Aftermath of the Brown Decision: The Politics of Interposition in Florida

David R. Colburn*
and Richard K. Scher**

Southern reaction to the decision of the United States Supreme Court in the *Brown* case [347 U.S. 483 (1954)] was generally swift and angry. With the exception of Florida, public officials in most of the states of the deep South reacted with indignation and hostility to the Court's ruling that ended the tradition of legally sanctioned school segregation. For example, Georgia's Governor Herman Talmadge declared that the Court "by its decision had reduced our constitution to a mere scrap of paper." Mississippi's Senator James Eastland was scarcely less vitriolic when he said: "The South will not abide by nor obey this legislative decision by a political court." South Carolina's Governor James Byrnes said he was "shocked," although he counseled the South to "exercise restraint."[1]

In Florida, however, reaction was substantially different, and by comparison with other southern states it was mild. Most newspaper editors and the few pronouncements issued by public officials urged calm and restraint. For example, Florida's senior Senator Spessard Holland said he hoped the decision would be met with "patience and moderation," and that there would not be any "violent repercussions" in the state.[2] State School Superintendent Thomas Bailey felt the Court's action called for "sober and careful thinking together with planning untainted by hysteria."[3] In an editorial the *Tampa Morning Tribune* held that the Brown decision was inevitable and should be accepted, even while calling it "deplorable" because it overturned law, custom, and social order in states maintaining segregation.[4] By and large, however, Floridians seemed to have relatively little to say about the decision in the days and weeks immediately following it.

The reasons for this mild response are to be found in the state's

*Dr. Colburn is Associate Professor of History and Social Science, University College, University of Florida.

**Dr. Scher is Associate Professor of Social Science and Political Science, University College, University of Florida.

social and economic structure. Florida had a relatively small percentage of blacks (21.8% in 1950) when compared to its southern neighbors.[5] As V. O. Key, Jr., pointed out in *Southern Politics in State and Nation* the smaller the percentage of blacks in a state's population the less chance there was for intense racial animosity. In addition, the diversity of Florida's population, with many immigrants from the northeast and midwest settling in the urbanized, southern region of the state, tended to moderate racial hostility. Florida's heavy economic dependence on tourism also provided a steadying influence that helped explain the mild response to the Court's decision.

But this is not to say that the *Brown* decision had little impact in Florida. Indeed, in the spring of 1954 Florida was one of only four states with no school integration whatsoever, and thus the decision had grave implications for the state's traditional pattern of public education.[6] Not surprisingly, therefore, Floridians joined with their southern neighbors in searching for alternatives to the *Brown* decision.[7]

By early 1956, southern criticism of the *Brown* edict had been supplemented by direct political action. Two old, tradition- and time-honored southern tactics called "interposition" and "nullification," last seen in the days prior to the Civil War, were removed from their dusty corners in the South's political arsenal. They became, for a brief period, important weapons in what Virginia Senator Harry Byrd was to characterize as the South's "massive resistance" against the *Brown* decision.[8]

Events moved rapidly in the South during the next few months. On February 1, the Virginia legislature passed an interposition resolution. South Carolina followed shortly thereafter. Governor Marvin Griffin and the legislature of Georgia were not content with interposition; Griffin requested and the legislature passed a nullification resolution in mid-February. At the same time Governor Luther Hodges of North Carolina said he would recommend that the legislature pass a resolution "protesting" the Supreme Court decisions. By the end of February the Mississippi legislature had unanimously adopted an interposition resolution. Early in March Governor Allan Shivers of Texas said he was planning a national campaign designed to have an interposition plank written into the Democratic National Platform during the following summer. In a significant move at the national level, on March 11, 1956, 96 members of Congress – 19 senators and 77 representatives – signed a "Declaration of Constitutional Principles," frequently referred to as the "Southern Manifesto," which pledged them to use "all lawful means" to reverse the Court's decisions on school segregation. Late in the spring, the Louisiana legislature adopted an interposition resolution.[9]

Florida was the last southern state to pass a resolution condemning the *Brown* decision. In large measure, Florida's delayed response was due to the progressive, farsighted leadership of Governor LeRoy Collins. Through his direction, Florida avoided the "massive resistance" and inflammatory rhetoric which characterized much of the South's response to the *Brown* decision. In addition, he pursued a program which helped erode a dual school system without disrupting the state's traditional values and culture, and without generating intense racial animosities.[10] Indeed, Collins was one of the few southern governors who was committed to improving race relations in his state.[11] He was also one of the few public leaders who realized that whites throughout the South would have to adapt to a new way of life. The interposition resolution passed by the Florida legislature in 1957 was his only major defeat on racial issues during his six year administration.

Although LeRoy Collins ran as a moderate segregationist candidate in his gubernatorial campaigns of 1954 and 1956, his emphasis on upholding the law suggested that he was far more flexible on racial issues than were many of his political opponents. Beginning in the spring of 1956, Collins tried to establish a different climate of race relations in Florida than existed elsewhere in the South. It was precisely at this time that other southern states were embracing interposition and nullification. While Collins sought to reassure white Floridians that he would do his best to maintain segregation, he also was determined not to pursue policies which would further polarize the races in Florida.

On March 21, 1956, Collins called a meeting of the state cabinet, the Board of Control, legislative leaders, and the presidents of the State Universities ostensibly to discuss means of preventing Virgil Hawkins, a black, from enrolling in the University of Florida's College of Law. The United States Supreme Court had ordered that Hawkins be admitted. Collins renewed his commitment to appeal Hawkins' admission and to retain segregated schools. While deploring what he perceived to be a worsening of race relations in Florida, Collins promised to call a special session of the legislature, if necessary, to preserve school segregation. More importantly, however, he refused to support either interposition, nullification, or militant segregationist legislation. Instead, he said he was appointing a blue-ribbon committee, later called the Fabisinski Committee, after its chairman, Judge J. L. Fabisinski of Pensacola, to study ways of legally maintaining segregation in Florida.[12]

It was in conjunction with the report of the Fabisinski Committee that Collins had his first brush with an interposition resolution. In July, 1956, the Committee issued its recommendations, which Collins en-

dorsed completely. It suggested a four-point program to deal with school segregation: permitting county school boards to assign pupils to schools on the basis of individual needs; regulating the assignment of teachers; giving the governor power to promulgate and enforce rules relating to the use of public parks, buildings, and other facilities needed to maintain law and order, and to prevent domestic violence; and clarification of the governor's power to declare an emergency.[13] It was the first of these proposals that was the most crucial for preserving school segregation; it would permit local school officials to maintain segregation on the basis of intellectual ability, scholastic achievement, or psychological factors, any one of which might simply serve as a surrogate for racial discrimination.

Collins called a special legislative session in mid-July, 1956, to take up the Fabisinski recommendations. He made it clear to the legislature that he would not accept any laws on segregation except those which the Committee, and he were proposing.[14] Some legislators, such as Representative Prentice Pruitt, wanted to follow in the path of other southern states and pass stronger anti-integration laws. Pruitt, and others, felt Collins' proposals were only half-hearted and would ultimately prove ineffectual in maintaining segregation. Furthermore, a number of legislators, including Pruitt, and Representatives Kenneth Bollinger and Frank Allen, strongly resented the idea that they could consider and debate only those bills which Collins proposed during the session.[15]

The bills on segregation which Collins requested were quickly passed, but such legislators as Pruitt, Marion Knight, and Fred Petersen persisted in considering more stringent measures. Collins feared that the legislative debates would increase racial polarization in the state. He felt that if the debates went unchecked the legislature might adopt stronger segregation measures than he was prepared to accept. Accordingly, on August 1, he notified legislative leaders that he was planning to adjourn the session immediately. He used as his justification a little-known constitutional provision empowering the governor to adjourn the legislature when both houses could not agree on a time for adjournment.[16]

Collins' decision to end the session came at the best possible moment from his point of view. When news of his action reached the floor of the legislature, Representative C. Farris Bryant of Ocala, later governor of Florida, was in the middle of a speech in the House introducing an interposition resolution similar to those passed in other southern states. It was precisely this kind of measure Collins wanted to avoid. The prosegregationist legislators bitterly denounced Collins' action; Representative Knight even accused him of being "dictatorial."[17]

During the fall of 1956 Collins expanded his efforts to maintain a moderate course on race relations in the state. His inaugural address on January 8, 1957, established a new tone in Florida, and, perhaps, throughout the South, on racial issues. Collins told Floridians that integration was coming, and the state would do well to accept it gracefully. He said he was committed to preserving segregation as long as possible, but "The Supreme Court decisions are the law of the land." He stated that whites must "face up to the fact that the Negro does not now have equal opportunity" and that blacks are "morally and legally entitled to progress more rapidly." Collins admitted that he did not have all the answers to racial questions, but said "Haughtiness, arrogance, the forcing of issues will not produce the answer. Above all, hate is not the answer." Collins appealed to the rest of the nation not to judge the South harshly as it struggled with its race problems. It is unreasonable, he argued, to expect generations of attitudes to change overnight.[18]

The speech met with a mixed reaction. Many legislators such as Senators Harry Stratton and Tom Adams, registered immediate disapproval of Collins' address. On the other hand, the speech was well received outside the South after being televised on the national news. Mrs. Franklin Delano Roosevelt, for example, congratulated Collins for his "extremely courageous" message. In addition, even newspapers in Florida, such as the *Tampa Tribune*, as well as outside the state, applauded Collins for the high quality of his "moral leadership."[19]

Collins continued his theme of racial moderation when he opened the regular session of the legislature in April, 1957. In his speech he called for the establishment of a biracial advisory group to ease racial tensions in the state. He also urged the legislature not to consider any other bills on segregation or race. He argued that the laws adopted the previous summer, especially the pupil placement law, provided Florida with sufficient legal resources to deal with segregation.[20]

Members of the legislature, however, had other ideas. When the session was barely three days old, on April 5, 54 representatives introduced into the House an interposition resolution similar to the one which Bryant had submitted the previous summer. Through a motion the rules were suspended and House Concurrent Resolution No. 174 was read a second time. Opponents of the measure attempted to delay further consideration, but their efforts were in vain. A motion to defer lost on a roll call vote by 29 to 59. A final voice vote on the concurrent resolution was then taken on the same day that it was introduced: it passed by an overwhelming margin.[21]

The interposition resolution adopted by the House was a lengthy

document, the full text of which can be found in Appendix A. It condemned not only the Supreme Court decisions on race, but also subsequent decisions concerning labor unions and right to work laws, criminal proceedings, teacher loyalty, and espionage and subversive activities among public employees. In invoking the doctrine of interposition, the resolution stated that Florida had "... at no time surrendered to the General Government its right to exercise its powers in the field of labor, criminal procedure, and public education, and to maintain racially separate public schools and other public facilities. . . ."[22] The Supreme Court, however, had taken upon itself the power to regulate in these areas which rightfully belonged to the states. Thus, "... a question of contested power has arisen; the Supreme Court of the United States asserts. . . that the States did in fact prohibit unto themselves the power to regulate ... public education and to maintain racially separate public institutions and the State of Florida... asserts that it and its sister States have never surrendered such rights. . . ."[23] Accordingly, "... the Legislature of Florida asserts that whenever the General Government attempts to engage in the deliberate, palpable and dangerous exercise of powers not granted to it, the States... have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights and liberties appertaining to them. . . ."[24]

While the House resolution called the Supreme Court decisions "null, void, and of no effect,"[25] it did not refer to them as illegal. The resolution viewed the Court's action as much in political as in legal terms. Thus, there is considerable emphasis on delineating the struggle between the states and the Court regarding these powers "reserved to the States respectively, or to the people";[26] the resolution actually quotes the 10th Amendment on this point. The Florida resolution was as much concerned with redressing the balance of power within the traditional view of the American federal system of shared powers and overlapping functions and jurisdictions as it was in decrying what the Court did.[27] It is doubtful, however, that at the time the proposal was debated either its proponents or its opponents stopped to consider the political philosophy inherent in the measure. Feelings and emotions were running too high to allow for such subtle, academic discussions.

Action in the Senate on interposition took more time, and the politics involved were more complicated than they were in the House. At the same moment that the House was considering its resolution, Senate President William A. Shands of Alachua County and Senator Joe Eaton of Dade County introduced a strongly worded resolution which recog-

nized the rulings of the Supreme Court as legally binding on Florida, but asked the Court for more time to solve Florida's racial problems without federal interference.[28]

Three days later opponents of the House resolution in the Senate scored a minor victory when the Senators voted 22-15 against immediate consideration of the measure. Instead, they sent it to the Committee on Governmental Reorganization, which was examining two other resolutions, including the one prepared by Shands and Eaton. Senator Doyle Carlton, one of Collins' allies in the Senate, argued persuasively that "... the best intersts of this body could be served if this committee would be given an opportunity to study these three documents. I don't see why only this measure should be given preferential treatment."[29]

Nevertheless, in spite of this victory, both supporters and opponents saw that it was at best a holding action. Senator Verle Pope, another of Collins' allies, noted that "Many who voted to refer it to Committee will vote for it on the floor."[30] Pope realized that the public wanted action on this matter and the senators were not going to jeopardize their positions by opposing the measure. Moreover, Shands, who opposed the House version of the resolution, refused to allow it to become a test of his Senate leadership; he was content to work quietly against it behind the scenes.[31] Even Governor Collins failed to take vigorous action opposing the House version. He and his aides regarded its passage as inevitable. As one aide later explained, "It would be foolish to burn up all our energy on that [issue] right at the start of the session."[32] Collins had presented an ambitious, multifaceted program to the legislature, and he was unwilling to jeopardize all or major parts of it over the interposition resolution. Clearly it was simply a matter of time before the House version also passed the Senate.

On April 15 the Senate Committee on Governmental Reorganization held afternoon and evening hearings on the interposition resolutions. Judge J. L. Fabisinski and John T. Wigginton, two men who had helped draw up the legislation on segregation passed the previous summer and who apparently represented Governor Collins' position on interposition, spoke in opposition to the House version. Fabisinski argued that an interposition resolution might seriously jeopardize the constitutionality of the pupil placement law. He noted that a suit had already been filed against the law, but that in preliminary remarks the presiding judge had indicated that he felt the law was constitutional: Fabisinski thought the resolution might persuade the judge to change his mind. Wigginton, a prominent Tallahassee attorney, claimed that proponents of interposition were only deluding themselves by their faith in the

"magical powers" of the resolution, and he expressed other concerns similar to those of Judge Fabisinski. During his appearance Wigginton antagonized several of the senators when he remarked that many would vote for interposition on the theory that "... it is better to be a live politician in Tallahassee than a dead statesman back home."[33]

Attorney General Richard Ervin spoke in favor of the measure before the Committee. He argued that an interposition resolution would not hurt the state's position on segregation in any way; nor, he felt, would it jeopardize the constitutionality of the pupil placement law. Also testifying in support of the House measure was Sumter Lowry, Collins' principal opponent in the 1956 gubernatorial election and an ardent segregationist from Tampa. He held that Collins view of interposition was "not legally sound" and "not fair" for the state.[34] Assisting Lowry in his lobbying efforts on behalf of the resolution was Ed Ball, an influential figure in Florida politics.[35] Ball was head of the DuPont interests in Florida, and had been an active supporter of Lowry in the 1956 campaign. He had sent several aides to Tallahassee to help Lowry secure passage of the resolution.

After hearing and considering this testimony the Senate committee voted 11-2 in favor of the House version. Only Senators Pope and Carlton voted against it. In a second vote, the committee killed the other resolutions, including the one prepared by Shands and Eaton.[36]

On April 18 the resolution came to the Senate floor for final debate and a vote. Collins, who continued to exercise restraint in opposing the resolution, and his Senate allies made one final effort to prevent or stall further Senate action on it. A plan was devised in which the whole Senate would consider a motion to refer the resolution to another committee, where it would be subject to additional hearings, and perhaps killed altogether. However, on April 18, when the Senate opened debate on the resolution, the strategem failed; a motion to recommit lost by two votes. A last ditch attempt was made to stall further action until the following week. When this move also failed, opposition to the resolution collapsed. As Senator Pope later noted, "It would have been futile to fight futher. It would only have created more bitterness."[37] Perhaps he also recognized that unless Collins had been willing to use all of his resources to stop the measure, it was impossible for the opponents to match the strength of its supporters in the Senate and among the lobbyists. In action lasting less than a minute, the Senate by voice vote passed the House version of the interposition resolution. Only a handful of nays could be heard when the vote was taken.[38] Florida had thus taken its place beside its southern neighbors in opposing the *Brown* decision.

Attorney General Ervin immediately praised the Senate's action, remarking that it reflected the majority of Floridians' thinking on race.[39] Governor Collins, however, denounced the decision. He said the resolution "stultifies our state... It will do no good whatever and those who say it can perpetrate a cruel hoax on the people."[40]

The next day, April 19, Collins released a lengthy statement on the interposition resolution. It is worth quoting in part because it denoted Collins' realization that interposition was a misguided step which would certainly not rescind the *Brown* decision and would only serve to embarass Florida publicly.

> This resolution of interposition is meaningless, and yet it means everything.
>
> It means nothing in that it has absolutely no lègal efficacy, and this was brought out repeatedly by the finest legal minds in this State.
>
> It means everything, for it is an expression before the nation, before the entire world, of the sense of the Florida Legislature which can only cause it to be held up to ridicule by men who know the law and in disrepute by all citizens who know better in their hearts.
>
> As I stated in my second inaugural address, the United States Supreme Court decisions are the law of the land. This nation's strength — and Florida's strength — are bottomed upon the basic reverse premise that ours is a land of the law.
>
> It is a preposterous hoax, almost laughable, to suggest that any State can remain in the Union and yet, as if by some alchemy, isolate and quarantine itself against the effect of a decision of the United States Supreme Court.[41]

As strong as this statement was, Collins' most significant act of protest against the interposition resolution came on May 2, 1957, when the measure finally reached his desk for his signature. Under the terms of the resolution, copies had to be mailed to members of Congress, the President, Justices of the Supreme Court, and all governors and state legislatures. As Collins noted in his earlier statement, he had no power to veto a concurrent resolution. However, he wrote the following message across the face of the resolution:

> This concurrent resolution of "Interposition" crosses the Governors [sic] desk as a matter of routine. I have no authority to veto it. I take this means however to advise the student of government, who may examine this document in the archives of the State in the years to come, that the Governor of Florida expressed open and vigorous opposition thereto. I feel that the U.S. Supreme Court has improperly usurped powers reserved to the States under the Constitution. I have joined in protesting such and in seeking legal means of avoidance. But if this resolution declaring deci-

> sions of the Court to be "null and void" is to be taken seriously, it is anarchy and rebellion against the nation which must remain "indivisible, under God" if it is to survive. Not only will I not condone "Interposition" as so many have sought me to do, I decry it as an evil thing, whipped up by the demogogues and carried on the hot and erratic winds of passion, prejudice, and hysteria. If history judges me right this day, I want it known that I did my best to avert this blot. If I am judged wrong, then here in my own handwriting and over my signature is the proof of guilt to support my conviction.[42]

In the end, of course, Collins was vindicated. In late June, 1958, he observed that the order of a federal court to the University of Florida to admit black students at the graduate level demonstrated that the interposition resolution had been a failure.[43] At a press conference in May, 1960, he again noted that he still considered the interposition resolution a "lie and a hoax," and his principal regret was that he did not have the power to veto it.[4]

LeRoy Collins' administration was notable for the moderate, sensible leadership he provided on race at a time when demogogery and "massive resistance" were common courses of action by southern politicians. While the passage of the interposition resolution was a major defeat for his racial policies, it was his only one, and he never allowed it to deter him from his efforts to lead Florida in the direction which he thought best promoted the interest of the entire state, and all of its citizens.

Collins' efforts to improve race relations in Florida and to promote greater equality for blacks appear to have come from his own personal feelings and values. He began his governship as a moderate segregationist, but came to realize that traditional attitudes were no longer appropriate to changes taking place in Florida and throughout the South.[45] Politically, Collins' position on race relations was far ahead of most of his constituents'. While he received considerable national attention and praise for his leadership on race, and was even considered a possible Democratic nominee for the Vice-Presidency in 1960, he encountered severe criticism in his own state. Collins was in the vanguard of the southern part of the growing civil rights movement during the late 1950's, but his leadership in this cause won him few, if any, additional admirers in Florida, and, in fact, probably undercut some of his support among state officials and the general population. His racial policies cost him the United States senatorial contest in 1968.

It was the force of his own convictions and his desire to do what he felt was morally right that caused him to protest so dramatically the interposition resolution in 1957. For these same reasons he consistently

sought to improve race relations during the remainder of his administration. He himself was fully conscious of the political costs he paid for his leadership. But he was also aware of the gains made in Florida. Perhaps Collins' own assessment, written shortly before leaving office in 1961, best expresses his accomplishments in this area:

> No state ever "arrives" or comes to full maturity. But I feel that the years just past in Florida will always deserve to be known as maturing years – a time when our state crossed the threshold and got a good view of a much-broadened horizon of greatness.
>
> The barriers of provincialism and defeatism, the suffocating cloak of prejudice and greed were pushed back. And I believe Floridians became better aware of their own strength, and more deeply committed to higher goals, and concerned with rewards far more enobling and enduring than the usual products of pork-an-pie politics.[46]

NOTES

1. Florida *Times-Union*, May 18, 1954, p. 1.

2. *The Congressional Quarterly*, May 21, 1954, p. 637.

3. Joseph Tomberlin, "Florida Whites and the *Brown* Decision of 1954," *The Florida Historical Quarterly*, LI (July, 1972), p. 33.

4. *Tampa Tribune*, May 19, 1954, p. 10.

5. Florida's southern neighbors had a much larger black population in 1954. For instance, blacks made up 32% of the population in Alabama, 39% in South Carolina, 46% in Mississippi, and 31% in Georgia. *Census of Population: 1950*. Vol. II (Washington, 1952). Volumes on Alabama, Georgia, Florida, Mississippi, and South Carolina.

6. Helen L. Jacobstein, *The Segregation Factor in the Florida Democratic Primary of 1956*, University of Florida Social Sciences Monograph Series, Number 47 (Gainesville, 1972), p. 8.

7. The federal government actually facilitated Florida's efforts to buy time because it made no immediate effort to force dismantling of dual school systems. Even after the second *Brown* decision in 1955 [*349 US 294 (1955)*], virtually no pressure was applied by the Eisenhower administration to enforce the decree. As a result, no desegregation occurred in Florida or in other states of the deep South. See Harrell R. Rodgers, Jr., "The Supreme Court and School Desegregation," *Political Science Quarterly*, LXXXIX, (Winter, 1974-75), pp. 751-756.

8. New York *Times*, February 26, 1956, p. 1.

9. New York *Times*, February 2, 1956, p. 17; *Ibid.*, February 14, 1956, p. 16; *Ibid.*, February 19, 1956, IV, p. 7; *Ibid., March 1, 1956, p. 67; Ibid.*, March 6, 1956, p. 25; *Ibid.*, March 12, 1956, p. 1; *Ibid.*, May 24, 1956, p. 23; *Ibid.*, July 13, 1956, p. 20.

10. *Ibid.*, July 6, 1957, p. 7; *Ibid.*, May 5, 1957, p. 46; *Southern School News*, Vol. III, No. 11, May, 1957, p. 1.

11. For an analysis of the campaign rhetoric of southern governors on race in the years following the 1954 *Brown* decision, see Earl Black, "Southern Governors and Political Change: Campaign Stances on Racial Segregation and Economic Development," *Journal of Politics*, XXXIX (August, 1971), pp. 703-734.

12. LeRoy Collins Papers, 1955-1961; University of South Florida, Tampa, Florida. Statement of LeRoy Collins to Conference on Segregation, March 21, 1956, Box (8d) 3; Tampa *Tribune,* March 22, 1956, p. 1; Miami *Herald,* March 22, 1956, p. 1-a.

13. Tampa *Tribune,* July 17, 1956, p. 1; Miami *Herald,* July 17, 1956, pp. 1-a and 12-a.

14. Interview with Governor LeRoy Collins, Tallahassee, February 11, 1975; Tampa *Tribune,* July 19, 1956, p. 1; Miami *Herald,* July 19, 1956, p. 1-a; Tampa *Tribune,* July 21, 1956, p. 1; Collins Papers, 1955-1961; Speeches, Message to Legislature – Extraordinary Session, July 23, 1956, pp. 33-34, Box (8d) 3; Miami *Herald,* July 23, 1956, p. 1-c.

15. Tampa *Tribune,* July 22, 1956, pp. 1 and 2; Miami *Herald,* July 22, 1956, p. 1-a. Under the Florida constitution at that time, Collins had the exclusive right to determine the agenda for special legislative sessions, and the legislature could deal only with issues of his choosing except by a ⅔ vote of each House.

16. Tampa *Tribune,* July 24, 1956, p. 1; Miami *Herald,* July 24, 1956, p. 1-a; Tampa *Tribune,* July 25, 1956, p. 1; Miami *Herald,* July 25, 1956, p. 1-a; Tampa *Tribune,* July 27, 1956, p. 1; Miami *Herald,* July 27, 1956, p. 9a; Tampa *Tribune,* july 28, 1956, p. 1; Miami *Herald,* July 28, 1956, p. 1-b; Tampa *Tribune,* August 2, 1956, p. 1; Miami *Herald,* August 2, 1956, p. 1-a; interview with Governor LeRoy Collins, Tallahassee, February 11, 1975.

17. Tampa *Tribune,* August 2, 1956, p. 1.

18. Collins Papers, 1955-1961; Speeches, January 8-April 2, 1956, Box 1, Inaugural Address, January 8, 1957, pp. 10 and 12.

19. Tampa *Tribune,* January 9, 1957, pp. 1 and 12; Miami *Herald,* January 9, 1957, p. 6-a; Tampa *Tribune,* January 10, 1957, p. 1.

20. Collins Papers, 1955-1961; Speeches, January 8-April 2, 1957; Box 1, Message to the Legislature, April 2, 1957, p. 14.

21. St. Petersburg *Times,* April 5, 1957, p. 9-a; Miami *Herald,* April 5, 1957, p. 10-a; *Journal of the House of Representatives,* April 5, 1957, pp. 69 and 70; Tampa *Tribune,* April 6, 1957, p. 1; St. Petersburg *Times,* April 6, 1957, p. 9.

22. House Concurrent Resolution No. 174, *Journal of the House of Representatives,* p. 69 (hereafter cited as HCR).

23. HCR, p. 69.

24. HCR, p. 69.

25. HCR, p. 70.

26. HCR, p. 69.

27. Two important statements on this conception of American federalism can be found in Morton Grodzins, "The Federal System," in Aaron Wildavsky, *American Federalism in Perspective* (Boston: Little-Brown and Company, 1967), pp. 256-277; and Daniel J. Elazor, *American Federalism: A View from the States* (New York: Thomas T. Crowell Company, 1966).

28. St. Petersburg *Times,* April 6, 1957, p. 9; *Ibid.,* April 9, 1957, pp. 1 and 19.

29. St. Petersburg *Times,* April 9, 1957, pp. 1 and 19; Miami *Herald,* April 9, 1957, p. 10-a.

30. St. Petersburg *Times,* April 9, 1957, p. 1.

31. *Ibid.,* April 19, 1957, p. 1.

32. *Ibid.,* April 9, 1957, p. 1.

33. *Ibid.,* April 16, 1957, p. 17; Miami *Herald,* April 16, 1957, p. 2-a.

34. St. Petersburg *Times,* April 16, 1957, p. 17; Miami *Herald,* April 16, 1957, p. 2-a.

35. St. Petersburg *Times,* April 19, 1957, p. 1.

36. *Ibid.,* April 16, 1957, p. 17; Miami *Herald,* April 16, 1957, p. 2-a.

37. St. Petersburg *Times,* April 19, 1957, p. 1.

38. *Ibid.*, April 19, 1957, p. 1; Miami *Herald*, April 19, 1957, p. 1-a; *Journal of the Senate*, april 18, 1957, pp. 184-185.

39. *New York Times*, April 19, 1957, p. 15.

40. Tampa *Tribune*, April 19, 1957, p. 1; New York *Times*, April 19, 1957, p. 15; Miami *Herald*, April 19, 1957, p. 1-a.

41. Typescript Statement, Florida State Archives, Accession 68-02, Part 9, Box 336.

42. House Concurrent Resolution No. 174, April 5, 1957: From the records of the Bureau of Laws, Florida Department of State.

43. Tampa *Tribune*, June 20, 1957, p. 1; St. Petersburg *Times*, June 20, 1958, p. 7-a.

44. Tampa *Tribune*, May 18, 1960, p. 15; Collins Papers, 1955-1961; Speeches, Box No. 4, Speeches April 20-June 20, 1960; Transcript of New Conference, May 20, 1960, pp. 6-8.

45. Interview with Governor LeRoy Collins, Tallahassee, February 11, 1975.

46. Tampa *Tribune*, January 1, 1961, p. 10-a; see also Miami *Herald*, January 1, 1961, p. 6-a.

APPENDIX

The Interposition Resolution of the Florida House of Representatives, April 5, 1957

H. C. R. No. 174 – A resolution to declare the United States Supreme Court decisions usurping the powers reserved to the States and relating to education, labor, criminal procedure, treason and subversion to be null, void and of no effect; to declare that a contest of powers has arisen between the State of Florida and the Supreme Court of the United States; to invoke the doctrine of interposition; and for other purposes.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the Legislature of Florida doth hereby unequivocally express a firm and determined resolution to maintain and defend the Constitution of the United States, and the Constitution of this State against every attempt, whether foreign or domestic, to undermine and destroy the fundamental principles, embodied in our basic law, by which the liberty of the people and the sovereignty of the States, in their proper spheres, have been long protected and assured;

That the Legislature of Florida doth explicitly and preemptorily declare that it views the powers of the Federal Government as resulting solely from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument creating that compact;

That the Legislature of Florida asserts that the powers of the Federal Government are valid only to the extent that these powers have been enumerated in the compact to which the various States assented originally and to which the States have assented in subsequent amendments validly adopted and ratified;

That the very nature of this basic compact, apparent upon its face, is that the ratifying States, parties thereto, have agreed voluntarily to surrender certain of their sovereign rights, but only certain of these sovereign rights, to a Federal Government thus constituted; and that all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, have been reserved to the States respectively, or to the people;

That the State of Florida has at no time surrendered to the General Government its right to exercise its powers in the field of labor, criminal procedure, and public education, and to maintain racially separate public schools and other public facilities;

That the State of Florida, in ratifying the Fourteenth Amendment to the Constitution, did not agree, nor did the other States ratifying the Fourteenth Amendment agree, that the power to regulate labor, criminal proceedings, public education, and to operate racially separate public schools and other facilities was to be prohibited to them thereby;

And as evidence of such understanding as to the inherent power and authority of the States to regulate public education and the maintenance of racially separate public schools, the Legislature of Florida notes that the very Congress that submitted the Fourteenth Amendment for ratification established separate schools in the District of Columbia and that in more than one instance the same State Legislatures that ratified the Fourteenth Amendment also provided for systems of racially separate public schools;

That the Legislature of Florida denies that the Supreme Court of the United States had the right which it asserted in the school cases decided by it on May 17, 1954, the labor union case decided on May 21, 1956, the cases relating to criminal proceedings decided on April 23, 1956, and January 16, 1956, the anti-sedition case decided on April 2, 1956, and the case relating to teacher requirements decided on April 9, 1956, to enlarge the language and meaning of the compact by the States in an effort to withdraw from the States powers reserved to them and as daily exercised by them for almost a century;

That a question of contested power has arisen; the Supreme Court of the United States asserts, for its part, that the States did in fact prohibit unto themselves the power to regulate labor matters, criminal proceedings and public education and to maintain racially separate public institutions and the State of Florida, for its part, asserts that it and its sister States have never surrendered such rights;

That these assertions upon the part of the Supreme Court of the United States, accompanied by threats of coercion and compulsion against the sovereign States of this Union, constitute a deliberate, palpable, and dangerous attempt by the Court to prohibit to the States certain rights and powers never surrendered by them;

That the Legislature of Florida asserts that whenever the General Government attempts to engage in the deliberate, palpable and dangerous exercise of powers not granted to it, the States who are parties to the compact have the right, and are in duty bound, to interpose for arresting

the progress of the evil, and for maintaining, within their respective limits, the authorities, rights and liberties appertaining to them;

That failure on the part of this State thus to assert its clear rights would be construed as acquiescence in the surrender thereof; and that such submissive acquiescence to the seizure of one right would in the end lead to the surrender of all rights, and inevitably to the consolidation of the States into one sovereignty, contrary to the sacred compact by which this Union of States was created;

That the question of contested power asserted in this resolution is not within the province of the Court to determine because the Court itself seeks to usurp the powers which have been reserved to the States, and, therefore, under these circumstances, the judgment of all of the parites to the compact must be sought to resolve the question. The Supreme Court is not a party to the compact, but a creature of the compact and the question of contested power should not be settled by the creature seeking to usurp the power, but by the parties to the compact who are the people of the respective States in whom ultimate sovereignty finally reposes;

That the Constitution of the State of Florida provides for full benefits to all its citizens with reference to educational facilities and under the Laws of Florida enacted by the Legislature through the Minimum Foundation Program its citizens under states' rights, all are being educated under the same general law and all teachers are being employed under identical educational qualifications and all are certified by the State Board of Education alike, which enables the people, themselves, in Florida to provide an educational establishment serviceable and satisfactory and in keeping with the social structure of the state. The people of Florida do not consent to changing state precedents and their rights by having doctrines thrust upon them by naked force alone, as promulgated in the school cases of May 17, 1954, and May 31, 1955;

That the doctrines of said decisions and other decisions denying to the States the right to have laws of their own dealing with subversion or espionage, and criminal proceedings, and denying the States the right to dismiss individuals from public employment who refuse to answer questions concerning their connections with communism by invoking the Fifth Amendment, and denying the States the right to provide for protective "right to work" laws, should not be forced upon the citizens of this State for the Court was without jurisdiction, power or authority to interfere with the sovereign powers of the State in such spheres of activity.

That the Court in its decisions relating to public education was without jurisdiction because (1) the jurisdiction of the Court granted by

the Constitution is limited to judicial cases in law and equity, and said cases were not of a judicial nature and character, nor did they involve controversies in law or equity, but, on the contrary, the great subjects of the controversy are of a legislative character, and not a judicial character, and are determinable only by the people themselves speaking through their legislative bodies; (2) the essential nature and effect of the proceedings relating exclusively to public schools operated by and under the authority of States, and pursuant to State laws and regulations, said cases were suits against the States, and the Supreme Court was without power or authority to try said cases, brought by individuals against States, because the Constitution forbids the Court to entertain suits by individuals against a State unless the State has consented to be sued;

That if said Court had had jurisdiction and authority to try and determine said cases, it was powerless to interfere with the operation of the public schools of States, because the Constitution of the United States does not coner upon the General Government any power or authority over such schools or over the subject of education, jurisdiction over these matters being reserved to the States, nor did the States by the Fourteenth Amendment authorize any interference on the part of the Judicial Department or any other department of the Federal Government with the operation by the States of such public schools as they might in their discretion see fit to establish and operate;

That by said cases the Court announces its power adjudge State laws unconstitutional upon the basis of the Court's opinion of such laws as tested by rules of the inexact and speculative theories of psychological knowledge, which power and authority is beyond the jurisdiction of said Court;

That if the Court is permitted to exercise the power to judge the nature and effect of a law by supposed principles of psychological theory, and to hold the statute or Constitution of a State unconstitutional because of the opinions of the Judges as to its suitability, the States will have been destroyed, and the indestructible Union of Indestructible States established by the Constitution of the United States will have ceased to exist, and in its stead the Court will have created, without jurisdiction or authority from the people, one central government of total power;

That implementing its decision relating to public education of May 17, 1954, said Court on May 31, 1955 upon further consideration of said cases, said: "All provisions of Federal, State, or local law...must yield" to said decision of May 17, 1954; said Court thereby presuming arrogantly to give orders to the State of Florida;

That it is clear that said Court has deliberately resolved to disobey the Constitution of the United States, and to flout and defy the Supreme Law of the Land;

That the State of Florida, as is also true of the other sovereign states of the Union, has the right to enact laws relating to subversion or espionage, criminal proceedings, dismissing public employees who refuse to answer questions concerning their connections with communism and "right to work" protection, and has the right to operate and maintain a public school system utilizing such educational methods therein as in her judgment are conducive to the welfare of those to be educated and the people of the State generally, this being a governmental responsibility which the State has assumed lawfully, and her rights in this respect have not in any wise been delegated to the Central Government, but, on the contrary, she and the other States have reserved such matters to themselves by the terms of the Tenth Amendment. Being possessed of this lawful right, the State of Florida is possessed of power to repel every unlawful interference therewith;

That the duty and responsibility of protecting life, property and the priceless possessions of freedom rests pon the Government of Florida as to all those within her territorial limits. The State alone has this responsibility. Laboring under this high obligation she is possessed of the means to effectuate it. It is the duty of the State in flagrant cases such as this to interpose its powers between its people and the effort of said Court to assert an unlawful dominion over them; THEREFORE,

BE IT FURTHER RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF FLORIDA, THE SENATE CONCURRING:

Section 1. That said decisions and orders of the Supreme Court of the United States denying the individual sovereign states the power to enact laws relating to espionage or subversion, criminal proceedings, the dismissal of public employees for refusal to answer questions concerning their connections with communism, "right to work" protection, and relating to separation of the races in the public institutions of a State, are null, void and of no force or effect.

Section 2. That the elected representatives of the people of Florida do now seriously declare that it is the intent and duty of all officials, state and local, to observe, honorably, legally and constitutionally, all appropriate measures available to resist these illegal encroachments upon the sovereign powers of this State.

Section 3. That we urge firm and deliberate efforts to check these and further encroachments on the part of the Federal Government, and

on the part of said Court through judicial legislation, upon the reserved powers of all the States' powers never surrendered by the remotest implication but expressly reserved and vitally essential to the separate and independent autonomy of the States in order that by united efforts the States may be preserved.

Section 4. That a copy of this Resolution be transmitted by His Excellency The Governor to the Governor and Legislature of each of the other States, to the President of the United States, to each of the Houses of Congress, to Florida's Representatives and Senators in the Congress, and to the Supreme Court of the United States for its information.

– was read the first time in full.

Mr. Daniel moved that the rules be waived and House Concurrent Resolution No. 174 be read the second time in full.

The motion was agreed to by a two-thirds vote and House Concurrent Resolution No. 174 was read the second time in full.

Mr. Daniel moved the adoption of the concurrent resolution.

Pending consideration thereof–

Mr. Herrell moved that further consideration of House Concurrent Resolution No. 174 be temporarily deferred.

A roll call was demanded.

When the vote was taken on the motion the result was:

Yeas:

Askins	Hollahan	Orr	Turlington
Barron	Hopkins	Papy	Weinstein
Beasley	Karl	Patton	Westberry
Carney	Land	Porter	Youngberg
Crews	Livingston	Ryan	Zelmenovitz
Gibbons	Maness	Shaffer	
Harris	Mann	Smith, R.J.	
Herrell	Musselman	Sweeney	

Nays:

Alexander	Griffin, J.J., Jr.	Muldrew	Smith, S.C.
Anderson	Grimes	O'Neill	Stewart, C.D.
Arrington	Hathaway	Peacock	Steard, E.L.
Ayres	Horne	Peavy	Stone
Beck	Inman	Peters	Strickland
Blank	Jones	Petersen	Surles
Chaires	Kimbrough	Pratt	Sutton
Chappell	Lancaster	Putnal	Usina
Cleveland	Manning	Roberts, C.A.	Wadsworth

Costin	Marshburn	Roberts, E.S.	Walker
Cross	Mathews	Roberts, H.W.	Williams, B.D.
Daniel	Mattox	Rowell, E.C.	Williams, G.W.
Duncan	Mitchell, R.O.	Rowell, M.H.	Williams, J.R.A.
Frederick	Mitchell, Sam	Russ	Wise
Griffin, B.H., Jr.	Moody	Saunders	

Yeas – 29

Nays – 59

The motion that further consideration of House Concurrent Resolution No. 174 be temporarily deferred was not agreed to.

The question recurred on the adoption of the concurrent resolution.

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