the South from realizing its true potential in industrial growth. I cannot also help but wonder if one of the true motives in back of this act is, in part, a desire on the part of some to return the South to its position of disadvantage which disappeared with the removal of discriminatory freight rates.

The President, the Attorney General, and every member of this Congress who has sponsored this legislation stand indicted before the American people.

This group has invited the Negro to come North to a land of milk and honey. They accepted the proposition, and instead of finding this Utopia, they have found unemployment. They have been stacked in ghettos on top of one another, to become a part of every city's Harlem. Thereby social and economic problems have been compounded.

The end result is that this gross hypocrisy has brought guerilla warfare and insurrection to every large city in the United States endangering the lives of millions of our citizens. Because of this hypocritical spectacle, he no longer wants mere equal treatment, he expects and apparently intends to bludgeon the majority of this country's citizens into giving him preferential treatment.

He shows his sense of responsibility by flaunting law and order throughout this country, even threatening to intimidate the Congress of the United States. And all of this is done with the tacit approval of the sponsors of Senate Bill 1732.

The physical danger I outline is no problem in the South. You and your family can travel to any place in the South, walk the streets of every section of cities and towns alone, without fear of bodily harm. But I know,

and you know, that you and your family cannot walk the streets of our nation's capital without fear of mugging, raping, killing or other physical assault.

And, gentlemen, your constituents know this, too, and they are fed up with it. And if you will come to my offices, I will show you countless thousands of letters from every part of the United States protesting the continued usurpation of power by the Federal government and the failure to adhere to the Constitution of the United States. People who write me want their elected representatives to start representing them and not the minority bloc voting mobsters.

A President who sponsors legislation such as the Civil Rights Act of 1963 should be retired from public life. And this goes for any Governor or other public official who has joined in this mad scramble for the minority bloc vote.

Does not the present situation in Washington, D. C., give you some idea of the result you would obtain with this legislation? The nation's capital is supposed to be the supreme example of what civil rights legislation can accomplish. It's an example all right, an example of a city practically deserted by white people. If you in the Congress are really sincere about this civil rights business, why don't you give home rule to the people of Washington? Let's see how the local residents can run this city. I believe in local

self government. I challenge you to vote for home rule in Washington, D. C. I suspect that if you attempted to do this, the Secretary of State would have to testify behind closed doors that this would result in damage to our image before the rest of the world.

A few days ago, I noted a report released by Washington, D. C., police officials which stated that during the last twelve months major criminal offenses in this nation's capital reached the second highest peak in history.

I suggest that if the Congress spent its time trying to stop these assaults, rapes, robbery and house-breaking, rather than in efforts which will destroy all rights of property, then you might accomplish something worthwhile.

*(15) was highest*

When I came here to testify against the 1957 Civil Rights Bill, it was said that our image would be affected in Africa and Asia if the bill failed to pass. Well, the 1957 Bill was passed and it appears that we are still supposed to worry about our image.

I have stated before and wish to state again here today -- I will worry about our image in the rest of the world when these foreign countries begin to return 25 per cent of the foreign aid we are sending them because it comes from the South.

In my judgment, the rest of the world should be more concerned with what we think of them since we feel bound and determined to provide their support. And while we are speaking of an image, the federal government should worry about the image it is creating in the South and to freedom-loving people everywhere.

I think you gentlemen are well aware of the reason you are having to consider Senate Bill 1732. The President of the United States and the Attorney General of the United States have used the powers of the executive branch in such a manner as to create a tense and explosive situation which they can no longer control.

The President so much as admitted this in his nationwide telecast which prefaced the introduction of this civil rights legislation. He wooed and won the minority bloc vote. Since then he has committed a series of blunders in trying to appease the mob leaders.

These leaders have now pressured the President into the ridiculous position of placing his stamp of approval on mob violence and rioting in the streets of this country.

The entire handling of this racial situation by the present Administration has shown an ineptness and total lack of understanding in handling the problems

which have been created by the political efforts to capture these votes.

The promised New Frontier is a nation torn by strife and turmoil on the brink of civil warfare.

The only method it has been able to come up with is the use of Federal troops which, strangely, it seems, have been used only in the South although the most serious disturbances have been in places like New York, New Jersey, Philadelphia, Chicago, Washington, Los Angeles and Cambridge, Maryland.

It is not politically popular to send troops into these cities -- and they are going to find next November it is not politically popular to send them to Alabama and Mississippi.

The Kennedy Administration is in political jeopardy, and in a calculated attempt to recover from losses of political prestige, it has shifted the burden of its gross mistakes in judgment to the Congress of the United States -- all the while catering to a lawless minority which shows utter disregard and contempt for law and order.



This bill will not remedy the situation. This bill will inflame the majority of the citizens of this country. When you determine that you will control and destroy private property rights -- you invite chaos.

I charge that Senate Bill 1732 constitutes the first step toward land reform -- a long step in a socialistic scheme of government which will bring the total destruction of private property rights. Property is power and when we lose our rights to property we will have lost our power to govern ourselves.

If you intend to pass this bill, you should make preparations to withdraw all our troops from Berlin, Viet Nam and the rest of the world because they will be needed to police America. You are going to make the American people law violators because they are not going to comply with this type legislation.

It is suspected, and I suggest that Senate Bill 1732 is such a ridiculous piece of legislation that it probably is a mere smokescreen which is calculated to draw the attention of the people to it, thereby blinding them to other parts of the civil rights package which are equally abominable.

No part of the Civil Rights Act of 1963 is acceptable and we people in the State of Alabama and the South will take the lead for all freedom-loving people of this country -- black or white -- in an all-out effort to defeat any man who supports any feature of the civil rights package.

The executive branch of this government has ignored the Constitution of the United States and fostered the march toward centralization and the ultimate destruction of our system.

The Judicial branch has perverted the Constitution of the United States in a manner which shocks the conscience of the American people.

The Congress of the United States is the last remaining bulwark against the destruction of our system of government.

I ask you to ignore political pressures which will destroy our entire free enterprise system -- that you determine that this country will not have government by intimidation -- that you not see fit to destroy established businesses and personal service professions -- that you not place the vast majority of American citizens in involuntary servitude -- that you stand up for America.

I challenge the President and the Congress to submit this proposed legislation to the people as a national referendum.

I promise you that you will get the shock of your life because the people will overwhelmingly reject this encroachment upon their right to own and enjoy private property.

I say that it is high time freedom-loving people of this nation stand up and be counted and if the tree of liberty needs refreshing by the political blood of those who ignore the heritage established for us by the Founding Fathers, then so be it.

Gentlemen, I appreciate this opportunity to appear before you today and before leaving I have a request I would like to make. I have charged here today that there are communist influences in the integration movement. From the mountain of evidence available everyone should realize that they are true. You have heard these charges before you -- you have seen the evidence -- why don't you do something about it? Don't sweep this matter under the rug -- let's expose these enemies -- they are enemies of both black

and white in this country -- bring them out in the open. As the Governor of a sovereign state, I ask the Congress to investigate these communist activities. This request should not be taken lightly. A letter through the mail to the Justice Department from someone claiming they have been denied the right to vote brings a flood of Federal Investigators down the neck of some Southern registrar. Here you have had at least two Governors to ask that this communist matter be investigated. Will you give us this response?

In closing, I would like to tell you that the public policy of Alabama is for the up-lifting of the Negroes in Alabama. During the first year of my administration we have increased the appropriation to Negro educational institutions 22 per cent. We are building three new trade schools to train them for the jobs that we are making available to them by a fast growing industrial expansion in our state. I do not believe the passage of the legislation would be in the interest of either the white or Negro citizen, but would hamper the solution of problems facing both races.

As I said in my Inaugural Address in January, my hope and prayer is that God will bless all of the people of my state and this nation, both black and white.

I thank you.