



# Department of Justice

PS  
668  
.K25

FOR RELEASE AT 6:30 P.M.  
SATURDAY, JUNE 19, 1965

ADDRESS

BY

ATTORNEY GENERAL NICHOLAS deB. KATZENBACH

to the

ANNUAL DINNER OF THE CAPITAL PRESS CLUB

Washington-Hilton Hotel

Saturday, June 19, 1965, 8 p.m.

The mission of the press, as the nation's informant and conscience has never been more ably performed than it has been performed in reporting on civil rights. The responsibility with which the press has exercised its power and its freedom is a tribute not only to the newspaper profession, but to the democracy which sustains it.

The task of covering, explaining, and interpreting events in our very complicated world is not easy, and I often marvel at how well it is done. But since, by definition, newspapers cover what is "news", the rolling flow of history is sometimes obscured by the splash of day-to-day headlines.

Thus it is with civil rights. The incidents that make news--be they grand drama of a march, or the tragic cowardice of a roadside killing--often overshadow the total pattern. But it is the sum of these less visible occurrences, the tens of thousands of local victories and defeats, of progress added here and setback deducted there, that comprise the real boxscore.

In a part of this boxscore, there is cause for pride. The last decade has brought great victories in the struggle for equal justice. No nation has ever done as much in an equal period to purge itself of its own corrosive divisions.

The courts have banished the concept of separate but equal from every area of the law. The Civil Rights Acts of 1957, 1960 and 1964, gave the government a variety of tools to eliminate publicly sanctioned segregation. The Voting Rights Act of 1965 will soon be law. In short, the end of the first frontier of civil rights is at hand: the legal principles are now clearly established. Officially sanctioned segregation--bigotry frozen in to law--is in its death throes.

There remains, however, a vast area of American life in which the touch of law is secondary--a wasteland created by five hundred years of slavery, of cast attitudes and bigotry, of ill health, slum housing, and inferior education.

This is the second frontier of liberty, a goal about which President Johnson talked with such feeling and meaning at Howard University two weeks ago. "It is not enough," he said. "It is not enough just to open the gate of opportunity. All our citizens must have the ability to walk through those gates. We seek not just equality as a right and a theory but equality as a fact and equality as a result."

When I came to the Department of Justice in 1961, our Civil Rights Division--a small, committed band of young attorneys--was the principal focus of all federal civil rights activity. As a result, they acted in manifold capacities. They were not only lawyers, but also conciliators, negotiators, community advisors, and, in a few unhappy cases, troop commanders.

But now, concern and devotion for the underlying problems of civil rights are infused into the very structure of government.

The important domestic programs of this Administration--poverty, education, health--are all inherently equal opportunity programs. They offer new hope and higher horizons to all the underprivileged, and particularly to the American Negro.

The very proliferation of agencies which now deal with some aspect of civil rights reflects the changing nature of the problem and the accelerating level of national attention: the President's Council on Equal Opportunity, the Commission on Civil Rights, the Community Relations Service, the Equal Employment Opportunity Commission, the President's Committee on Equal Employment Opportunity, and the President's Committee on Equal Opportunity in Housing.

The Office of Economic Opportunity, the Department of Health, Education and Welfare, the Department of Defense, and the Housing and Home Finance Agency, and other agencies, have important civil rights functions.

In the light of this new broadening of concern and responsibility, it is necessary to ask what the Justice Department's proper focus in the field of civil rights should now be. Unfortunately, the answer is all too easy. We are now enabled--indeed, we now must--devote our full time and energies to the remaining legal battles on the first frontier.

There is no more basic field of battle than school desegregation. It was school desegregation which provided the founding symbol of the civil rights movement. It was school desegregation which prompted the electrifying incidents in whose names the civil rights history of the past decade is written: Little Rock, New Orleans, Oxford, Tuscaloosa. And it is school desegregation on which rests so much of the American Negro's symbolic--and literal--hope for the future.

And yet, while the concept of school integration is no longer novel, and while the legal barriers have, in theory, been removed, the realities are still bitter. What exists in concept does not exist in fact. Eleven years after the Supreme Court's ruling against segregated schooling, only two percent of the Negro children in the South sit in desegregated classrooms. Thus the legal realities and the practical realities of school integration are still, in too many cases, a decade apart.

Four years ago, the Department of Justice undertook a great effort in the voting field. Dozens of attorneys spent countless hours, case by case, county by county, state by state, compiling the record of discrimination and obstruction that won scores of discrimination cases and built the record for the Voting Rights Bill.

With passage of that legislation imminent, we now have the resources at hand to launch an equivalent, full-scale campaign against segregated schools.

Our direct efforts against segregated schools are already accelerating. Just this week, we intervened in five school cases of general public

importance, four in Mississippi and one in Alabama. The Mississippi actions involved two urban school districts and two rural school districts. One of each kind is already partially integrated. Our purpose was to seek representative cases as a test for a general speedup of the whole integration process.

Although our authority in schools is not as broad as it is in voting, we can, under the 1964 Civil Rights Act, intervene in significant school suits or respond to any complaint that is made to us. We are thus able to enter a significant number of cases.

Our work will be closely coordinated with the Office of Education, which has issued guidelines barring federal aid to any school which does not complete desegregation by the fall of 1967. We hope that our efforts will also complement those of the NAACP, whose extraordinary patience and diligence have set the pace in school desegregation for over a decade.

We shall be guided in our efforts by the court's dictum that the later you start, the faster you have to move. The first step is to demand compliance with the forms of the law and to end blatantly evasive action.

Let me cite as an example a recent case in which we intervened. The applications of two Negro children to attend a previously all-white school were rejected. School officials were asked why. Their answer: The applications had been submitted by a grandparent rather than a parent.

Three other Negro children's applications were turned down because they were signed by one parent rather than two.

The second step is to follow up after the school is legally integrated, to try to insure that no discrimination occurs within the school. This involves checking to see that Negro children have the same opportunities to select courses, to pick activities, and to participate equally in every aspect of school life. We are also seeking to insure that there are no segregated seating arrangements, washroom or other facilities.

Not long ago one of our civil rights attorneys in checking on a newly integrated school, found all the Negro children sitting in the front of the classroom. He asked the principal about this and was told that the Negro children were required to enroll a day later than the white pupils, and found all the back seats taken. One ironic observation was "Well, we're making progress. It only took 10 years to get from the back of the bus to the front of the class."

We have not undertaken this effort for symbolic reasons. We will not continue it for sterile legal reasons. We will not measure it in narrow statistical terms. We are committed to the goal of complete school desegregation for the same reasons that the civil rights movement itself began with that goal: because of the importance of education itself.

A true gauge of the results of school desegregation is neither symbolic, legal or statistical. It is the number of Negro children who are

enabled by a better education, to walk through the gates of opportunity to a better America.

Segregation in schools was assaulted initially not just because of its inherent injustice, but also because schools never were equal though separate. What Negroes wanted and still want is an opportunity for an excellent education. It is at this point that the first and second frontiers connect.

Integrating the schools will not be enough if the schools that are integrated are still second-rate. Such a victory would be hollow. As the eminent Negro sociologist Kenneth Clark has written:

"Meaningful desegregation of urban ghetto public schools can occur only if all of the schools in the system are raised to the highest standards, so that the quality of education does not vary according to income or the social status of the neighborhood. The goals of integration and quality education must be sought together; they are interdependent. One is not possible without the other."

We need look no farther than the city of Washington to see how far we have to go to escape hollow victories. Fifty-three percent of the 18-year olds who took the Army's new mental examination last year failed to pass. This failure meant the lack of the equivalent of a seventh or eighth grade education. By comparison, in the State of Washington, only five percent failed.

Negro scholastic achievement did improve in the District schools after integration. But this occurred because of the strenuous efforts that followed the discovery of low Negro academic attainment. Donald Ross Green, a psychologist who has studied the result of integration in several cities, writes that "In general, desegregation has little immediate effect on achievement in and of itself."

We must not deceive ourselves, then, by looking to integration as a magic cure. Integrated, or not, a good education is seldom forthcoming in a crowded slum neighborhood school, or in an understaffed school in a poor rural area.

The expenditure per pupil in a wealthy suburban school is as high as \$1,000 a year. The expenditure in a big city school is less than half that amount. In a spacious suburban school, there are likely to be 70 professional persons per thousand pupils. In a slum city school, there are likely to be 40 or less.

Moreover, the quality of the education and the environment around the school are inseparable. Dr. Conant has written graphically on this point in his book "Slums and Suburbs".

"I have walked through school corridors in slum areas and, looking into classrooms, have seen children asleep with their heads on their hands.

Is this situation the result of poor teachers without either disciplinary control or teaching ability? No, the children asleep at their desks have been up all night with no place to sleep or else have been subject to incredibly violent family fights and horrors through the night."

Desegregating the schools is one job. Vitalizing schools is quite another. But it is not impossible. The immense amount that has been accomplished in the last decade gives us solid grounds for hope. The White House Conference called by President Johnson for this fall will chart directions.

But the real work must be done in the community, by many people, Negro and white, and it must be done every day, quietly and continually, persistently and effectively.

In doing this work, it is important that we not confuse protest with progress, or denunciation with achievement. For a Negro, it is easier to grow angry at police brutality in Alabama than to work with a child in a slum across town. For a white, it may be easier to demonstrate in Mississippi--even at the risk of personal danger--than to confront respectable, conservative elements at home.

The doors of opportunity for Negro Americans will not be opened without great effort in the Negro community itself. As leaders and molders of opinion in that community, your efforts will be a determining factor.

But to say this does not lessen the responsibility of the nation as a whole. That responsibility begins with the workings of the law. But it cannot end until the heart and mind of America have done their work.

"Beyond the law lay the land," the President said at Howard.  
".....And beyond this was the dignity of man."