



# Department of Justice

PS  
668  
.K25

KEYNOTE ADDRESS  
(as delivered)

BY

ATTORNEY GENERAL NICHOLAS deB. KATZENBACH

TO THE

BIENNIAL CONVENTION OF THE B'NAI B'RITH WOMEN

SHERATOR-PARK HOTEL

8:00 P.M., SUNDAY, MARCH 7, 1965

Mrs. Solovich, Mrs. Sims, distinguished ladies --  
and outnumbered gentlemen:

It is a great and unusual honor for me to join you tonight. I say great because of the far-flung membership and activities of the B'nai B'rith Women. And I say unusual because it is not often that a lawyer must plead his case before so fair a jury.

Furthermore, it is a pleasure to be treated so hospitably by a B'nai B'rith organization. It has not always been that way. Not long after the rioting at the University of Mississippi in 1962, I began receiving considerable anti-semitic hate mail, condemning me for taking part in the "Jewish conspiracy" to desegregate Southern universities.

One of the wildest such statements was in a pamphlet which Herman Edelsberg of the Anti-Defamation League sent on to me. In his covering letter, he wrote that for me to be considered Jewish by such Southern hate-mongers might qualify me as a contributor to the United Jewish Appeal. But, he said, don't expect it to get you into B'nai B'rith. We have higher standards

So you can see I am particularly grateful to you, the members of B'nai B'rith women for inviting me here and for your welcome.

Your concern at this convention is "The Challenge of Change." Indeed, it is our unanimous concern. Change has long been the single constant factor in history, but never before has it accelerated to such speed. Even the relatively brief span of this organization has seen an increasing -- and even incredible -- momentum of change.

B'nai B'rith Women began with a handful of members in San Francisco in 1909. That was at a time when the country was still using Indian Head pennies; it was 11 years before women could even vote. Now you are an organization of 135,000 women, extending across the country and even beyond its borders. And that growth only reflects the turmoil and speed of our century.

President Kennedy once described the rush of this development by compressing the 50,000 years of our reported history on earth into a figurative 50 years.

Of this half century, he said, we would know very little about the first forty years, except that man had learned to use animal skins to cover himself. It would have been 10 years ago that men emerged from the caves to construct other kinds of shelter.

Only five years ago man learned to write and use a cart with wheels. Christianity began less than two years and the printing press a year ago.

The steam engine, according to this analogy, was developed two months ago. Last month came electric lights, telephones, automobiles and airplanes. We developed penicillin, television and nuclear power last week.

And according to the same scale, in an hour or so, man will reach the moon.

These have been the dramatic changes of technology. Less tangible but equally turbulent are the subtle, inescapable social changes that have come with them.

From a relaxed, pastoral country, characterized by the image of the old swimming hole, we have been transformed into a land of urban urgency. The emphasis on family has changed. Our forms of recreation have changed. But no social change has greater significance than our increasing concern with the rights of man.

By this I mean the problems of low wages and high unemployment, of scant education and great disadvantage, the problems of personal pride, family strength, and political participation -- all the problems which we lump under the title of civil rights.

What we are witnessing now in the United States is a massive social change. For too many years -- for unconscionable decades -- the people of our country have been frozen into unyielding, polarized -- even extreme positions on the issues of civil rights.

But in the past four years, the United States has taken great strides toward making equal opportunity not only a civics book slogan but a civic fact. We are seeing a change not only in the letter of the law as it applies to civil rights. We are seeing a change in the spirit of respect for the law and for the rights of all our citizens.

This has been particularly true since the passage of the Civil Rights Act of 1964 last July. The response of the community and business leaders of the country to that law -- including, I am sure, many in this room -- has been great and even historic. Rarely, if ever, has any society wrought such a profound social change in a fashion so orderly and so peaceful.

Thus the Civil Rights Act and the compliance with which it has been met are a great step. But a step is not a journey -- and we have far to go.

As the events in Selma, Alabama today and in recent weeks -- tragic events -- indicate, we still confront open discrimination in the exercise of even the most fundamental right, the right to vote.

You here are all intelligent, well-educated citizens. I would assume that most, if not all, of you are registered to vote in your home states. But could you be registered if you applied now in the State of Alabama? Let me try out on you a few questions from the Alabama voter application test.

"If no person receives a majority of the electoral vote, the Vice President is chosen by the Senate -- true or false?"

How many of you said false?

Let me try another question.

"Where do presidential electors cast their ballots for President -- in their home state, in Washington, D.C., or in their home county?"

How many of you said home county?

How many of you said Washington, D.C.?

To those of you who did, all I can say is, it is a good thing you don't live in Alabama. But don't feel ignorant. I am told that a reporter in one large city tried some of these questions on the local federal judges. Only one passed.

The Department of Justice has challenged the use of that test in each of the 67 counties in Alabama. An unusually speedy hearing date already has been set -- the hearing begins tomorrow morning at 10 a.m. We hope before many months pass to secure court orders forbidding the use of the test.

There are discriminatory voting practices in other states and counties, and in the past seven years the Department of Justice has brought 68 separate law suits to seek to remedy these instances of discrimination in the voting process.

These suits have had substantial effect. In Macon County, Alabama, Negroes are now not only voting in numbers, but at the last local election, two Negroes were elected to the City Council, one to the County Board of Revenue, and one to the school board.

But even so, the pace has been slow. The right to vote is so basic to citizenship that to lose it, even in one election, is to lose something which cannot be regained. It is to lose the opportunity to affect the conditions of life in one's own community.

One vote -- or a thousand votes -- sound like very little when we talk of a Presidential election in which 69 million ballots are cast. But even a few votes can represent the difference between a reasonable -- or a racist -- candidate for sheriff, or mayor, or governor. And in many places today, the Negro still cannot add his voice or his vote to the governmental process that governs him.

In short, the lesson of our experience in carrying out the Civil Rights Acts of 1957, 1960, and 1964 in the field of voting is that we must seek ways to move faster.

President Johnson made it plain in his State of the Union message that it is his intention to remove all obstacles to the right to vote. Consequently, at his direction, we have in the past weeks been devoting the most serious and extensive attention to various solutions. I expect that he will soon make recommendations to Congress. I want you to know we are going to rely on your commitment, concern and support -- and I mean actively.

I do not, however, come before you simply to say that there ought to be a law. We place the highest importance on new voting legislation. But a new voting law will not solve all the problems of civil rights any more than the Civil Rights Act of 1964 solved all the problems of civil rights. No law alone can correct injustices which have endured so long and so deeply. There is no single, no doctrinaire solution. Our civil rights problems are far more complex than that.

John Doar, whom President Johnson has named as the new head of the Civil Rights Division, once observed that the civil rights problem is not a walnut, which needs only to be cracked. Rather, he said, it is an iceberg. Like an iceberg, it is only partially visible. And like an iceberg, it cannot be smashed. It must be melted -- by time, tide, and temperature.

Thus, the civil rights struggle is no longer a confrontation between dead-end racists on the one hand and virtuous defenders of equal rights on the other.

We are learning that there are a great number of men of good will in the South. And we are learning that there are great numbers of us in the North who are not without blame. It is in this new understanding -- in a climate of persuasion and conciliation and individual action -- that we will make our greatest progress.

That certainly has been the experience of the Department of Justice in civil rights. Our greatest difficulties have come when we were forced into direct confrontations of power with forces in the South which have sought to perpetuate the Negro caste system -- as in the riots at the University of Mississippi.

Conversely, our greatest successes have come in those instances where we could avoid direct confrontation -- instances in which we could, instead, mobilize individuals to act in their own communities -- businessmen and women, clergymen, civic leaders, union officials, women's clubs, and others.

The peaceful desegregation of bus, air, and rail terminals in 1961 and 1962 was one example. The desegregation of thousands of hotels and restaurants last summer was an even more widespread example. These have been the times of the greatest and most lasting achievement.

The answer to the problems of equal opportunity, then, lies not alone in one law, or a set of laws.

It does not lie simply in good intentions, or even in good faith. The answer must come from the energetic and conciliatory effort of each of us, in every part of the country. For no matter where in the country we may live, we each of us have our own civil rights problems.

For example, there is much each of us can do to improve the quality of the housing environment of Americans who are warped by life in the slums -- and many of them are Negroes.

There is much that we can do to respond to discrimination in employment, even though the equal employment opportunity section of the Civil Rights Act of 1964 does not go into effect until next July.

Or, by our work in our own communities there is much we can do to improve the quality of education, not only in the school our own children attend, but in the entire school system.

Indeed, there are few areas in which our efforts can have greater impact than in education -- for Negro children and for all children. Education is one of the dominant threads of Jewish history. "Take fast hold of instruction," the Proverb tells us, "let her not go; keep her; for she is thy life."

Education is also one of the dominant threads of American history. That emphasis dates back to the beginning of our nation. It was in 1787 that the Continental Congress declared: "Schools and the means of education shall forever be encouraged."

And there is no more urgent need today in this time of explosive and bewildering change, than to devote ourselves to the nature and quality of American education.

Size alone is a staggering problem. In this growing country, one-fourth of our entire population is in the classroom. Since 1900, high school enrollment has increased six times as fast as the population. College enrollment in this century has increased eighty times, and will have to increase by another fifty percent by 1970.

Our education problems are not confined to size. We must also be concerned with the effectiveness of our schools.

Can we be content, for example, to tolerate such a high rate of school dropouts? At the present rate, one of every three students now in the fifth grade will drop out before graduating from high school.

Can we tolerate the loss of human resources that results when more than 100,000 of our brightest high school graduates cannot go on to college for financial reasons?

Can we permit school boards, because of sharp financial pressures, to dilute the quality of the education offered our children in this time of change?

The cost of the wrong answers to such questions is very high indeed. The financial cost, alone, is enormous. Let me illustrate that, with one last set of statistics. It now costs us about \$450 a year to keep a child in public school. Compare that with the yearly cost of \$1800 a year to keep a young delinquent in a detention home; or \$2500 a year for a family on relief; or \$3500 a year for a criminal in a state penitentiary.

Aside from these tangible costs, consider the loss of human resources to the nation. And, above all, consider the loss of ability, pride and perhaps even humanity for each individual who is not provided with an adequate education.

"Nothing matters more to the future of our country," President Johnson said in his powerful message on education to the Congress, "Nothing matters more to the future of our country: not our military preparedness -- for armed might is worthless if we lack the brain power to build a world of peace; not our productive economy -- for we cannot sustain growth without trained manpower; not our democratic system of government -- for freedom is fragile if citizens are ignorant."

It is for these reasons that in the 15 months of President Johnson's administration, overall expenditures for education have approximately doubled to a present total of 8.6 billion dollars.

The President's program for the next fiscal year involves aid to low-income school districts. It involves assistance to states for school libraries and instructional materials. And it involves other provisions designed to help strengthen education in America.

This is an aim which I am sure every one in this room -- indeed which every citizen -- shares. But in the past, the needed large-scale federal efforts in the field of education have been hampered by passionately felt differences about aid to religiously sponsored schools.

Let me say that today, the need is too urgent to permit our present efforts once more to founder in such a morass. In saying this, I do not mean to challenge the principle of separation of church and state. Nor do I mean that we should abandon the word or spirit of the First Amendment.

What I do wish to stress is that the debate about the relationship of church and state has tended to polarize groups into irreconcilable and -- if I may so -- extreme positions. Indeed, there is a certain parallel between the polarized, unyielding positions in this area and in the area of civil rights.

We are, however, a practical people. The Constitution is a practical document, as well as a great statement of principle. In the past, we have found in it practical solutions consistent with principle. I think we can do so regarding this issue. But what is necessary is for those concerned to re-examine the nation's urgent educational needs. What is needed is a spirit of wanting solutions -- rather than to regard these needs merely an opportunity once again to express a particular, immovable point of view.

Woodrow Wilson once said, "If you want to make enemies, try to change something."

That is the risk we must be prepared to face, whether as officials of government, as civic and social leaders, or as housewives. The world will not slow down because we plead for time to adjust. The future will not wait because we think justice should be done -- but gradually. Change will not stop because we cannot make hard choices.

Whether our aim be equal opportunity for all our citizens or fullest development for all our children, there is great work to be done. The nation is fortunate to have your help to do it.