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ADDRESS

by

ATTORNEY GENERAL NICHOLAS deB. KATZENBACH

to the

SOUTHERN REGIONAL COUNCIL

Marriott Motel, Atlanta, Georgia

Monday, February 28, 1966

I.

I thank you for the honor you pay me in inviting me here. But it is, rather, for me to honor you, the Southern Regional Council, for more than two decades of careful, courageous, and consistent devotion to the afflictions and the aspirations of the South.

The increasing commitment of the nation toward both the humanity and the rightfulness of human rights is in no small part the result of your activity and I am pleased to join with you.

We are seeing that commitment accelerate almost daily. Indeed, even within the past year, we have witnessed a quiet revolution.

A year ago, our attention was fastened on what was, in some areas, perhaps the only type of democratic expression possible for Negroes -- demonstrations in the streets. Today, we join to devote still broader concern to the scope and speed with which Negroes can now exercise the basic form of democratic expression -- the vote.

The vote, indeed, is so basic that some regard it as a small, even a cheap right -- to be defaulted lightly. But that small, cheap right can

change a region -- and a nation. And it is that high purpose that joins us together now.

The Voting Rights Act of 1965 issued three commands.

One is to local officials. It is neither revolutionary nor difficult. It is simply: register all voter applicants freely, fairly, and conveniently, and permit them to vote in the same way.

The second command is to the federal government. It says: where local officials do not do so, it is the government's responsibility to supply federal representatives who will.

And finally, the message of the Act to the leaders and supporters of the movement for equal rights is: you will be able to register and vote in the next election, but it is you who must do so.

We gather today at the confluence of all three streams. Individually, each can have effect. But it is only by their convergence that we can surely bring on the pent-up tide of participation, power, and responsibility that give meaning and worth to democracy.

II.

In some parts of the South, the right of all citizens to vote was acknowledged, accepted, and freely acted on long before August, 1965. The aim of the new law was already fact.

In other areas, where discrimination in voting had been practiced, the requirements of the Act are being obeyed.

Under the Voting Rights Act, local officials had, by February 1, registered more than 56,000 Negro voters in Alabama, 53,000 in Louisiana, 51,000 in Mississippi, 24,000 in South Carolina, and 17,000 in Georgia. The total Negro registration as a result of voluntary compliance hence exceeds 200,000.

But there are still other areas where the response has been grudging, token compliance, areas where even public officials have put maintaining the old ways above maintaining the law. It is they who make necessary the second command of the Voting Rights Act.

The responsibility of the federal government under the Act is to insure full compliance with the right to vote. We have acted on that command.

In some counties, for example, registrars began to treat Negro applicants fairly in other respects but continued to apply literacy tests. This is not full compliance with the law; it suspends the imposition of a literacy standard on Negroes now by counties which rarely if ever imposed it on whites in the past.

Where this has been the case, we have dispatched federal voting examiners.

In other counties, local registrars have dealt fairly with Negro applicants and have abandoned use of literacy tests. But despite the new Act, they have continued infrequent or inconvenient registration schedules.

This is not full compliance with the law, or even with the basic responsibilities of any registrar to provide reasonable access, not merely to meet minimum requirements. Where this has been the case we have dispatched federal examiners -- and will, if necessary, send more.

As I noted in letters recently to all registrars affected by the Act, the criterion is simple. Registrars should stay open often enough to make registration easy. In normal times, normal hours suffice. But these are not normal times. Negroes, long deprived of free opportunities to register, now seek to do so.

Registration officials should take affirmative steps to meet this demand, the product of decades of past discrimination. And there is much they can do -- add registration clerks, extend hours, increase the number of registration sites, and publicize the times and the free opportunity to register.

The vote, after all, is not a privilege, to be stingily dispensed. It is a right, to be made available freely. Where local officials do not thus take steps to make registration and voting accessible, it is my duty to do so.

A major case in point is Birmingham -- Jefferson County, Alabama. Registration officials there were not discriminating against individual applicants. They dropped the literacy test. But they responded only grudgingly to the fact that 90,000 Negroes were not registered and under the Act should have been free to do so.

After discussions with the Department of Justice beginning early in December, they took some steps to increase registration capacity, but even these fell far short. More than half the unregistered Negroes in the county still would not have had even an opportunity to apply for registration before the deadline for the May 3 Alabama primary.

Nonetheless, the local officials would take no further steps to increase access -- steps they have taken in the past to meet heavy white registration demand.

The result, five weeks ago, was the appointment of federal examiners. As many as 20 examiners have been working in Jefferson County, first in three locations and now in eight.

The result of accelerated local registration coupled now with examiners has been striking. When President Johnson signed the Voting Rights Act last

August 6, there were 26,255 Negroes registered in Jefferson County--22.6 percent of the voting-age Negro population.

On January 17, the day I designated Jefferson County for examiners, there were 41,930 Negroes registered--36.1 percent. Today, the figure exceeds 58,000 and the percentage exceeds 50 percent.

Overall, examiners working in Birmingham and in 36 other counties have now registered more than 100,000 Negro citizens. Added to the more than 200,000 registered voluntarily by local officials, the total number of Negroes now registered in Alabama, Mississippi, Louisiana, Georgia, and South Carolina exceeds 900,000, nearly 40 percent of those eligible.

I hope and expect that by the time of the next election in each of these states, more than half of the voting-age Negro population will register--and will vote.

III.

Full and fair opportunity to register need not mean that the registrar's office must be thronged at every hour of every day. At the same time, no amount of accessibility can provide more than opportunity.

Thus it was that President Johnson articulated the third command of the Voting Rights Act when he signed it last August:

"Presidents and Congresses, 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 and can use that right and can transform the vote into an instrument of justice and fulfillment."

The degree and energy with which the leaders of the movement for equal rights have recognized and acted on the truth of those words is evident.

I think, for example, of Dallas County, Alabama, where between 1954 and 1962 only 12 Negroes were registered. But the Negroes of the county kept on trying to register--some of them 18, 19, 20 times.

A major factor in their spirit was the group of young people who came to Selma in early 1963 to help in registration drives--and who stayed. The momentum they gave has borne fruit. Within weeks after federal examiners were sent to Dallas County last August, Negro registration went from 1,400 to more than 7,000. Now it is over 10,000 and nearing 70 percent.

I think of Albert Turner, one of twelve children of a Perry County, Alabama sharecropper who gave up his trade to begin a voter registration drive. After months of effort, there were still less than 500 Negroes registered. But now there are more than 3,300 registered because the

cases that grew out of Albert Turner's work were among the principal models for the Voting Rights Act.

I think of the last Voter Education Project of the Southern Regional Council, which resulted in the registration of some 700,000 Negroes in 11 states. The success of that project seems even more remarkable considering that it came entirely before the Voting Rights Act struck down so many of the barriers.

And finally, even though we have taken Wiley Branton away from you, I think of the new Voter Education Project on which you have now embarked. Its need is great and, with the assistance of the Voting Rights Act, its potential is outstanding.

In many counties, discrimination has ended and Negroes have registered in a flood, even without examiners. But in many other counties, discrimination has ended and Negro registration has remained a trickle.

--In Calhoun County, South Carolina, for example, Negro registration has increased since the Act from 14 to 44 percent. But in Anderson County, it has increased from 27.3 percent to only 28 percent.

--In Choctaw County, Alabama, Negro registration has increased by 1,600, to 63 percent. But in Chambers County, it has increased only 200, to only 18 percent.

In these and many other counties, it is not the presence or absence of federal examiners that makes the difference. Indeed, extremes nearly as great can be shown among counties to which examiners have been sent.

For example, examiners have made a spectacular difference in West Feliciana Parish, Louisiana, where the percentage of Negroes registered has gone from 2 percent to 79 percent. But what of East Feliciana Parish, which also has examiners, but which has gone from 3 percent to only 36 percent?

Even the federal and local registration figures within a single county can be instructive. In Coahoma County, Mississippi, for example, federal examiners have registered 3,100 Negroes. But meanwhile, local officials who had enrolled only a thousand prior to the 1965 Act, have now registered 2,300 more.

To illustrate my point in still another way, only a handful of Negroes were registered in East Carroll Parish, Louisiana, before examiners were sent. Now the total is 2,696. But we did not send examiners to adjacent Madison Parish. It also had only a token number of Negroes registered -- and now there are 2,666.

The lesson of these statistics -- and of like figures in scores of other counties -- is that it is neither local compliance nor federal examiners which makes the crucial difference.

As the sustained efforts of this Council and the organizations represented here today make clear, the most important generating factor is local organization. Counties which have seen extensive Negro registration, whether by local officials or by federal examiners, are counties in which registration campaigns have been conducted. In counties without such campaigns, even the presence of examiners has been of limited gain.

Surely part of the reason for slight registration in a number of areas is evident. Negroes may be formally, legally free to register, but fear remains, fear well-based on past experience and present threats.

One answer is federal action -- of the kind we already have taken in court and will, in all likelihood take in the future, not only regarding registration, but also regarding the still more damaging intimidation that can occur at election time.

As I observed to an Emancipation Day ceremony in Mobile last month, I have a message for those who may think of trying to frighten or coerce Negro citizens -- or any citizens -- from trying to register or vote. If you do, you will have the federal government to reckon with.

The still more effective antidote to intimidation, however, flows directly from energetic registration efforts and that is numbers. Two men or twenty men can be threatened, fired, or harassed; but not a thousand. Not only is it impossible to intimidate large numbers, but large-scale exercise of the vote changes the attitudes that might otherwise breed intimidation.

IV.

We have, so far, seen substantial gains. The number of Negroes registered in the five states principally affected by the Voting Rights Act has increased from 588,000 to more than 900,000. It is even possible for us to look back over this gain and tell ourselves how far we have come.

But what these figures more surely reflect is how far there is still to go. For more than half the adult Negroes of the South still are not participating in this most basic act of citizenship. None of us can be satisfied until they do.

And so I come today to congratulate you -- and the foundations which have provided such necessary and responsible support -- for undertaking this new Voter Education Project.

I know you face intricate and widespread problems. Registration, after all, is only the first of many steps. Unless it is to be a hollow exercise, it must be followed by voting.

That may be a painfully obvious relationship to someone who has voted often and freely in the past. It may not be so obvious to a Negro

sharecropper who has never before entered a polling place and who has never before had to study a ballot.

Stimulating registration must be supplemented by mobilization of registered but reluctant voters. Both must be supplemented by education of those to whom the mechanics of the political process are strange. And all require local organization of the kind so successfully built by the last VEP.

At the same time, the effect of organization, education, and mobilization is not limited to potential voters. What may be quite as significant is the educational impact on the teachers -- the hundreds and even thousands of workers, paid and unpaid, who are the foundation of VEP. Their work is a signal reflection of the duties of citizenship. It is also a lesson in responsible local leadership.

This is leadership that must go beyond voting, beyond solely Negro interests and extend to strengthening the capacities of every community in the South.

The goal, after all, of our efforts under the Voting Rights Act and your efforts in undertakings like the Voter Education Project is not mere numbers. The day of equality will not come merely when Negroes can and do vote freely throughout the South, nor when they elect Negro candidates just because they are Negro. There would be little majesty in an equality that is so superficial.

The concerns of the past have been almost exclusively racial -- and understandably so. Leslie Dunbar has written, "Race so undercuts and overhangs every Southern problem that none can be rationally treated without first wresting it from enslavement to a debilitating system of race relations."

But we are, even now, arriving at the time when the civil rights movement can and should turn from protest to affirmation, from a force against discrimination to a major affirmative force in the life not only of the Negroes of the South but of all the South.

We are, even now, approaching the time when Southerners can and should join, not as Negroes and whites, but as progressive men to forge progressive answers to common problems.

"Freedom is a good horse," Matthew Arnold wrote, "but a horse to ride somewhere."