



Department of Justice



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BY
ATTORNEY GENERAL ROBERT F. KENNEDY
TO THE
CIVIL RIGHTS COMMITTEE
NEW YORK CITY CENTRAL LABOR COUNCIL, AFL-CIO

Americana Hotel, New York City, March 9, 1963

I suppose it is inevitable that most of us are near-sighted about national problems. We are able to focus on them only as they apply close to home and we find it difficult to see how they affect people in other fields and other states. One of the curious things I have found since becoming Attorney General, however, is that when it comes to civil rights, we very quickly become far-sighted. We are quite ready to point accusing fingers at the South and are easily outraged by a Little Rock, by the beating of Freedom Riders, or by a Meredith case. Yet we respond to discrimination right around us with blank and uncomprehending stares. The attitude is "the other fellow is wrong" and the more wrong he is, the more that automatically puts us on the side of the angels.

There is no question that segregation in the South is socially, politically and morally wrong. But there is deep-seated segregation in the North, also, and it is just as wrong. Racial discrimination is a national, not a regional problem, and it cannot be solved simply by individual instances of federal action on behalf of Freedom Riders or a single college student. The solution requires the hearts, the voices, the mind and the muscle of individuals and organizations all over the country, public and private. The President said last week, in his Civil Rights Message:

"The cruel disease of discrimination knows no sectional or state boundaries. The continuing attack on this problem must be equally broad."

I am particularly pleased to be with you here today because labor, and especially groups like yours, historically have been committed to social justice and social action. For years, unions have been in the forefront of efforts toward equal opportunity for all workers and all citizens.

Last year, Mr. Van Arsdale's Local 3 provided an example of such leadership by including 200 Negroes and Puerto Ricans among its 1,000 new apprentices. The New York Council of Painters also has opened its apprenticeship program to Negroes and Puerto Ricans.

In the past few months, 122 international unions, representing more than 10,000,000 workers have joined with the President's Committee on Equal Employment Opportunity and pledged themselves to union programs for fair practices. The dual seniority problem is the subject of wide and serious attention by labor. Segregated locals are fast disappearing. Indeed, probably at no time in the long history of the American labor movement have so many union leaders given such deep and effective attention to the problem of providing equal opportunity for all, regardless of race.

Yet we would be dishonest with ourselves if we did not admit that some discrimination continues to exist within the labor movement--and by no means only in the South. I am thinking, for example, of a particularly ironic situation that exists right now in Washington. Howard University, a distinguished Negro institution, is building a new gymnasium. At least four of the building trades locals involved, however, have no Negroes working on the project. For that matter, these locals have only a handful of Negro members or apprentices.

The fundamental responsibility for solving problems like this is that of labor itself. Your group and others like it do a great deal to help. The Government also has a responsibility in this field: the work of the Vice President and the Equal Employment Committee is well known to you and the President has directed me to seek legal techniques, rules, and procedures to deal with such discrimination.

But there is a more fundamental responsibility for both you in the labor movement and for us in Government. We are as firmly opposed to discrimination in voting, education and other fields as we are to discrimination in unions. It is in order to help the nation act more effectively against discrimination that the President last week sent Congress a Special Message on Civil Rights. The Administration's program includes three legislative proposals, concerning voting, education, and assistance to areas and organizations undertaking desegregation.

The first and most important bill deals with voting. The people's vote is the people's voice and when some people cannot vote they cannot effectively speak against injustice and deprivation of other rights.

It's like the story told at the time the 19th Amendment was being voted on by the states. A decided anti-feminist complained to his Congressman: "Can't you do something to stop them scarecrow suffragettes from voting?" The Congressman replied, "You mean my charming constituents of the fairer sex?"

We have worked very hard under existing law seeking to guarantee the right to vote to all citizens. The Department of Justice has filed 35 voting suits, 25 of them in this Administration, challenging discrimination or threats in southern counties against Negro registration applicants. But this is a painfully slow way of providing what is, after all, the fundamental right of citizenship. There remain more than 200 counties in the South where less than 15 percent of the eligible Negroes are registered.

Even where we have brought suit, the cases require extremely detailed preparation. In our suit in Montgomery County, Alabama, for example, it was necessary to analyze 36,000 pages of voter applications and to subpoena 185 witnesses for the trial. Such suits each require the total attention of four to six of the 40 lawyers in our Civil Rights Division for several months.

It often takes many more months before Negroes finally can register and vote. In Ouachita Parish, Louisiana, for example, the Department filed suit in July, 1961. Although 24,000 out of the 40,000 eligible whites were registered to vote, only 725 of the 16,000 eligible Negroes were registered. Another 5,000 Negroes had, in fact, been purged from the voting rolls.

In the 33 months since we brought the suit, a special election for Congress has passed. A general election has passed. And still not even the date for trial has been set. It may well be 1964 before we finally secure a decision and Negroes can register and vote freely.

This is neither an extreme nor an isolated case. There is a real and immediate need for speeding up the process.

We are asking Congress, therefore, to authorize that voting suits be given preference on court dockets and tried in an expedited manner. This parallels the laws of many states which give priority to election suits in an effort to resolve them before the election is over and the chance to vote wiped out.

Even if cases can be expedited, there still will be a time lag between the filing of a suit and the issuance of orders against further discrimination. Therefore, we have asked Congress to provide for the appointment of temporary federal referees to determine the qualifications of registration applicants during the time voting suits are pending in court.

In addition to the need for speed in guaranteeing the right to vote, there also is a great need for insuring fairness in determining who is qualified to vote.

Some southern states use the literacy test to make this determination. As a result, barely literate whites, coached by the registrar, often are registered. Meanwhile, Negroes--like a National Science Foundation graduate student from Cornell, or teachers with advanced degrees--arbitrarily are declared illiterate and thus ineligible to vote.

Other states have used the constitutional interpretation test. Applicants must copy and explain sections of the federal or state constitutions. Negroes often are required to copy and interpret long, archaic sections of a state constitution, or are required to explain what "due process" means, to a registrar who knows no law.

Whites, meanwhile, copy such provisions as, "There shall be no imprisonment for debt." One white gentleman, who was registered, interpreted

that section in these words:

"I think that a Neogroee Should Have 8 years in college Be for voting Be couse He dont under Stand."

We should reflect on such examples more in sadness than in irony, because they demonstrate the double burden of injustice inflicted on the Negro. Not only is he prevented from registering and voting, but the method of doing so is a grotesquely unfair test.

There's an acid joke about the Negro who attempted to register in a southern county. The registrar asked him to copy and interpret the 14th Amendment. He did so, brilliantly. "All right, if you're so smart," the registrar said, "recite the Gettysburg address from memory." The Negro did. "Okay, give us the Second Inaugural speech." Again the Negro came through beautifully. Finally, the registrar pulled a Chinese newspaper out of his desk and asked, "Can you read this?"

"That's easy," said the Negro. "It says, 'No Negroes are going to vote in this state this year.'"

We are asking Congress in our proposed voting measure to prohibit specifically the use of different tests or standards for different registration applicants. And we have asked that completion of the sixth grade should be regarded as evidence that an applicant is literate.

We also are asking Congress for two other pieces of legislation, both stemming from a need for assistance as well as enforcement. Our experience has demonstrated that people want to obey the law. In the field of education, for example, the violence last fall at the University of Mississippi should not overshadow the fact that 60 southern school districts were desegregated last year--peacefully and without fanfare. In many cases the Department of Justice assisted through informal consultations.

Communities in the South not only want to obey the law, but they want and need assistance in doing so. One of the laws we seek would establish in the Office of Education a program of technical and financial assistance to communities in the process of integrating their schools.

Such a program would help such school districts profit from the lessons of others--such as Atlanta, where public and private bodies combined with great success in 1961 to desegregate schools without incident. Many communities lack the background and resources required to minimize tensions both outside and inside the schools and to assure the maintenance and improvement of educational standards.

We have applied the same principle of providing information in our third legislative proposal, for the extension and expansion of the Commission on Civil Rights. Not only community governments, but many organizations, both public and private, both in the North and the South, can benefit substantially from expert guidance and information about how others have handled integration problems.

The Civil Rights Commission has the background and ability to satisfy this need and the President consequently has recommended that it be authorized to serve as a national civil rights clearing house--providing information, and technical guidance to any requesting agency.

Combined with continued effort under existing laws and policies, this, then is the Administration's civil rights program. There are those who say this program does not go far enough. It is true that there is other civil rights legislation which might be introduced, such as a bill seeking authority for the Government to initiate school desegregation suits. But I would say to these critics that it is perfectly simple to introduce and support bills that have no chance of passage. But to do so would endanger measures that do have a chance. These critics have no responsibility for action. It is the aim of this Administration to seek action and progress, not merely talk and headlines.

Further, let it be clear that this civil rights program is only that--a program. To sit back and wait for progress to come just because somebody in Washington has asked for new laws is as starry-eyed as waiting for the day labor minstrels once described when "the mills are made of marble and the machines are made of gold."

It took courage and effort for the labor movement to achieve the economic standards it enjoys today. It will take the same kind of effort to achieve the social ideals we profess in the field of civil rights.

We stand not only for labor or the Negro or minority groups, but for the ideal of freedom and dignity which underlies our society.

I come here today to call on you for your efforts on behalf of the Administration's program. I come to ask you to speak out and act as a body. I ask you to go back to your internationals, your locals and your communities to seek their support, both for this program and for its aim.

"Race discrimination," the President said in his Civil Rights message, "hampers our economic growth by preventing the maximum development and utilization of our manpower. It hampers our world leadership by contradicting at home the message we preach abroad. It mars the atmosphere of a united and classless society in which this nation rose to greatness. It increases the costs of public welfare, crime, delinquency and disorder. Above all, it is wrong."