

# Text of President Johnson's Voting Rights Message

*Following is the complete text of President Johnson's message on voting rights, transmitted to Congress March 15:*

TO THE CONGRESS OF THE UNITED STATES:

In this same month ninety-five years ago -- on March 30, 1870 -- the Constitution of the United States was amended for the fifteenth time to guarantee that no citizen of our land should be denied the right to vote because of race or color.

The command of the Fifteenth Amendment is unequivocal and its equal force upon State Governments and the Federal Government is unarguable.

Section 1 of this Amendment provides:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

By the oath I have taken "to preserve, protect and defend the Constitution of the United States," duty directs -- and strong personal conviction impels -- that I advise the Congress that action is necessary, and necessary now, if the Constitution is to be upheld and the rights of all citizens are not to be mocked, abused and denied.

I must regretfully report to the Congress the following facts:

1. That the Fifteenth Amendment of our Constitution is today being systematically and willfully circumvented in certain State and local jurisdictions of our Nation.

2. That representatives of such State and local governments acting "under the color of law," are denying American citizens the right to vote on the sole basis of race or color.

3. That, as a result of these practices in some areas of our country today no significant number of American citizens of the Negro race can be registered to vote except upon the intervention and order of a Federal Court.

4. That the remedies available under law to citizens thus denied their Constitutional rights -- and the authority presently available to the Federal Government to act in their behalf -- are clearly inadequate.

5. That the denial of these rights and the frustration of efforts to obtain meaningful relief from such denial without undue delay is contributing to the creation of conditions which are both inimical to our domestic order and tranquillity and incompatible with the standards of equal justice and individual dignity on which our society stands.

I am, therefore calling upon the Congress to discharge the duty assigned in Section 2 of the Fifteenth Amendment "to enforce this Article by appropriate legislation."

## I.

It could never be a welcome duty for any President to place before Congress such a report of the willful failure and refusal of public officials to honor, respect and abide by any provision of the Constitution of the United States. It is especially repugnant to report such disregard directed against the Fifteenth Amendment by officials at the State and local levels.

The essence of our American tradition of State and local governments is the belief expressed by Thomas Jefferson that Government is best which is closest to the people. Yet that belief is betrayed by those State and local officials who engage in denying the right of citizens to vote. Their actions serve only to assure that their State governments and local governments shall be remote from the people, least representative of the people's will and least responsive to the people's wishes.

If there were no other reasons, the strengthening and protection of the vital role of State and local governments would be reasons enough to act against the denial of the right to vote for any of our citizens.

But there are other reasons to act -- clear, compelling and present reasons.

1. The challenge now presented is more than a challenge to our Constitution -- it is a blatant affront to the conscience of this generation of Americans. Discrimination based on race or color is reprehensible and intolerable to the great American majority. In every national forum, where they have chosen to test popular sentiment, defenders of discrimination have met resounding rejection. Americans now are not willing that the acid of the few shall be allowed to corrode the souls of the many.

The Congress, the Courts and the Executive, acting together in clear response to the will of the people and the mandate of the Constitution, have achieved more progress toward equality of rights in recent years than in all the years gone before. This tide will not be turned. The purposeful many need not and will not bow to the willful few.

2. In our system, the first right and most vital of all our rights is the right to vote. Jefferson described the elective franchise as "the ark of our safety." It is from the exercise of this right that the guarantee of all our other rights flows. Unless the right to vote be secure and undenied, all other rights are insecure and subject to denial for all our citizens. The challenge to this right is a challenge to America itself. We must meet this challenge as decisively as we would meet a challenge mounted against our land from enemies abroad.

3. In the world, America stands for -- and works for -- the right of all men to govern themselves through free uninhibited elections. An ink bottle broken against an American Embassy, a fire set in an American library, an insult committed against our American flag, anywhere in the world, does far less injury to our country and our cause than the discriminatory denial of the right of any American citizen at home to vote on the basis of race or color.

The issue presented by the present challenge to our Constitution and our conscience transcends legalism, although it does not transcend the law itself. We are challenged to demonstrate that there are no sanctuaries within our law for those who flaunt it. We are challenged, also, to demonstrate by our prompt, fitting and adequate response now that the hope of our system is not force, not arms, not the might of militia or marshals -- but the law itself.

## II.

The problem of discriminatory denial of the right to vote has been with us ever since colonial times.

The test of real property ownership was universal among the colonies and religious qualifications were numerous. Race, color, sex, age, employment and residence were all used as the basis for qualifying voters. Such restrictions continued to flourish among the States even after formation of the Union.

The first literacy tests were legislated in Northern States in an effort to exclude immigrants -- especially Irish -- from the franchise. When the Fifteenth Amendment was adopted, there were only six States which had never discriminated against voting by Negroes.

If discrimination has been a prevalent practice in our history of voting rights, the struggle against discrimination has been our consistent purpose generation after generation.

Since the adoption of the Bill of Rights, no other right has been strengthened and fortified so often by Constitutional Amendment as the right to vote. As early as 1804 -- and as recently as 1964 -- the Constitution of the United States has been amended on at least six occasions to prohibit discrimination against the right to vote, to enlarge the franchise, and to assure the expression of the people's will as registered by them at the polls.

The challenge facing us today is not a challenge of what the Constitution of the United States shall say -- but of what it shall mean.

What the Fifteenth Amendment says is unmistakable. What the Fifteenth Amendment actually means for some Americans in some jurisdictions is diametrically opposite to the clear intent of the language.

By the device of equal laws, unequally applied, Negro Americans are being denied the right and opportunity to vote and discrimination is given sanction under color of law. Varieties of techniques are infinite. Three are most commonplace.

1. The technique of technical "error."

Negro applicants for registration are disqualified on grounds of technical "errors" in their registration forms. Instances of record show Negroes disqualified for "errors" such as failure to write out middle names, abbreviating the words "street" and "avenue" in addresses, or failing to compute age exactly to the day. Where this technique is employed, "errors" are found in substantially all applications filed by Negroes, but few or none in applications filed by whites.

2. The technique of non-cooperation.

A technique commonly used in conjunction with the "error" technique involves simple non-cooperation by the registrar. Thus, he may be "out" for most of the day during registration periods. Registration may be possible only on certain days each month. Limits may be imposed upon the number of applicants processed each registration day. The variety of circumventions possible by this device is endless.

3. The technique of subjective tests.

By far the most common technique by which Negro citizens are prevented from exercising their right to register and to vote is the use of subjective tests, unfairly administered literacy tests, tests of "understanding," and tests of "character." The only standard used is the whim of the registrar. Such devices are used as vehicles for the rejection of untold thousands of voters -- solely on the basis of race and color.

Whatever the technique, the intended purpose of such devices is effectively served.

-- In one State ten years ago, 59.6 percent of voting age White persons were registered to vote. Only 4.3 percent of eligible Negroes were registered to vote. The changes since then are negligible.

-- In several States, there are counties with sizeable Negro populations where not a single Negro is registered to vote.

-- In scores of other counties where discrimination is not so blatant, it remains far more difficult for Negroes to register than for whites.

Too frequently discrimination is the aim and intent of such devices and discrimination is the result.

III.

The Congress and the Executive Branch of the Federal Government have recognized -- and sought to meet -- these challenges to the authority of the Constitution of the United States. I am proud to have been closely associated with the succession of Federal enactments, beginning in 1957 with the first Civil Rights Law in more than eighty years.

The major steps taken have been these:

1. The Civil Rights Act of 1957: The approach of this statute was to challenge through litigation the discriminatory use of vote tests.
2. The Civil Rights Act of 1960: This statute, pursuing the same approach, sought to simplify such litigation.

3. The Civil Rights Act of 1964: Still following the same approach, sought to expedite litigation.

In some areas litigation has been effective. But eight years of litigation has made it clear that the prompt and fair registration of qualified Negro citizens cannot be achieved under present legislation in the face of consistent defiance of the laws of Congress or the command of the Constitution.

IV.

The challenge facing us is clear and immediate -- it is also profound.

The Constitution is being flouted.

The intent of Congress expressed three times in the last seven years is being frustrated.

The national will is being denied.

The integrity of our Federal system is in contest.

Unless we act anew, with dispatch and resolution, we shall sanction a sad and sorrowful course for the future. For if the Fifteenth Amendment is successfully flouted today, tomorrow the First Amendment, the Fourth Amendment, the Fifth Amendment -- the Sixth, the Eighth, indeed, all the provisions of the Constitution on which our system stands -- will be subject to disregard and erosion. Our essential strength as a society governed by the rule of law will be crippled and corrupted and the unity of our system hollowed out and left meaningless.

For these reasons, therefore, I ask the Congress under the power clearly granted by the Fifteenth Amendment to enact legislation which would:

1. Strike down restrictions to voting in all elections -- Federal, State, and local -- which have been used to deny Negroes the right to vote.
2. Establish in all States and counties where the right to vote has been denied on account of race a simple standard of voter registration which will make it impossible to thwart the Fifteenth Amendment.
3. Prohibit the use of new tests and devices wherever they may be used for discriminatory purposes.
4. Provide adequate power to insure, if necessary, that Federal officials can perform functions essential to the right to vote whenever State officials deny that right.
5. Eliminate the opportunity to delay the right to vote by resort to tedious and unnecessary lawsuits.
6. Provide authority to insure that properly registered individuals will not be prohibited from voting.

Our purpose is not -- and shall never be -- either the quest for power or the desire to punish. We seek to increase the power of the people over all their governments, not to enhance the power of the Federal Government over any of the people.

For the life of this Republic, our people have zealously guarded their liberty against abuses of power by their governments. The one weapon they have used is the mightiest weapon in the arsenal of democracy -- the vote. This has been enough, for as Woodrow Wilson said, "The instrument of all reform in America is the ballot."

Yet today, in areas of America, segments of our populace must live in just that involuntary condition -- policed by forces they have no voice in choosing and forced to abide by laws they have no vote in adopting.

A people divided over the right to vote can never build a Nation united.

I am determined that these years shall be devoted to perfecting our unity so that we may pursue more successfully the fulfillment of our high purposes at home and in the world. While I have proposed to you other measures to serve the strengthening of our free society and the happiness of our free people, I regard action on the measures proposed in this Message to be first in priority. We cannot have government for all the people until we first make certain it is government of and by all the people.

LYNDON B. JOHNSON