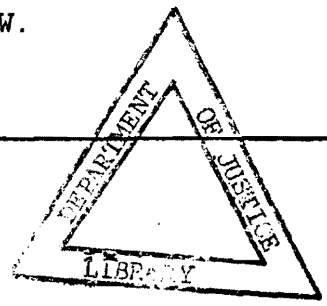


PS  
668  
.K25

RADIO TV REPORTS, INC.

3333 Connecticut Avenue, N. W.  
Washington 8, D. C.



FOR NATIONAL BROADCASTING COMPANY

PROGRAM The "Today" Show

STATION WRC-TV

DATE March 17, 1965 7:00 A.M. CITY Washington, D. C.

GUEST: Nicholas Katzenbach, Attorney General  
of the United States

HOST: Hugh Downs

HUGH DOWNS: "For several weeks now we have been inter-  
viewing, separately, members of President Johnson's cabinet, in  
a series on "Today." Our timing is particularly fortunate at  
this time because our guest this morning is very much involved  
in the quite topical Alabama racial problems. One of the archi-  
tects of the President's new proposals for voting rights legis-  
lation, which may be presented formally to Congress later today.  
He is Attorney General of the United States, Nicholas Katzenbach,  
and he is in our Washington studios right now with Herb Kaplow.  
Gentlemen . . . "

CLOSE-UP OF ATTORNEY GENERAL KATZENBACH AND  
HERB KAPLOW WAS SHOWN ON TELEVISION SCREEN

HERB KAPLOW: "Good morning, Hugh. We're going to ask the  
Attorney General first to look ahead. What is the outlook for  
the legislation?"

MR. KATZENBACH: "I think the outlook for the legislation is  
excellent. I think Congress is going to pass this bill, and I  
think we're going to have, for the first time, voting without  
discrimination in race throughout the country, and I think we're  
going to have that very soon."

HERB KAPLOW: "Was that the same attitude with the officials  
when the 1957 legislation was proposed - 1960, 1964?"

MR. KATZENBACH: "No, no, I think the whole mood of the country is very, very different today. I think that the fact that we've been trying to get people voting, using the courts to do so, now for eight years - we haven't succeeded - makes a lot of difference in terms of the mood of the country and the temper of Congress. I think that bill is going to be submitted today. I am going to testify before the House Judiciary Committee tomorrow morning. I hope that the Senate will have hearings simultaneously, and I hope that they'll have hearings in the morning, in the afternoon, in the evening, whatever is necessary to get this job done and done quickly."

HERB KAPLOW: "We hear that this is a truly bi-partisan bill, but do you expect any major amendments to be offered, or any other major new bills altogether?"

MR. KATZENBACH: "There are other bills up there and I think that they will be discussed. I suppose that changes will be made, and I'm sure that those changes will be - keep it effective - that they will be changes of language, changes of method of approach, but that we will have a bill that will get the job done."

HERB KAPLOW: "Do you have an idea as to how long it might take to get this through? The President called for speedy action."

MR. KATZENBACH: "I think we should get it just as quickly as we can. I would be happy if we got it in three or four weeks. It may take longer, but that's up to the Congress, and I know the President, and I think that I will do everything that we can to push this to a speedy conclusion in both the House and the Senate."

#### CLOSE-UP OF HUGH DOWNS IN NEW YORK WAS SHOWN

HUGH DOWNS: "If you'll excuse me, I'd like to ask a question, rather early, of Attorney General Katzenbach. Many people wonder why is it necessary to have special legislation for this right? And, I'd like to ask you about a parallel situation. If some people desire to make speeches - and the right of free speech is one of our rights under the Constitution - and let us say that their speechmaking was broken up by state police, would it be necessary, in order to safeguard that right, to pass a special bill?"

MR. KATZENBACH: "Well, I think it's necessary to have the legislation because many states have been discriminating in this field. They have been using subjective tests, literacy tests which have been unequally applied to whites and to negroes. It's not

because of a belief in literacy. It's because of a belief in discrimination, in my judgment. So that, they ask negroes very difficult questions, throw out negroes' register slips for technical errors and so forth. So, you do need special legislation to deal with that problem, and at this point I think you even need the capacity to register these people with federal officials, if necessary.

"Now, as far as free speech is concerned, we've always been able to govern that. After all, the states are bound by those positions as well, and that's always been capable of being taken care of by going to court and getting injunctions if free speech is interfered with in any way. I would hope that that would continue to be true, because it's a major step to actually have to put in federal officials to perform functions that state officials, bound by the constitutional laws of the United States as well as their own states, should be administering and administering fairly."

HERB KAPLOW: "Why do you feel that federal registrars will do the job now? You must have felt some confidence in the previous legislation, but shortcomings turned up."

MR. KATZENBACH: "The previous legislation depended, Herb, on going to court, proving a pattern of practice of discrimination within a particular county or parish, and then following it through the courts, and at the end of that getting an order from a federal judge which told the registrar to stop discriminating, or appointing a registrar, himself, to registrar people. The difficulty with that process is not that it won't work but that it takes so long. We've brought over seventy cases, and there are a hundred voting districts - counties - in Mississippi alone. Each case takes two years or so to try. At the end of that period you try to get a court order to get people registered. Then you have further difficulties - further matters happen. The states of Alabama, Mississippi enact new legislation which sets up different voting standards. Then we say that that legislation is in violation of the laws of the Constitution and of the Fifteenth Amendment. That issue has to be tried in court, and appealed to the Supreme Court, so you wait another two years."

HERB KAPLOW: "Well, now you've brought up the Fifteenth Amendment, which I believe is a constitutional basis for your proposal. The opposition is that the Constitution leaves it to the states to decide voter qualifications. Now, how do you contend that the Fifteenth Amendment supersedes that?"

MR. KATZENBACH: "The Fifteenth Amendment simply prohibits a state or the federal government from abridging or denying the right to vote on account of race or color. The Constitution also

says the states can set up the qualifications for voters. But states can't set up qualifications for voters and then administer them in such a way that they deny and abridge the rights of negroes to vote. That is what has happened in several states in the country. There's no quarrel with the qualifications, had they been administered fairly as among negroes and whites. It's no answer now, 'We'll be good boys. We'll do it from now on,' because the fact of the matter is that thousands and thousands of whites have been put on the rolls without paying any attention to the literacy comprehension qualifications within those states, whereas negroes simply haven't been permitted to register to vote."

HERB KAPLOW: "I suspect we have just heard sort of a capsule summary of the argument that probably eventually will wind up in the Supreme Court - the argument to be presented by the government.

"Let's go on to some of the specifics of the last week and a half. You said, oh, a few days ago in a news conference, that you were preparing to move against a hundred or so Alabama county, state law enforcement officers in connection with excessive police action on the Selma demonstration a week ago last Sunday. Where has that gone?"

MR. KATZENBACH: "Well, that's still in process, and let me tell you why. The case presently being tried in Montgomery, which the government is participating in through the Assistant Attorney General Doar, which involves the march from Selma to Montgomery - has also involved a good deal of testimony with respect to the events of last Sunday. So, we have felt that in terms of preparation of our cases, it would be well to hear all of that testimony under oath before actually bringing any cases ourselves."

HERB KAPLOW: "Well, are some pretty high state officials involved in this hundred?"

MR. KATZENBACH: "I don't want to identify anyone in that respect."

HERB KAPLOW: "Well, what about Governor Wallace? You said also, as of a few days ago, that as of that time as far as you knew he had not violated any federal statute. Do you still feel that way?"

MR. KATZENBACH: "As far as I know, the order that Governor Wallace gave was simply to stop the march, and I don't know - I have not seen any statements - that Governor Wallace said to go in and beat people up on horses, or do anything of that kind. I would think, before the Governor could be involved in this, you

would have to show that he approved and sanctioned or ordered the unnecessary force which was used."

HERB KAPLOW: "And you do not have that evidence at this time. Let me ask you just a thing about Montgomery. You made it pretty clear that you felt the action a week ago last Sunday in Selma was excessive. Do you feel that the action taken yesterday in Montgomery was excessive?"

MR. KATZENBACH: "I think it may have been, Herb, but the situations are not really comparable. In Selma you had hundreds of deputies and state troopers acting under orders, stopping the march, using gas and going brutally into a crowd which was quiet, which was completely nonviolent, which was behaving itself. Yesterday, in Montgomery you had a situation where a peaceful march was going along on one side of the street. The city police were keeping everything under control. Then a relatively few deputy sheriffs, and a few state troopers, whose presence on the scene I do not understand, frankly, suddenly went for another group which was across the street - a group of young people who were demonstrating and taunting to some extent, I believe, across the street.

"When the police went after them, they then moved - those fellows ran into the bigger crowd, and the sheriff's deputies went in. Since then, the Chief of Police and others in responsible positions have said they didn't authorize this action, it was wrong, they regret, they are sorry for it. I think we have a very difficult situation in Montgomery and in many cities in the South. People all over the country have lost confidence in the fairness with which laws can be administered, with which police and sheriffs work in the South. And, that's understandable. At the same time, there are good police officials in the South. There are people who are genuinely trying to do their job.

"Now, we have a situation presently in Montgomery with a great many young people who feel - and I'm glad they do feel - very worked up about the fact that negroes have been denied rights year and year and year, time and time again. But those young people may possibly begin to lose their focus. They may, as at the University of California, in a way forget what it is that everybody is working for. There is always the danger that they'll demonstrate for the sake of demonstrating - that simply the fact of marching or shouting or singing or doing this or that becomes an end in itself. What I think is so very important is for all of the leaders, for all of us who are interested in this, to keep our eye on what it is really has to be done. And that is, we've got to get this voting legislation through, people have got to be

voting in those areas where it's been denied, and we've got to keep a focus on that because, if we don't, there can be just all kinds of problems."

HERB KAPLOW: "Mr. Attorney General, can you tell us anything more about the Johnson-Wallace meeting of last Saturday?"

MR. KATZENBACH: "Well, I think the President described that very well. Governor Wallace was concerned about the demonstrations. The President made it clear to him that if demonstrations were to cease, then we had to do something about the basic underlying causes, and he made that very clear, indeed, to Governor Wallace."

HERB KAPLOW: "Very clear, indeed. Anything more on that - could you go beyond that?"

MR. KATZENBACH: "I think he was very eloquent as he was in that marvelous address to Congress last night. I think he was very eloquent to the Governor in expressing his own very deep, real feelings and his own very deep determination that these evils and scars in our country were going to be removed."

HERB KAPLOW: "Have you been in communication with the Governor in the last couple of days?"

MR. KATZENBACH: "No, I have not."

HERB KAPLOW: "Is there a communication between the State of Alabama and the federal government on this?"

MR. KATZENBACH: "We've had communication with some state officials through people down on the scene, and we've had a good deal of communication with the city officials in Selma and in Montgomery, and with the leaders of the civil rights groups there."

HERB KAPLOW: "Thank you very much for coming around here this morning. We suspect that you have a few other things to keep you occupied these days."

MR. KATZENBACH: "Yes, I do, Herb."

CLOSE-UP OF HUGH DOWNS IN NEW YORK WAS SHOWN

HUGH DOWNS: "One last question I'd like to ask the Attorney General. In your opinion, sir, do you think that if there had been no demonstrations in Selma, would the President have made the speech he made and start the ball rolling on the voting rights legislation, and would there have been federal registrars?"

MR. KATZENBACH: "No question about it. He was determined last November to put voting legislation down - it was referred to twice, and in strong terms, in his State of the Union Message, the Fourth or Fifth of January, and we have been working ever since on suitable legislation. I think we've always recognized the need for some kind of federal backup system if state officials failed to do their job."

HUGH DOWNS: "Well, would this have included registrars?"

MR. KATZENBACH: "Oh, I think that events in Selma or Montgomery or elsewhere had nothing to do with the more technical job of drafting a fair and effective good bill."

HERB KAPLOW: "Well, thank you again."