TABLE B–1.—*Voting age population and registered voters classified by race in those States where use of tests and devices is suspended by the proposed Voting Rights Act of 1965*

State	White voting age population 1964 [1]	White registration [2]	Percent	Nonwhite voting age population, 1964 [1]	Nonwhite registration [2]	Percent
Alabama	1,413,270	[3] 935,695	66.2	501,730	[3] 92,737	18.5
Alaska	112,470	[4]		25,530	[4]	
Georgia	1,966,456	[5] 1,124,415	57.2	669,544	[5] 167,663	25.0
Louisiana	1,353,495	[6] 1,037,184	76.6	539,505	[6] 164,601	30.5
Mississippi	794,277	[7] 525,000	66.1	448,723	[7] 28,500	6.4
South Carolina	975,660	[8] 677,914	69.5	404,340	[8] 138,544	34.3
Virginia	2,060,751	[9] 1,133,702	55.0	480,249	[9] 177,321	36.9

* * *

TABLE B–2(*b*).—*Voting age population and registered voters classified by race in those Alabama counties in which racial voting suits have been brought under 42 U.S.C. 1971A*

County	Percent [1]	White voting age population, 1960	White registration	Percent	Nonwhite voting age population, 1960	Nonwhite registration	Percent
Bullock	38.5	2,387	2,631 (10/64)	110	4,450	1,386	31
Choctaw	31.7	5,192	3,697 (2/63)	71	3,982	176	4
Dallas	22.6	14,400	9,542 (8/64)	66	15,115	335	2.2
Elmore	43.7	12,510	12,022 (11/64)	96	4,808	592	12.3
Hale	25.5	3,600	3,674 (12/63)	100	6,000	200	3.3
Jefferson	37.3	256,319	134,939 (10/64)	52.6	116,160	27,013	23.2
Macon	32.6	2,818	2,946 (10/64)	100	8,493	4,188	49
Montgomery	31.6	62,911	40,234 (11/64)	64	33,056	7,250	22
Perry	29.6	3,441	3,260 (8/64)	94	5,200	364	7
Sumter	20.8	3,061	3,297 (11/64)	107	6,814	358	5.2
Wilcox	22.3	2,647	2,974 (5/64)	100	6,085	0	0

[1] This is the percentage of those of voting age who voted in the presidential election of 1964

SHOCKING BRUTALITY IN SELMA, ALA.

Mr. MONDALE. Mr. President, in this morning's newpapers I read with consternation and dismay the news of another shocking incident of brutality in Selma, Ala. A group of some 500 Negroes planned a march from Selma to Montgomery in protest against the unconscionable deprival of their voting rights. Governor Wallace of Alabama had forbidden the march, and dispatched State troopers and volunteer officers of the Dallas County sheriff's office.

The news accounts stated that the Alabama police authorities had stopped the protest march and the Negros had stood unmoving and silent. Without warning and without provocation, the troopers and sheriff's officers rushed forward and attacked the Negroes. The Negroes were trampled, beaten, and terrorized by these outrageous tactics. We are told that white spectators watching this shocking display whooped and cheered with joy.

When law enforcement officials in these United States of America find it necessary to turn on a peaceable group of citizens, who have no weapons and who indicate no signs of impending aggression or violence, find it necessary to use nightsticks, tear gas and whips to attack and brutalize these citizens, then the very foundation and root of our American democracy is in jeopardy.

Now more than ever it seems to me that the bare assurance of civil rights for the southern Negro, coupled with the assurance of the right to vote in Federal elections, is not enough. In the last few weeks we have seen police brutality enough to last us for centuries.

It is time we recognize that it is the local elected official—not the Federal marshal or Federal judge—who daily dispenses justice or injustice to the Negro. It is the State police, the local sheriff, the local chief of police, the local school board members, the local voting registrar who set the pace in closing the glaring gap between the Federal "right" and local "practice" under which that right is denied.

We know that the forces of oppression in the South will continue their sordid efforts of intimidation, brutality, and murder. We know that the many courageous leaders in the Negro community—and, I might say, in the white community as well—and in the human rights movement will continue their efforts to speak out, to protest, and to declare the rights of mankind.

The only question facing us in the Congress is what we and the decent and honorable people who know better will do. We can no longer remain silent in the face of such outrageous denials of basic human rights and decency, and I think the situation should command the immediate attention of the Senate of the United States.

Sadly enough, this situation has reached the point where Negro citizens in the South who wish to assemble peaceably for the purpose of adjusting grievances must bring along doctors and nurses and medical supplies and ambulances. It has reached the point where the bare exercise of rights as a human being and as a citizen of the United States brings the threat of physical injury and even death. Mr. President, at this point I ask unanimous consent to have reprinted in the CONGRESSIONAL RECORD the news account of this incident from the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEAR GAS, CLUBS HALT 600 IN SELMA MARCH: STATE TROOPERS BEAT AND INJURE MANY NEGROES

(By Leon Daniel)

SELMA, ALA., March 7.—State troopers and mounted deputies bombarded 600 praying Negroes with tear gas today and then waded into them with clubs, whips, and ropes, injuring scores.

The troopers and possemen, under Gov. George C. Wallace's orders to stop the Negroes "Walk for Freedom" from Selma to Montgomery, chased the screaming, bleeding marchers nearly a mile back to their church.

Ambulances screamed in relays between Good Samaritan Hospital and Brown's Chapel Church, carrying hysterical men, women, and children suffering head wounds and tear gas burns.

In Atlanta, the Reverend Dr. Martin Luther King, Jr., announced that he would lead a new march from Selma on Tuesday and called on clergymen from throughout the Nation to join him.

HOSPITAL TREATS 50 TO 60

(A hospital spokesman told the Washington Post in a telephone report that between 50 and 60 marchers had been treated for injuries that included broken arms and legs and severe head gashes.

(None of the victims was considered in serious condition, but "there is a great deal of pain and suffering," the spokesman said. About a dozen marchers were reported admitted to the hospital.

(Most of the injuries appeared to be the result of heavy blows, the spokesman said. No gunshot wounds were reported.

(The Reverend Richard Boone, Alabama project coordinator for the Southern Christian Leadership Conference, estimated that 90 to 100 marchers had been injured.)

Among the injured was Chairman John Lewis of the Student Non-Violent Coordinating Committee, who suffered a possible skull fracture.

At his office in Montgomery, Wallace said "those folks in Selma have made this a 7-day-a-week job but we can't give in 1 inch. We're going to enforce State laws."

HORSEMEN MOVE IN

The Negroes had just reached the end of the long bridge that leads out of Selma's business district when they were confronted by 50 blue-helmeted State troopers.

The troopers gave them 2 minutes to disperse. The Negroes did not disperse, and about 2 dozen troopers, swinging their clubs, rushed the head of the column.

Pushing and clubbing, they drove the Negroes back about 50 yards and then began firing tear gas. The tear gas bombs boomed like gunshots and a dense cloud of yellow smoke enveloped the screaming Negroes.

Then the troopers charged into the gas-dazed Negroes again, and from behind the column Sheriff Jim Clark's horse-mounted civilian possemen charged in, swinging clubs.

The hysterical Negroes broke and ran back to the church. Those who fled in other directions—between buildings—were quickly headed off by the hard-riding possemen.

As the Negroes streamed through the town toward the church where they started their march, the possemen darted in at them, clubbing them down. Several witnesses said they saw the horsemen use bullwhips and lengths of rope to flog the fleeing Negroes.

Several hundred white bystanders cheered and hooted as the Negroes were driven back to the church. But the white crowd made no attempt to break through police lines.

It had been expected earlier that Dr. King would lead today's march, but the civil rights leader said tonight that he had remained in Atlanta to take care of his church responsibilities and to "mobilize national support for a larger thrust forward." He said his aids argued him out of leading today's march at the last minute.

Dr. King also announced that he will go into Federal court immediately to seek to restrain Governor Wallace from blocking Tuesday's march.

In his statement tonight, Dr. King said: "In the vicious maltreatment of defenseless citizens of Selma, where old women and young children were gassed and clubbed at random, we have witnessed an eruption of the disease of racism which seeks to destroy all of America. The people of Selma will struggle for the soul of the Nation, but it is fitting that all Americans help to bear the burden. I call, therefore, on clergy of all faiths, representative of every part of the country to join me in Selma for a ministers' march on Montgomery Tuesday morning."

When the Negroes reached the church, some of the less seriously injured hurled a few bricks and bottles at the pursuing possemen. Within moments, a contingent of nearly 50 troopers and possemen, under the orders of Sheriff Clark, marched down the street outside the church in a phalanx. The Negroes quickly cleared the sidewalks, darting into houses, the church, and its adjacent parsonage.

The Negroes started out today to walk the 50 miles to Montgomery to protest to Wallace the denial of Negro voting rights in Alabama. Wallace announced yesterday he would not allow the march, and authorized his troopers to use "all necessary means" to stop it.

When they reached the foot of the bridge, Highway Patrol Maj. John Cloud raised a bullhorn to his mouth and ordered the Negroes to stop.

"This march you propose is not conducive to safety," he said. "This march will not continue. You have 2 minutes to disperse."

Hosea Williams, a Negro leader at the head of the column, asked Cloud if he could "have a word with you."

"You may disperse or go back to the church or we will break it up," Cloud replied. "There's nothing to talk about."

Silence fell across the road as the 2 minutes passed, the Negroes and the troopers staring at each other. Then Cloud ordered the troopers in.

About two dozen ran into the line of Negroes, shoving them back and clubbing them. The possemen advanced from the rear.

The Negroes retreated about 50 yards, then stopped. Suddenly the troopers began firing round after round of tear gas into the crowd.

The Negroes, coughing, choking, and screaming, stumbled, fell, trooperse charged in every direction. The troopers charged from the front and the possemen galloped in from the rear.

Selma was quiet but tense tonight. Sheriff Clark started broadcasting radio appeals late in the day asking everyone to stay off the streets tonight.

However, many of the Negroes who had taken part in the march gathered tonight at Brown's Chapel Church for a mass meeting.

THE REAL AMERICAN TRAGEDY

Mr. MARTIN of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. MARTIN of Alabama. Mr. Speaker, no one regrets more than I the death of the Reverend Reeb who was the victim of misguided and brutal individuals who have done great damage to our State and to the Nation. But the real tragedy is that this death need not have been. It was the result of weeks of demonstrations which were pointless.

More than a month ago I stood on the floor of this House and asked Members of Congress and the President of the United States to use their influence to stop the demonstrations in Selma. I said that they were not serving a purpose. They had won their point. The court had ordered the registrars in Selma to speed up registration and this was done. The President assured Martin Luther King that he would send a message and legislation to Congress and this he is doing tonight. So the demonstrations could have ended if their true purpose was to gain voting rights for Negroes in Selma.

This was not and has never been the purpose of these demonstrations. They were carefully planned, including provocation for arrest and violence to inflame the American people to demand Federal voting laws and tonight we will hear the President give into these demands of the mob. Congress is being asked to legislate under pressure of mob rule.

The real American tragedy will be that if the President's proposal is made into law and we turn the ballot box over to those who cannot read, write, or comprehend the responsibility of citizenship, this Republic as we have known it will cease to be. Under the President's proposed legislation it is possible and probable that we will have one-party government in the United States, an open invitation to dictatorship. The sovereign rights of the States to determine voter qualifications, guaranteed by the Constitution will be destroyed. This is indeed one of the most perilous hours we have faced and I plead for a return to reason, calm deliberation in passing legislation to insure that the rights of all qualified citizens to vote will be guaranteed without destroying the Constitution, and the Republic.

I firmly believe, and have so stated publicly many times before the demonstrations in Selma, in the right of every qualified citizens to vote. I am prepared to support and vote for a bill that will guranatee that right with sufficient teeth in the law to prevent unfair administration because of race, creed, or color. I am not willing to take away from the States the constitutional right to determine election laws or to turn over the administration of State election laws to the Federal Government.

Mr. Speaker, law and order in Alabama has been challenged. The following editorial from the Montgomery Advertiser of March 10, 1965, reminds us of some facts we may have overlooked under the stress of the emotion of this moment in history:

U.S. HIGHWAY NO. 80

U.S. Highway No. 80 is subject to a thousand laws and regulations. No citizen or body of citizens has complete liberty upon it.

The United States and Alabama Governments specified the materials that went into its construction.

The same State troopers who intervened at Selma also intervene to stop overweight trucks.

You cannot use that highway without possessing two licenses, a car tag and a driver's license. Citizens not twice licensed are barred from the highway. And you are required to be sober as well.

You are required to render prescribed signals for turning and stopping. Tire changing is regulated. Road shoulders are for emergency use only. Littering is forbidden and you must honor detour arrangements.

In the name of public safety, these same troopers halt motorists who violate the speed limit. They stop citizens for exceeding 40 miles per hour in some zones and not stopping for school buses.

You cannot drive on U.S. 80 at night without lights. You cannot cut over a yellow line to pass on a hill.

You are required to dim your lights on meeting another car.

You cannot cruise along firing roman candles, nor proceed in a state of nakedness.

At best, a highway is a perilous situation and, in the name of public safety, there is nowhere the citizen is subject to a greater multiplicity of restraints on personal liberty.

A highway is for fast moving vehicular traffic only and there is a fence law to keep livestock off them. In not the remotest way is it a suitable arena for a demonstration.

Accordingly, the government of Alabama forbade the Selma demonstrators to clog that highway on Sunday, inconveniencing thousands of motorists and endangering their own life and limb.

In no case would 650 Ku Klux Klansmen—or Boy Scouts or Shriners—have been permitted to trudge down that highway.

Accordingly, the Negroes were forbidden to misuse the highway. They lawlessly defied the government of Alabama and were therefore stopped by the government of Alabama.

Consideration was given to sealing off the highway for the exclusive use of the Negro host, as a city block for skaters. Perhaps that would have been wiser: The matter is left to the second guessers.

In any event, that response to the Negro's defiance was rejected. It was not a privilege that would have been extended to any other group.

A crowd that size could not have kept to the highway shoulders at bridges and fills It would have been difficult to protect marchers during overnight encampments by swamp or on prairie. Therefore, wisely or unwisely, that abdication of the authority of the State was rejected.

There arises next the question of whether the State troopers acted with hasty brutality.

One wire service reporter related that the Negroes were not given the specified 2 minutes to disperse. A Birmingham reporter, eyewitness to the confrontation, flatly contradicts that. He wrote:

"I stood near the bridge with other newsmen, all in a protecting ring of State troopers. Trooper Maj. John Cloud shouted through the bullhorn:

" 'Turn around and go back to your church. You will not be allowed to march any further.'

"The Negroes did not stop.

"Cloud told the marchers they were an unlawful assembly. He added if they dispersed they would be allowed to return freely to town. 'You've got 2 minutes,' Cloud barked through his bullhorn.

"The 2 minutes crept past painfully and slowly. Then on Cloud's order, the troopers converged on the marchers."

The action against the lawless demonstrators was indeed forceful and presented a painful scene. It may have been excessive, and there was a better way to compel the obedience that was due. Such police actions, whether by club wielding New York police on horseback or State troopers at an Alabama bridge, are spectacular and ugly by nature. And they are viewed with somewhat more objectivity in the North, though there is a "police brutality" chant in every case.

The dovecote "nonviolence" of the demonstrators and its potential were exhibited with clarity when they later assailed officers with rocks, bottles, and garbage can lids.

It must be said, however, that the sheriff's cowboy posse should be corraled for the duration. These matters should be left entirely in the hands of regular, disciplined officers.

That the use of Highway 80 is properly subject to Government regulation was next seen when U.S. Judge Frank Johnson told Dr. King, as had Wallace before him, that he must not march Tuesday.

The thing long since ceased to be a matter of Negroes registering to vote. Indeed, they were marching away from, not to, the registration headquarters.

And a Federal judge had been sitting at the elbows of the Dallas registrars with minute directions on the rate and mode of registration.

King, with his booby prize of prelates waddling behind his lawless banner, announced that he would defy the Federal Government Tuesday as he had defined the Alabama government on Sunday.

King has said repeatedly that he is a lawless man, a figure above the law, a figure privileged to pick and choose which laws he will obey.

President Johnson, with his sonorous truckling to national emotions, had been talking of new legislation to soothe the Nobel swami and making a cracker barrel bromide about a man's right to walk from Selma to Montgomery.

All of a sudden the President found that King was as contemptuous of the Federal Government as of the Alabama government. And he was asking that King not march.

At this moment a defiant group of demonstrators was being ripped out of the office of the Attorney General in Washington. The chief of the NAACP, Roy Wilkins, was threatening the violence of an underground.

As it fell to at the bridge, the way was cleared for King to walk on into contempt of a Federal restraining order. He stopped short. But it had taken two governments—State and Federal—to restrain his defiance of law.

The Selma march issue is now in the bosom of the Federal court. It is an issue between King and the U.S. Government.

Department of Justice

STATEMENT

BY

ATTORNEY GENERAL NICHOLAS deB. KATZENBACH

before the

HOUSE JUDICIARY COMMITTEE

on the proposed

VOTING RIGHTS ACT OF 1965

Thursday, March 18, 1965

In our system of government, there is no right more central and no right more precious than the right to vote.

From our early history, the free and secret ballot has been the foundation of America. This Congress stands as imposing evidence of that truth. And, if we have needed reminding, Presidents in every generation have repeated that truth.

--In a message to the 36th Congress, in 1860, President Buchanan observed that: "The ballot box is the surest arbiter of disputes among freemen."

--In a message to the 51st Congress, in 1890, President Benjamin Harrison said: "If any intelligent and loyal company of American citizens were required to catalogue the essential human conditions of national life, I do not doubt that with absolute unanimity they would begin with 'free and honest elections.'"

--In a message to the 66th Congress, in 1919, President Wilson said: "The instrument of all reform in America is the ballot."

--In a message to the 88th Congress, just two years ago, President Kennedy said: "The right to vote in a free American election is the most powerful and precious right in the world -- and it must not be denied on the grounds of race or color. It is a potent key to achieving other rights of citizenship."

Whites unable to meet the new requirements were protected by the so-called "grandfather clause" -- which could not possibly have applied to a Negro newly freed from slavery.

The Supreme Court struck down the grandfather clause in 1915, but discrimination and disenfranchisement continued. The Negro's theoretical right to vote was successfully thwarted by intimidation and fear of reprisal. The white primary long served to disenfranchise Negroes. until declared unconstitutional in 1944. During this long period America almost forgot -- and certainly ignored -- its commitment to voting equality.

Beginning with President Truman's 1948 recommendation to Congress, based on the report of his Committee on Civil Rights, bills to protect the right to vote were introduced in successive Congresses.

Still, action did not come until the Civil Rights Act of 1957. That Act authorizes the Attorney General to bring suits to correct discrimination in state and federal elections, as well as intimidation of potential voters.

The Civil Rights Act of 1960 sought to make such law suits easier. It amended the 1957 Act to permit the Attorney General to inspect registration records and to permit Negroes rejected by state registration officials to apply to a federal court or a voting referee.

The Civil Rights Act of 1964 sought to make voting rights suits faster. It amended the 1960 Act to expedite cases, to facilitate proof of discrimination, and to require non-discriminatory standards.

What has been the effect of these statutes? It is easy to measure. In Alabama, the number of Negroes registered to vote has increased by 5.2 percent between 1958 and 1964--to a total of 19.4 percent of those eligible. This compares with 69.2 percent of the eligible whites.

In Mississippi, the number of Negroes registered to vote has increased at an even slower rate. In 1954, about 4.4 percent of the eligible Negroes were registered; today, we estimate the figure at about 6.4 percent. Meanwhile, in areas for which we have statistics, the comparable figure for whites is that 80.5 percent of those eligible are registered.

And in Louisiana, Negro registration has not increased at all, or if at all, imperceptibly. In 1956, 31.7 percent of the eligible Negroes were registered. As of January 1, 1965, the figure was 31.8 percent. The white percentage, meanwhile, is 80.2 percent.

III. THE RIGHT TO VOTE IN DALLAS COUNTY, ALABAMA

The story of Negro voting rights in Dallas County, Alabama, of which Selma is the seat, could -- until February 4 -- be told in three words: intimidation, discouragement, and delay.

There has been blatant discrimination against Negroes seeking to vote in Dallas County at least since 1952. How blatant is evident from simple statistics.

--In 1961, Dallas County had a voting age population of 29,515, of whom, 14,400 were white persons and 15,115 were Negroes. The number of whites registered to vote totaled 9,195--64 percent of the voting age total. The number of Negroes totaled 156--1.03 percent of the total.

--Between 1954 and 1961, the number of Negroes registered had mushroomed; exactly 18 were registered in those seven years.

If effective and prompt remedies were necessary in any county, they were necessary in Dallas County. And as a result, the first voting case filed in the Kennedy-Johnson administration was brought against Dallas County on April 13, 1961.

The case finally came to trial 13 months later. In an additional six months came the District Court decision. The court decided that prior registrars had, in fact, discriminated against Negro applicants. But, the court concluded, the current board of registrars was not then discriminating and, therefore, refused to issue an injunction against discrimination by the registrars. We appealed.

On September 30, 1963, two-and-a-half years after the suit was originally filed, the Court of Appeals for the Fifth Circuit reversed the district court and ordered it to enter an injunction against discrimination.

Nevertheless, the Department also had urged the Court of Appeals to direct the registrars to judge Negro applicants by the same standards that had been applied to white applicants during the long period of discrimination--until the effects of past discrimination had been dissipated. The Court of Appeals recognized that this type of relief might be needed in some cases, but did not order it in this case.

STATEMENT OF HON. ROBERT Y. BUTTON, ATTORNEY GENERAL OF THE STATE OF VIRGINIA

Mr. BUTTON. Mr. Chairman, gentlemen of the committee: My name is Robert Y. Button and I am currently attorney general of Virginia. I have not had an opportunity to correlate my statement with that of Mr. Mays; I regret there will be some repetition.

H.R. 6400 is among the most dangerous pieces of legislation ever offered in the Congress of the United States. I make this statement advisedly, for I earnestly believe it goes further than any step yet attempted to erode the basic concepts of constitutional government in which the individual States are acknowledged to be sovereign. The legislation is not only patently unconstitutional, but it is shockingly discriminatory.

Section 2 of H.R. 6400 provides, "no voting qualification or procedure shall be imposed or applied to deny or abridge the right to vote on account of race or color." Enactment of this section is fully justified by the inhibition of the 15th amendment to the Constitution of the United States.

Surely, no one will argue with the wisdom of that prohibition; yet, by some mental gymnastics not yet clearly determined, the authors of H.R. 6400 have reached the amazing conclusion that requiring a person to read or write his own name in registering to vote is a voting qualification which abridges the right in question on account of race or color.

Apparently, such a requirement is considered in some States a "test or device" which abridges the right to vote on account of race or color. How, then, are we to determine the States in which such a test or device violates the proscription of the 15th amendment?

It will be seen from the provisions of section 3 that this bill would apply to States that maintained on November 1, 1964, some "test or device" as a qualification for voting only (a) if less than 50 percent of the persons of voting age were registered on November 1, 1964, or (b) if less than 50 percent of such persons voted in the presidential election of 1964.

* * *

This bill manifestly brings about the very evil it purports to cure; namely, the creation of a separate and distinct standard of voter qualifications in all elections. No person with the slightest regard for the Constitution of the United States could conceivably read this legislation and fail to conclude that it abolishes all qualifications for voting within a minority group of States, while simultaneously permitting all other States to impose their own qualifications no matter how stringent they may be.

This, gentlemen, is not only unconstitutional; it is discrimination of the rankest order—discrimination that has neither reasonable classification nor rational justification.

Section 2 of article 1 of the Constitution of the United States specifically provides that the electors in each State shall have the same qualifications requisite for electors of the most numerous branch of the State legislature. It has always been uniformly considered the right of the various States to set the qualifications for the electors of the most numerous branch of its State legislature.

With the exception of the prohibitions against classifications based upon race or sex enunciated in the 15th and 19th amendments, no provision of the Constitution of the United States has to this date changed that fundamental principle. Indeed, the principle was expressly reaffirmed in the 17th amendment. And yet, if a State falls within the provisions of this bill or if, in the uncontrolled judgment of the Attorney General, Federal examiners are appointed, such examiners will then register and place on the list of those eligible to vote persons who may not be qualified under State law.

In other words, the Federal Government will disregard the qualifications of the States and setup its own rules and regulations for persons who may register and vote in all elections—Federal, State and local.

This would mean that in all other States the law applicable to the qualifications of electors would still be in force and govern; while in the small minority of States in which Federal examiners were appointed, this would not be true.

The Federal Government would thus apply its judgment as to qualifications of electors in certain States and not in others. This would be the most far-reaching denial of constitutional State power yet devised and the obliteration of the most fundamental rights of the States by their transfer to the Federal Government.

In practical effect, the States so irrationally indicted and (though guiltless of racial discrimination) convicted without trial would no longer be sovereign entities but simply departments of the Federal Government.

Also, if examiners are to be appointed in some political subdivisions of the States, different rules as to registration would apply in those subdivisions having examiners and those which do not. In those subdivisions where no examiners were appointed, the laws of the State would still be effective.

If we are to assume this legislation is to stand or fall on the strength of the 15th amendment, we should look to the question of voter discrimination based on race or color. I can, of course, speak only for Virginia.

3/6/65
Vice President
Judiciary

MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE CONGRESS,
MY FELLOW AMERICANS:

I speak tonight for the dignity of man and the destiny of democracy.

I urge members of both parties -- Americans of all religions and colors -- from every section -- to join me in that cause.

At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.

There, long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man -- a man of God -- was killed.

* * *

There is no Negro problem. There is no Southern problem or Northern problem. There is only an American problem.

And we are met as Americans to solve it.

This was the first nation in the history of the world to be founded with a purpose. The great phrases of that purpose still sound in every American heart, North and South: "All men are created equal" -- "government by consent of the governed" -- "give me liberty or give me death."

* * *

Those words are a promise to every citizen that he shall share in the dignity of man. This dignity cannot be found in a man's possessions or his power or his position. It rests on his right to be treated as a man equal in opportunity to all others. It says that he shall share in freedom, choose his leaders, educate his children, provide for his family according to his ability and merits as a human being.

Many of the issues of civil rights are complex and difficult. But about this there can be no argument. Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty to ensure that right.

Yet the harsh fact is that in many places in this country men and women are kept from voting because they are Negroes.

* * *

Experience has clearly shown that the existing process of law cannot overcome systematic and ingenious discrimination. No law we now have on the books can ensure the right to vote when local officials are determined to deny it.

In such a case our duty is clear. The Constitution says no person shall be kept from voting because of his race or color. We have all sworn an oath before God to support and defend that Constitution. We must now act in obedience to that oath.

Wednesday I will send to Congress a law designed to eliminate illegal barriers to the right to vote.

* * *

To those who seek to avoid action by their national government in their communities -- who seek to maintain purely local control over elections -- the answer is simple.

Open your polling places to all your people.

Allow men and women to register and vote whatever the color of their skin.

Extend the rights of citizenship to every citizen.

There is no constitutional issue here. The command of the Constitution is plain.

There is no moral issue. It is wrong to deny any American the right to vote.

There is no issue of states rights or national rights. There is only the struggle for human rights.

I have no doubt what will be your answer.

But even if we pass this bill, the battle will not be over. What happened in Selma is part of a far larger movement which reaches into every section and state of America. It is the effort of American Negroes to secure for themselves the full blessings of American life.

Their cause must be our cause too. It is not just Negroes, but all of us, who must overcome the crippling legacy of bigotry and injustice. And we shall overcome.

* * *

This great, rich, restless country can offer opportunity and education and hope to all -- black and white, North and South, sharecropper, and city dweller. These are the enemies -- poverty and ignorance -- and not our fellow man. And these two shall be overcome.

Lyndon B. Johnson

THE WHITE HOUSE,

March 15, 1965.

SOUTHERN STATES INDUSTRIAL COUNCIL,
Nashville, Tenn., April 6, 1965.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of this organization, I wish to file for the record the attached statement by the undersigned, in opposition to H.R. 6400; also the attached editorial by Mr. Thurman Sensing, executive vice president of the council.

With appreciation for your courtesy and with all good wishes, I am, with much respect,

Sincerely yours,

TYRE TAYLOR,
General Counsel.

STATEMENT BY TYRE TAYLOR, GENERAL COUNSEL, SOUTHERN STATES INDUSTRIAL COUNCIL, IN OPPOSITION TO H.R. 6400

APRIL 6, 1965.

At a meeting held at Sea Island, Ga., on May 21–23, 1964, the board of directors of the council unanimously reaffirmed its position on force bills as follows:

"The council opposes so-called Federal civil rights legislation as a further unwarranted encroachment by the Central Government upon the rights of the individual citizen, the States, and local communities."

It strongly opposes H.R. 6400 (along with its companion bill, S. 1560, in the Senate) for many reasons, including—

It is clearly unconstitutional. The very first article of the Constitution authorizes the States to determine the qualifications of voters in both State and Federal elections, subject only to the proviso that whoever is deemed qualified to vote for "the most numerous branch of the State Legislature" is automatically qualified to vote in Federal elections. This provision—which is repeated verbatim in the 17th amendment—has been repeat ... Court, the last time in 1959.

It is discriminatory. It would abolish all literacy tests for voting, except in those States, such as New York, where 50 percent or more of the eligible voters cast their ballots in the 1964 presidential election.. Thus, the State of Virginia,

EDITORIAL: IN A TIME OF FRENZY

(By Thurman Sensing)

The last few weeks mark one of the worst stampedes in the history of our country. Unscrupulous conflict managers engineered turmoil in the streets and highways of Alabama, misleading a large section of the American people into believing that a terrible injustice had been committed.

Using massed groups of clergymen, who were cleverly persuaded by the National Council of Churches that a political drive actually was a moral crusade, the conflict managers then carried their revolutionary campaign inside the doors of the White House, with squads of beatniks sprawled in the corridors of the Executive Mansion. President Johnson, feeling the intense pressure, quickly succumbed. He went over to Capitol Hill and virtually demanded of Congress—using the very theme song of the street agitators "We shall overcome"—that the Constitution be set aside and that the Federal Government grab control of the election machinery in six Southern States.

Back in the 1930's, Sinclair Lewis, the novelist, wrote a book entitled "It Can't Happen Here." Well, it is happening here in America. In conditions of emotional frenzy and contempt for the law of the land comparable with Nazi Germany after the Reichstag fire, the Johnson administration has all but pointed a gun at Congress in calling for a voter registration law that is completely unconstitutional.

Article I, section 2, of the U.S. Constitution clearly gives to the States the right to determine the qualifications of voters. This has been the American way since the Constitution was ratified by the States. But if Mr. Johnson's registration bill is enacted into law, the Constitution will have been breached. The American system will have undergone a totalitarian change. Six States will have been deprived of one of the foundations of republican government and will be in a Reconstruction era identical with the military occupation of 1865.

The L.B.J. voter bill is an appalling piece of legislation. Contrary to all American traditions of justice, six States will be presumed guilty. If in 1964 not more than 50 percent of the persons of voting age noted in the 1960 census actually voted, then the Federal Government automatically assumes that people were discriminated against and deprived of the vote. This is a cruel, wicked and un-American assumption. There are places where voting has been discouraged. But there also are vast areas—entire States—where voter registration proceeds with absolute fairness and equal application of the laws. These areas and States are to be slapped down by the Federal power, and Federal registrars are to usurp States' rights.

The L.B.J. voter law is grossly discriminatory in another way. It is legislation aimed at a particular section of the country. Nothing in the bill is aimed at dealing with corrupt voting practices elsewhere in the Nation. Yet Americans know full well that big city machines in the metropolitan centers of the North are a synonym for voter corruption and manipulation. Yet Mr. Johnson feeds on these machines, so he does nothing about them.

What Mr. Johnson has proposed is not democracy; it is mobocracy. By endeavoring to shatter all qualificattions for voting, he uses a crowbar to break down standards erected for the purpose of promoting good government in this land. He would turn over the government of towns and cities, counties, and States, to that element in our population which is least qualified to understand the public business and most poorly qualified to make decisions regarding the community's well-being.

The suspicion is naturally aroused that, in bowing to the street and highway agitators, Mr. Johnson hopes that powerful new political engines will be created in the South so as to turn the Southern States into captive communities for his reelection.

The founders of the Republic feared the rise of dictatorship, and therefore they created the judicial branch of the U.S. Government. But the day that Mr. Johnson spoke to Congress, *the members of the Supreme Court were present in the legislative chamber, clapped loudly, and showed their approval of his revolutionary demands.* It is shameful that judges should become a claque. And the American people can only hope that any legislation produced in a time of frenzy and totalitarian ruthlessness will be subjected to judicial second thoughts. *If the Justices of the Supreme Court close their eyes to the law, then there can be no hope for redress until such time as the court of last resort—the American people—can see past the machinations of the anarchists and turmoil promoters who present revolution as a crusade.*

1460 Sterling Pl. #16
Brooklyn 13, N.Y.

March 8, 1965

Tell her I condemn Gov. Wallace for his shameful conduct in ordering use of tear gas and whipping on Sunday in Selma. I am cooperating with the Administration to punish the offenders and to prevent recurrence of the shocking

Dear Sir:

For God sakes help those poor innocent people in Selma Alabama. If your voice or vote can be of service now is the time to use it. We can't sit by any longer and watch the shocking events in Ala. Send troops there not overseas and protect those people right to vote. It's sicken and as a mother of four sons I can't

stand it any longer. To think that one day my sons could lose their lives protecting those ignorant people down there is unbearable.

Sincerely,
Mrs. C. Jackson

62 Rexford Drive
Newport News, Virginia
March 26, 1965

Chairman, Committee of Judiciary
House of Representatives
Washington, D. C.

Dear Mr. Chairman:

I recognize that the effort expended in writing this letter will probably be in vain, but so strongly do I feel about the constitutional ramifications of the subject that I have decided to express myself on the matter, realizing the probable futility of doing so. I am referring to the so-called voting rights bill proposed to the Congress.

This nation is in the midst of mass hysteria generated by minority pressure groups with the active assistance of the press and the Administration, and whose sole purpose is to force certain conditions on the United States regardless of the issues and heedless of the costs. It is a classic example of surrender to the dictum of ends justifying means. In this case and so many like it, this country is discarding--ever so slowly but inexorably--the safeguards which have long protected it against totalitarianism. The average citizen and, incomprehensibly, apparently even the average congressman, never realizes it. He trades off a liberty for a new government "benefit" and believes he has made a good bargain. Centralization of power in an already bloated Federal bureaucracy is advanced one more step; several thousand or hundred thousand individuals or families are beholden to perpetuating the status quo, which usually means the administration which provided the benefit to them. The German nation did exactly the same thing in the thirties, at a much more rapid rate, to be sure. But make no mistake about it, the United States of America in the decade of the sixties has taken the same road.

This bill is a particularly egregious example of a milestone on that road. It is patently unconstitutional. It is an indefensible intrusion by the Federal government into an area where it has no constitutional right. It is the product of political expediency. It is politically motivated by an Administration which is willing to sacrifice the Constitution for the unquestioned allegiance of a highly vocal minority, aided and abetted by the radical judiciary and a large segment of the unquestioning press.

The Congress is the last bastion of the beleaguered forces who hope to preserve constitutional and republican government in this land. I urge you and your committee to oppose this legislation in spite of the political pressures for its passage; not on the basis of the rightness or wrongness of its objectives, but on the basis of constitutionality.

Sincerely yours,

George T. Neu

STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

The CHAIRMAN. Representative Pepper of Florida, our distinguished Member from the great State in the South. We are very glad to have you here, Mr. Pepper.

Mr. PEPPER. Thank you, Mr. Chairman, and gentlemen of the committee. I appreciate the privilege of appearing before this committee upon this momentous issue. Like most of you here on this committee, I am not a stranger to this struggle to try to remove bars and barriers from the fair exercise of the voting privilege for the people of the country.

I think it was in the late 1930's I introduced the first bill to outlaw the poll tax in Federal elections on the theory that it was at the present time as a requirement that the proposed voter pay a sum of money, a condition and not a qualification.

I introduced a similar bill later on in the 1940's, after President Truman recommended his civil rights proposal and I believe we got it out of the Judiciary Committee of which Senator Norris was the chairman twice, but it died as a victim of the well-known filibuster in the Senate.

I have also had bitter experience ever since I entered public life in being politically victimized for trying to stand up for what was decent for the Negro citizens of our country.

* * *

... In late years the Congress has made further efforts to progress this cause. In 1957—and great credit goes to our eminent and distinguished President for the leadership of that fight—and again in 1960 he played a large part; and finally last year, we passed the Civil Rights Act which contained a weakened, if not an emasculated provision relative to the enforcement of voting rights for Negroes, particularly.

There have always been these ingenious devices which have been contrived by clever and capable hands; as soon as the courts would strike down one they would come up with another and if necessary, the Governor would call a special session of the legislature to put some more on the statute books. That meant more long and tedious litigation, because if you are going to have any trial at all and any judicial hearing at all, you have to conform to the basic requirements of due process, an opportunity to be heard, and so on.

So there have always been these various obstructions that have been put in the path of the efforts we have designed. Thus, while some progress is detectable, not a great deal has been made and surely not enough has been accomplished.

Then in late weeks, the Nation has been shocked and shamed at what has happened in my native State of Alabama. I cannot in good conscience other than condemn it in the most severe sentiments that I am able to express, nor can I refrain from saying that I think a part of it was calculated and politically conceived by a Governor who thought to fasten his political power upon a State by the attitude and the position that he took. That is just my opinion, others have a right to theirs.

Anyway, we have seen the spectacle of people being denied the right effectively to register. We had two of our distinguished colleagues before the Rules Committee who came up in behalf of a resolution that there be a committee of the Congress to investigate what had happened in Selma, Ala. I asked one of our distinguished colleagues how many days of the week the registration offices remained open and he said, "Two." Well, I said, "How many do they register a day?" Well, he said, "They have got up to 70." Well, twice 70 is 140, and I said, "How many would you say there are in the county who are eligible?" I understood him to say some 16,000.

Well, it is not very difficult to make a quick calculation as to how long it would take that many people or even a few of that number, thousands of people, to register at that rate.

So the whole registration machinery was designed apparently to limit the number of people who could register.

The facts speak for themselves as to the number of people who have voted, and therefore the implication is deducible that they were prevented from voting by either the denial of the right of registration or intimidation against their exercising the right to vote.

Now, Mr. Chairman, we are the greatest experiment in democracy in the history of the world. I realize how many of my fellow Alabamians and many southerners feel about changing a pattern to which they are accustomed, but we are living in an age when our democracy is on trial before the world and people are questioning the integrity of our democracy, whether we mean what we say when we tell them that we want to help them to have a democracy, a democratic form of government.

Here with spectacles such as we had in Birmingham—and I only mention them now (it has not been so long since there were other States that exhibited a shameful practice before the country and before the world now quieted to a large or total degree); but the spectacle of dogs being set upon human beings who did nothing more than walk peacefully down the street; or denying men and women the right to walk two abreast along a four-lane highway without telling them, "You will have to walk on the side of the road if you walk or we are going to go along to see that you don't obstruct traffic;" giving them 2 minutes to disperse and then on the expiration of 1 minute charging them with horses, beating them over the heads with bludgeons, trampling women and children in the name of the law and by the authority of the highest law officer of the State, the chief magistrate of the State, and then brutalizing those people with tear gas as they did—for what?

They dared to try to get out of what some white men call "their place." Some of them say, "A Negro is all right if he will stay in his place." They presume how to describe him and to determine his place.

Well, Mr. Chairman, it just happens that the Constitution of the United States fixes the place of all of us in America and God fixes the place of all men white or Negro, or those of any color, born or naturalized in the United States, are citizens of America under one flag, dying if need be, for one cause, supposedly protected by one Constitution, dedicated to the principles of our democracy, all brethren under the Fatherhood of God.

So the time has come at long last when we have got to come to grips with this problem, painful in some respects as it is to those who are immediately affected. There are some white citizens who say "Yes, you have an ignorant Negro majority you are going to put me under in my country."

Well, how did those Negroes come to be ignorant? To a large degree because the white man did not provide the schools and the opportunity for them to get an education. Indeed, there have been those who did not want the Negro to get an education for he would want more money as compensation for his labor; he would want more rights; he would be more impatient of restraint or restriction. ...

STATEMENT OF HON. L. MENDEL RIVERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. RIVERS. Mr. Chairman, I want to thank the committee for the opportunity to speak even for a few moments on this bill through the generosity of you, Mr. Chairman, and my colleague Mr. Dorn.

I have no misgivings about what is going to happen to this bill. You know and I know that it is going to pass. You have set the deadline for the termination of the hearings. You have a schedule and we know all of this, but I want to remind you of history.

* * *

The Civil Rights Commission is not holding my State up as violating the law; we believe in law. We happen to have written this Constitution, people from my blood relationship wrote this document. We are kind of proud of this.

We urge people to vote. There is no place in this constitution where it says you have a "right" to vote. Find it and show it to me. You have a right to the equal protection of the laws, not a right to vote. You have a right to qualify based on the State law. There is no "right" to vote but you can't discriminate against me because my hair, what is left of it, is gray.

I do not say that any of you ought to look any better than I do, but what you do have you ought to be proud of.

Mr. RODINO. I would like to call the gentleman's attention, since he talks about the Constitution and doctrine as written by his predecessors, to article XV of the Constitution, section 1, "The right of citizens of the United States shall not be denied or abridged * * * on account of race or color * * *."

Mr. RIVERS. That is after it has been established by the States. The Constitution does not say you have a right just because you have two feet to go out and vote in South Carolina or New Jersey. First of all, you have to qualify but you can't keep me from going because I wear green trousers and you wear white ones. You can't be denied equal protection. Of course, we agree with this.

I represent many colored people in South Carolina. We urge them to register, to qualify. Our biggest trouble is getting them interested, in even bothering with voting.

Mr. ROGERS. Will the gentleman yield for a question?

Mr. RIVERS. I am making a pretty good speech, don't interrupt if you can't contribute to it. [Laughter.]

What is the gentleman's question?

Mr. ROGERS. The question is: Is not most all legislation that we propose in the Federal Government in effect in all of the States.

Mr. RIVERS. No, most of the legislation that you have been mixed up with since I have been in Congress has been directed at me and I don't see any signs of your changing. [Laughter.]

Mr. ROGERS. Well, I do not know about that.

Mr. RIVERS. But I am not against you because you just do not know what you are doing. I am sorry for you. [Laughter.]

Of course I am with you, I eat breakfast with you every morning and enjoy it. Most of the time you give me indigestion but I enjoy it.

Before I was interrupted, I was trying to tell you this: We urge people to qualify and exercise their right of suffrage. Now give my State, for instance, credit for what we are doing. You won't see these things in my State.

When we integrated our university you did not see any trouble. When the Supreme Court, the present makeup for which we have no respect, when they render a decision we are going to be here despite the fact we do not like their legislating all over hell's half acre, but when this Supreme Court speaks we believe the only way you can run this country is as a disciplined America, whether we like it or not. We recognize this and we are going to do it.

So we are making strides, we are going through a terrible change in America. I am not arguing about what is happening for instance in Detroit, where my daughter lives—they had to call off a basketball tournament the other day at some high school because the white and the colored had fights all over the place.

We recognize we are going through a change and a revolution in this country. I did not see anybody get on the floor of the Congress and holler about a banker being killed in Georgia right next door to me by two colored schoolteachers; this was murder, it had no place in Congress. We did not get up on the floor and brag about or say what had happened in New York when Malcolm X was killed, this was a tragedy. The murders you talk about in Alabama, of course they are tragedies, and whoever did it ought to suffer and pay the penalty for murder. I do not care where it is, we do not condone this kind of stuff.

Your civil rights bill last year can give everybody equal rights if you will give this Commission time to act, but it has to have time. This has enough authority to do anything, give it time.

The reason you are not willing to give it time is because Martin Luther King has told you to get busy and you are getting busy. This is not the way to legislate. No man who has the following of any sentimental group should dictate to the Congress, and this is what is happening.

So I ask you this: What is next? What is coming up next year? Are you going to take my land and, as Mr. McCulloch said, are you going to take it and reapportion it? Are you going to set people on my property because somebody said there is discrimination in the way we have not followed your minimum wage laws? What is next?

You know the reason you do not know, because they have not told you.

Now, this is the tragedy and the revolution through which we are going in the South. This is a political bill. In my State last year, 95,000 voted Republican because of the antics in Congress. Is this the way you want it?

Maybe you do not want the South tied up in the Democratic Party. Well, I have news for you, they are getting out and fast. They are Goldwater fans.

I do not know what all of them are going to do when they get their thinking lined up with the new leadership. I do not know what is going to happen, but we are going through a change all up and down the line.

What we need, and I want everybody to hear this, is to rest a while and let's for God's sake see where we are heading.

I do not plan to get on the floor of the Congress and make any violent speeches, I never have and I shall not begin; I do not want to offend people. I know what your problems are—you have all kinds of problems. I do not want to get out here and criticize or accuse you of something. Of course this bill is going to pass but let us go slowly and see where we are headed. ...