



Department of Justice

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ADDRESS BY
ATTORNEY GENERAL NICHOLAS deB. KATZENBACH
at the
EMANCIPATION DAY CEREMONIES
Mobile, Alabama Municipal Auditorium
Sunday, January 2, 1966

I thank you for your welcome. It is a much warmer welcome than I experienced the last time I came to Alabama, as a visiting lecturer in constitutional law at the University of Alabama.

Then, the admission of the first two Negro students to the University brought crisis. Today, only 30 months later, in all parts of the University, 400 Negro students have passed through that schoolhouse door.

Then, I came to talk to one man about his responsibility under law. Today, you have invited me to come and join with you in talking about the responsibility of every person to American citizenship

Then, I came because I had to. Today, I have come because I want to.

I

On the afternoon of New Year's Day 103 years ago, Secretary of State William Seward and his son took a short walk on a historic errand. They walked from the old State Department Building in Washington across the street to deliver a document personally to the President of the United States.

The document lacked only the signature of the President, and as Lincoln dipped his pen, he paused, pen in air. "I never in my life," he said, "felt more certain that I was doing right, than I do in signing this paper."

The language of that document was legalistic, formal and dry. But its meaning was clear:

"...(A)ll persons held as slaves within any state or designated part of a state, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward and forever, free..."

The Emancipation Proclamation, perhaps the most important document of freedom since the Declaration of Independence, was transmitted around the nation and around the world, to be read with exaltation then and for generations after.

And yet the goal was only partly won. The Proclamation, the great war it punctuated, and the noble ordinances added to the Constitution after the war succeeded in ending slavery. They did not succeed in ending the caste system.

The goal may have been opportunity for each man, Negro and white, to share in the American quest for dignity and development -- opportunity unimpaired by the ugly ballast of old ways.

But the goal was obscured by clouds of history. As no visitor need tell you, the Negro was made a nominal citizen, but all too often he has not been permitted to live like one. All too often, he has been denied the basic rights and obligations and opportunities on which rest both full citizenship and personal dignity. And this has been true throughout our Nation.

What has been the cost of this deprivation? It cannot be measured. We may be able to tabulate the unusual and the sensational -- the victims of the bomb, the bullet, and the burning cross. But who can calculate the price the nation has paid for the imprisonment of spirit behind walls of discrimination and degradation.

The reasons for the nation's failure after 1865 may be debated by historians; the unarguable fact is that we as a nation failed. But now, a century later, we have been given that rarest of things in the history of nations -- a second chance.

As President Johnson observed last June in his profound address at Howard University:

"It is the glorious opportunity of this generation to end the one huge wrong of the American nation and, in so doing, to find America for ourselves, with the same immense thrill of discovery which gripped those who first began to realize that here, at last, was a home for freedom."

That huge wrong will be righted:

-- when the opportunity each man has for education, employment, for advancement and for the care of his family is the same, regardless of color;

-- when the opportunity each man has to influence the affairs of his town, his state or his country is the same, regardless of color;

-- and when the respect accorded each man by others is a reflection of his character, not of his color.

We have a second chance; this time we must succeed; and the starting point is the vote.

II

The right to vote was explicitly guaranteed to Negroes by the 15th Amendment 95 years ago. It was reaffirmed by Congress in the Civil Rights Act of 1957, in the Civil Rights Act of 1960, in the Civil Rights Act of 1964. But each time, the will of Congress was tarnished by evasion and delay.

Last year before Selma, only a third of the 3.3 million Negroes of voting age in the South had been able to register to vote. In Mississippi it was less than one-tenth -- in Alabama less than one-quarter. It remained necessary for President Johnson to seek and for Congress to enact the Voting Rights Act of 1965.

The first command of the new Act is to local voting officials throughout the South. That command is not unusual or excessive. It is simply to register all voter applicants freely, fairly, and conveniently and permit them to vote in the same way.

To their great credit and to the credit of the people of the South, that command was not even necessary in many counties. The right of all citizens to vote was acknowledged and accepted. And even in most of the counties where there was discrimination before the Act, voting officials are obeying its command.

We are seeing the same kind of encouraging, widespread compliance with the Voting Rights Act that we saw in many cities with the public accommodations section of the 1964 Civil Rights Act.

There is a lesson in that fact for those in the North who too often take hooded Klansmen to be the symbol of the white Southerner. There are many white citizens in the South who have always stood for human rights and for social justice even at risk to themselves. There are many white leaders and white organizations who have worked to breathe life into Negro rights.

There are also, surely, many whites in the South, just as there are in the North, who are too often bound by old ways, who are grudging in accepting change. But even they, in great majority, respect and obey the law which binds us together as one nation, one people.

You have seen that obedience take effect here in southern Alabama. In Mobile County, 44 percent of the adult Negroes are now registered. In Choctaw County, the figure is 45 percent. In Washington County, it is 60 percent.

In other counties, the total is lower, but the gains since the Voting Rights Act have been encouraging. In Conecuh and Clarke Counties, Negro registration has increased 22 percent in four months, to about 36 percent of the voting age Negro population. In Sumter County, it has gone up from 4 percent to 25 percent.

At the same time, as many of you have good reason to know, there have been a number of counties and parishes in the South in which there has been full compliance.

In some counties, for example, registrars have treated Negro applicants relatively fairly in other respects, but have insisted that they be literate.

This is not full compliance with the law, for it expressly forbids literacy as a qualification for voting.

In other cases, local registrars have accepted illiterate applicants, but they have conducted such infrequent or inconvenient registration that applicants have had to wait long hours -- or even, when the office closed -- until the next month.

This is not full compliance with the law, and not even with their responsibility as registrars. The Voting Rights Act imposes on them a positive duty to correct the effects of decades of past discrimination. Alabama state law imposes on them the duty to register all entitled to registration "in as expeditious a manner as possible."

In the past, registrars in Alabama and elsewhere have accommodated white registration drives by staying open late and extra days. Now that there is an opportunity for large numbers of Negroes to register, registrars have a like obligation to accommodate them through extra registration days, extra registrars, evening hours, and precinct registration.

The test is simple: Registrars should keep their offices open long enough to make registration easy. Under normal conditions, normal hours suffice; for new registration normally consists largely of citizens who have come of voting age. At this time, conditions are not normal because Negroes have been unconstitutionally kept from the polls. Thus hours of registration must be increased.

But in too many cases, they have not been. Registrars have persisted in conducting only a few days of registration each week -- or each month.

I said a moment ago that the first command of the Voting Rights Act was to local officials. But it is in cases like these that the Voting Rights Act speaks with absolute clarity to the federal government. The message of the Act and the heart of our policy under the Act is simple:

If the local registrar will not register qualified Negroes fully, freely, and conveniently -- as is his responsibility -- the law calls on me to send in federal examiners who will.

Or, to put it another way, any qualified Negro citizen who wants to register to vote will be registered.

That is the will of the Congress of the United States. That is my duty as a law enforcement officer.

As the President said when he signed the Voting Rights Act: "If any county anywhere in the nation does not want federal intervention it need only open its polling places to all of its people."

The combination of voluntary compliance in most counties and federal examiners in 36 others has resulted, so far, in identifiable gains.

At the time President Johnson signed the Voting Rights Act in August, there were 532,000 Negroes registered in Alabama, Mississippi, Louisiana, Georgia, and South Carolina.

Since then, the 80,000 registered by federal examiners and the 160,000 registered by local officials has brought the total to more than 840,000 -- an increase of 41 percent. In Alabama, the number of Negroes registered has gone from 106,000 to 176,000, or from 22 percent to nearly 40 percent.

It is possible to look back over this progress and tell ourselves how far we have come in less than five months. And we have come far. But what these figures more surely reflect is how far there is still to go.

For there are more than 900,000 Negroes still unregistered in the seven states covered by the Act. More than half the adult Negroes of the South are still not participating in this most basic act of citizenship.

It is my responsibility, as a federal official, to see that every one of those 900,000 who wants to register and vote is free to do so. It is all our responsibility, as citizens, to see that every one of those 900,000 -- as every citizen should -- wants to vote and participate in the decisions of a free society.

The principal remaining official barrier is inadequate access to the registrar's office for Negroes seeking to register. For that reason I will be sending out letters later this week to every one of the 518 registrars covered by the Voting Rights Act explaining in considerable detail our view of their responsibilities concerning access.

III

Yet even if we strike down all the legal barriers; even if we make it possible for every qualified Negro to register, two very real barriers remain.

The first is fear.

What is the gain for democracy if a Negro is free to register but is afraid to try? What is the gain if a Negro, who has registered, is afraid then to vote?

I have a message for those noisy few who may entertain thoughts of trying to frighten or coerce a Negro citizen -- or any citizen -- from trying to register or vote: If you do, you will have the federal government to reckon with.

Not long ago, a number of landowners tried to evict Negroes who went to register with the federal examiner in West Feliciana Parish, Louisiana. Those landowners are now defendants in a federal case and a temporary court order already has been issued against them.

And we will not hesitate to act just as quickly on evidence of other attempts at intimidation, in any county. Investigations of possible intimidation efforts are now underway in both Lowndes and Wilcox Counties.

In addition, we are already making preparations against the chance of even more damaging intimidation -- at election time:

1. I plan, shortly, to send letters to the voting officials of every county and precinct covered by the Voting Rights Act explaining to them their duties -- and our duties -- under the Act. I expect and hope that these duties will be well and faithfully performed.

2. We already have begun to familiarize ourselves with the locations of polling places both in counties where federal examiners are serving and in counties where they are not.

I think back to the example of a Southern county some years ago. Four hundred Negroes managed, finally, to register to vote. But none of them went to the polls the next day. On the night before the election, the Klan rode.

There must and will be an end to such rides. In this city, and in many cities like Mobile, we can count on local law enforcement to deal effectively with lawlessness and intimidation. But let me make it clear now that where this is not the case, night riders will ride straight into the federal government.

IV

I spoke, a moment ago, about two remaining barriers. One is fear. The other, closely related, is will.

No white man, Southern or Northern, can preach to the American Negro about will. The nation sought, starting with the Emancipation Proclamation, to make the Negro a full and participating member of society.

But too often we have called on the Negro for patience, for hope and for courage and given little in return. For a century, these have provided thin nourishment to a people seeking factual freedom. And yet the American Negro has responded with unquestioning faith and patriotism.

How much patriotism is evident from the American casualty lists in Viet Nam. More than 30 Alabamans have been killed in action; the November list includes the names of Corporal Eddie Hill and Private First Class Sherman Otis, both from Mobile, both Negroes, who were killed during the fighting at Plei Me.

Legions of other Negroes, with similar devotion to this country, have courageously demonstrated their will.

I think, for example, of Thurgood Marshall, now my distinguished colleague in the Department of Justice as Solicitor General, whose vision, legal brilliance, and energy propelled the civil rights movement to its great victories in the courts.

I think of Vivian Malone, a daughter of Mobile, who broke the color bar at Tuscaloosa. She had to conquer repeated delay before she was finally admitted, after three years. She had to conquer loneliness after she was admitted. But she conquered both and broke a path for others seeking simply the best education their state could give them.

I think of Albert Turner, one of twelve children of a Perry County share-cropper. He became a bricklayer and by 1962 was earning \$5,500, which I don't need to tell you is a lot of money for a Negro in rural Alabama. But he left his trade to begin a voter registration drive. After months of work, he succeeded in getting 40 Negroes registered. After more months, another 110 were registered. Now there are 2,500 more because the cases that grew out of Albert Turner's work served as one of the principal models for President Johnson's Voting Rights Act.

I think of the Tuskegee Civic Association, organized more than 35 years ago. Throughout the 1950s, the Association battled against odds in Alabama. The city was gerrymandered against Negroes. The registrars simply stopped functioning rather than register Negroes. But by June of 1962, the Association had won a landmark Supreme Court case. Negroes were being registered and approached a majority. And now, there are two Negroes on the five-man City Council. Negroes serve as Justices of the Peace, in the Police Department, and one has been elected to the Board of Education.

I think of the Negroes of Dallas County, where between 1954 and 1962 only 12 Negroes had been registered to vote. Yet, because of the efforts of the Dallas Voters League they kept on trying to register -- some of them 18, 19, 20 times. A major factor in the spirit of the Negro citizens of Dallas County were the young people who came to Selma in early 1963 to help in registration drives -- and who stayed. They gave encouragement and developed a momentum that has borne fruit. Within weeks after federal examiners were sent to Dallas County, Negro registration went from 1,400 to nearly 8,000.

And I think of hundreds and thousands of other individual Negroes striving not for privilege or favor but for what is rightfully theirs: the dignity and the opportunity of full, participating citizenship.

There can be no question that the Negro, schooled by generations of adversity, has the will.

The task is to apply it to the vote. When I say this, I do not mean merely the physical fact of voting; I mean the kind of responsible citizenship for which the vote is only the membership card.

This gathering today -- which so many organizations have joined to sponsor -- is evidence of your understanding of that task. And the fact that it takes place in Mobile, in a beautiful auditorium which has been desegregated since it was built, is a tribute to the enlightenment of this city.

What is remarkable about this gathering, after all, is not that a member of the President's Cabinet has come here to speak. It is that you have come, from as far away as Montgomery and Selma, to demonstrate your devotion to the importance of the responsibilities -- as well as the rights -- of citizenship.

The task ahead is not an easy one. It will require hard work, responsible leadership, heart, spirit and understanding from every minister, every teacher, every leader and every citizen.

As we meet here today, the winds of change are snapping at the wrinkled leaves of custom. The old ways are fading. The power and promise of America's future are radiating to every section and every state.

It is so in Alabama as elsewhere. At the end of the war, the population of the state was 64 percent rural and 36 percent urban. Today those figures are exactly reversed.

The State Chamber of Commerce has just today announced \$600 million in new capital investment in 1965 -- compared with \$48 million in 1947.

Per capita income has increased from less than half the national average in 1929 to two-thirds today.

This is growth and change shared by the proud and historic city of Mobile, now the seventh largest port in the nation, shipping not only cotton but, increasingly, fabricated metals, paper products, and chemicals.

The success and promise of a city, a state, or a nation cannot be measured alone, however, in industry or technology. The test of a society's vitality is not the wealth it offers to some of its citizens. The test, rather, must be the opportunity and the rights that society offers to all.

I cannot help but think that our children and grandchildren one day will look back to the United States of 1966 -- North, South, East, and West -- and, with a puzzlement similar to ours over witchtrials in Massachusetts or the denials of women's suffrage, will ask:

"Why? What took so long?" And their questions will not refer only to the vote, but to all aspects of Negro life.

They will look back and see a nation plunging into the Age of Space and wonder how we could permit the waste of so many talents, so many resources.

They will look back and see the problems of swelling cities and automation and wonder how we could allow ourselves to be distracted and shackled by fixations over race.

And they will look back and recognize how the American Negro advanced -- not only himself, but helped the nation overcome the waste, overcome the injustice, and break out of that bondage.

They will see a people which had suffered wrongs for generations, but which sought to correct those wrongs within the democratic system -- and with faith in that system.

They will see -- in short -- a new emancipation.

A century ago, it was Lincoln who emancipated the Negro. A generation hence, we may very well recognize that it was the Negro who helped to emancipate the Nation.