Department of Justice

FOR RELEASE AT 1 PM EDT
THURSDAY, OCTOBER 21, 1965

ATTORNEY GENERAL NICHOLAS deB. KATZENBACH
before the
NATIONAL PRESS CLUB
Washington, D. C., Thursday, October 21, 1965

I

It has been nearly five years since I came to the Department of Justice and a very long chapter of the history of that time bears the title Civil Rights. Even a partial list of the milestones evidences the overriding importance we attach to the problem of the Negro in America:

The Freedom Rides in early 1961; the conflagration at Ole Miss; sit-ins seeking access to public accommodations; the schoolhouse door episode at Tuscaloosa; the March on Washington; the Civil Rights Act of 1964; the Selma-to-Montgomery March; the Voting Rights Act of 1965; and the terror of gunshots in the night, felling Medgar Evers, the three Mississippi civil rights workers and a tragic list of others.

It is possible to look back over this history and persuade ourselves how far we have come. But to do so is to deceive ourselves. What this list more surely reflects is how far we have to go--how great is the problem still not yet fully exposed.

This work will be harder in the future than in the past for it will be immensely more complicated. To insure that a Negro can eat dinner in a hotel is one thing; to provide him with the education, the training, the motivation, and the job opportunity that permits him to pay for it is another. That task requires not merely the guarantee of legal rights. It requires the destruction of a caste structure that has brutalized the existance of generations.

The future job will be harder for a second reason: it is so much less visible. A nation outraged by police urging dogs at Negro throats, or by night riders, armed with shotguns, turpentine, bombs and rope can be goaded to rapid response.

Yet can we respond as deeply to equal cruelty and equal waste of life when it is the product of the undramatic, systematic grinding of an impersonal system? For it is not terrorism or racism that has defeated dignity and impelled withdrawal in millions of Negroes.

A Negro mother was talking about her three sons. The youngest was a pioneer in a desegregated school, he was well-liked by his white classmates, he was an honor graduate, and headed for a successful career. Yet one of

his brothers was already an alcoholic and the other had been arrested several times for stealing.

"I watched my boys go bad," the mother said, "like milk you know is standing too long there's no use for it, so it gets sour. All those people out there, do they ever see how we live and what we have to take all the time? My boys, they were once good, and they wanted so bad to get jobs and make something of themselves. Now at least one is going to be okay. And I'll tell you, it's because he was born at the right time."

There is a great national responsibility here--to see, after so many decades, that this is and remains the right time--responsibility acknowledged in such efforts as the poverty program and the President's striving to uplift American education.

Indeed, his commitment of the entire federal government to this public goal requires little elaboration. The federal institutional response to civil rights has traveled a long road since the establishment of an eight-man Civil Rights section in the Department of Justice in 1939--a section whose responsibilities included fair labor standards and railway labor laws.

Today, we are entering a new phase of federal response to civil rights problems:

Under the Civil Rights Act of 1964, we are going from moral persuasion to legal command.

Under the realignment of responsibilities recommended by the Vice President, we are going from committees and councils to direct action by the operating agencies of the federal government.

From a federal civil rights scaffolding, we are going to the incorporation of civil rights responsibilities into the foundation of the federal establishment.

Nevertheless, direct federal action is not enough. The darkness still lingers over too many sheriffs' cars, too many schools, too many jury rooms. A Negro defendant is thrown in jail because he is a Negro; a Negro plaintiff is thrown out of court because he is a Negro.

Out of justice and humanity, there may yet need to be further federal action. But the most effective course against racism is local action. The most effective weapon against the concrete of the caste system is the sledgehammer of the vote.

II

When he signed the Voting Rights Act of 1965, President Johnson pledged "that we will not delay or we will not hesitate or we will not turn aside, until Americans of every race and color and origin in this country have the same right as all others to share in the process of democracy."

In the ten weeks since the Act became law, the federal government has worked to fulfill that pledge.

The Voting Rights Act speaks to local officials as well as to the federal government and it is to the considerable credit of many state and local registration officers that they have listened to the law.

Our latest tabulation of counties in Georgia, Alabama, Mississippi, Louisiana and South Carolina shows that in counties where examiners have not been appointed, more than 110,000 Negroes were registered freely in the first ten weeks after passage of the Act.

Such compliance is not only the most natural, but also the most effective answer to voting discrimination. For local officials to permit Negro citizens to take part in the political process freely, the ultimate answer to larger questions becomes self-enforcing.

For this reason, we have placed a high premium on voluntary compliance. But this desire to secure compliance should not be misunderstood: The aim of our efforts is that Negro citizens be permitted to register and vote, freely and confortably. If that aim is not achieved through voluntary compliance, it will be achieved through federal enforcement. If local officials do not fulfill their responsibilities under the Act, we will fulfill ours.

And we have not hesitated to do so. On the first possible day after signing of the Act, we designated nine counties for the appointment of examiners. On three different occasions since then, additional examiners have been dispatched, to a total now of 20 counties. There may well soon be more.

The examiners have, so far, registered 53,500 Negroes; if the present pattern continues, the total will be several times that by the primary elections next year.

In short, the overall total of Negroes registered to vote in these five states has risen from 582,000 to nearly 750,000--an increase of 30 percent, in ten weeks.

I said a moment ago that we place a very high premium on voluntary compliance by local officials. By compliance I mean <u>full</u> compliance, and for this reason the continued designation of counties for examiners has not been simply a mechanical, repetitive process. We have designated examiners in a manner calculated to demonstrate federal insistence that grudging acceptance of some of the law could not be used to avoid full compliance with all of it.

We have encountered both substantive and procedural obstacles. In Mississippi, for example, after the appointment of the first examiners, most counties began accepting Negro applicants a good deal more freely. Yet, on the advice of the State Attorney General, they continued to reject some

Negroes on grounds of illiteracy, even though the 1965 Act explicitly forbids a literacy standard.

Thus, despite substantial improvement in Negro registration we were left with no alternative. We designated five Mississippi counties which had been rejecting Negroes if they could not read and write and examiners are at work in those counties now. I hope the lesson for others is not lost.

The procedural problem I refer to is the simple one of access. Limited staff and limited times for registration are reasonable in a county where the bulk of the voting age population is registered and where the annual addition is minimal. But it is either folly or bigotry to argue that the same limited staff and limited time can serve when an entire segment of the population at once seeks to register.

The problem has been particularly acute for us where local officials in some instances cloak themselves in the normally reasonable requirements of state law as their justification for turning away crowds of Negro applicants.

Under the 1965 Act, registration officials have a duty to make every reasonable effort to process applicants. If the number of applicants is abnormally high, extra effort should be made to meet the need.

Our most recent examiner designation, consequently, was in Montgomery County, Alabama, because of lack of access to registration for Negro applicants.

In the past, when Negroes were systematically discriminated against, registrars held 162 registration days for the general public at the courthouse, where most Negroes apply.

But after the registrars were forbidden by court order to discriminate against Negro applicants, this schedule was changed. This year, only 21 general registration days are available at the courthouse. The remaining time is largely allocated to registration in various precincts where Negroes either do not live, or are not welcome.

The impact of new access has been instant. In the first 13 days after examiners went to Montgomery, 4,600 Negro citizens had registered.

The problems I have described so far relate to registration. But registering is a futile exercise unless it leads to voting--a fact well recognized by officials of some states, who have prompted a series of state court actions blocking the entry on the polling books of names listed by federal examiners.

This is not an obstacle that can be thrust aside by the appointment of additional examiners. It instead requires court action and we are preparing to take it.

There is still a further step. It is one thing for the federal government to insure the ability to register and vote. But it is quite another matter for a Negro--long barred by discrimination and discouraged by intimidation--to recognize the need and the power of that ability.

It is to that recognition which President Johnson referred when he signed the Voting Rights Act. "Presidents and Congresses," he said, "laws and lawsuits can open the doors to the polling places...But only the individual Negro, and all others who have been denied the right to vote, can really walk through those doors...This Act is not only a victory for Negro leadership. This Act is a great challenge to that leadership. It means that dedicated leaders must work around the clock to teach people their responsibilities and to lead them to exercise those rights and to fulfill those responsibilities and those duties to their country."

National civil rights organizations, local groups, and courageous young people with devotion and persistence have already demonstrated the power of such efforts.

Consider Dallas County, Alabama, for example--where the fierceness of the desire of Negroes to vote was amply demonstrated last spring in Selma. Prior to the new Act, only 9.7 percent of the Negro voting age population was registered to vote. But students, Negro leaders, white supporters, and a determined local organization had been at work since 1961. Examiners were sent to Dallas County on the first possible day, and now the percentage of voting age Negroes registered has risen in ten weeks from 9.7 to 60 percent.

The key to this kind of success is not examiners alone, but also the local momentum.

Another notable example comes from Northeastern Louisiana. For decades, no Negro had ever registered to vote in either Madison or East Carroll Parish. But because of registration drives generated by CORE in Madison Parish and by local Negro leaders in East Carroll, Negroes began to brave the registrars' offices. Aided by voting suits brought by the Department of Justice, a trickle began to be registered.

It was with the enactment of the new Voting Rights law, however, that the trickle turned into a flood. But again, the key was not only examiners.

We did, in fact, send examiners to East Carroll Parish and as a result, Negro registration has gone from 156 to 2600 in ten weeks. But we did not send examiners to neighboring Madison Parish, where the local registrar has increased Negro registration from 300 to 2200 in the same period.

The lesson of these experiences is clear. There is, as the President observed, federal responsibility to see that the doors to the polling places are open. But there is more to it than that. There is a national responsibility, for all of us, in every way to encourage and support those who can now help the Negro himself to walk out of the cellar of the caste system.

There is great and grave work to be done and it is urgent work. The dogmas of race and the stigmas of caste have long since burned out the spirit of too many of our people; these cannot be permitted to endure. In the sad and stirring words of the Negro mother about her youngest child, it must now be said of every Negro child: he was born at the right time.