

THE NEW VOTING BILL: RHETORIC AND REALITY

In his speech of March 15, President Johnson committed the U.S. Government without qualification to securing the right of every American to vote. Yet when on March 17 he sent the proposed bill to Congress, the President sent a letter describing the bill. In the letter he said: "This legislation will help rid the nation of racial discrimination in every aspect of the electoral process and thereby ensure the right of all to vote." The President's attitude in the letter to the Congress seemed considerably less committed to the idea of total enfranchisement than had the rhetoric of his address. The bill he submitted was much more attuned to the cautious tone of his letter, than to his address.

The bill applies only to 50% of the persons in any state or county of the nation. Under the terms of the bill, the old modes of discrimination could continue unabated and unrestricted in any area in which more than 50% of the voting age population had voted in the November, 1964, election. Thus the bill, at the outset proposed only to enfranchise one half of the people in any area to which the bill applied.

The Republican members of the Constitutional Subcommittee of the House Judiciary Committee pointed out that the 50% requirement in the bill would not help any Negroes in Southern counties in which there are sufficient whites registered to comprise 50% of the total voting age population. They also pointed out that the bill would have no effect in Southern states such as Arkansas, where no literacy test is in effect. The U.S. Attorney General, Katzenbach agreed that these criticisms were true. He said that the bill would not eliminate all discrimination and that it was not designed to do so.

The bill, said the Attorney General, is designed to deal with "massive discrimination" in "hard-core" areas. Other, less "massive," less "hard-core" discrimination can be handled under existing legislation, the Attorney General told the Subcommittee.

One might wonder just what kind of discrimination the Attorney General thought existing legislation would be effective against, since he had just described it as "...too slow...only minimal effect....inadequacy of the judicial process...substantially in failure...slow or ineffective relief...inadequacies of present statutes."

Furthermore, the Attorney General frankly admitted that the President's bill would provide no relief to New York's Puerto Ricans who had been disfranchised by the state English-language literacy test. But Katzenbach did think that the New York literacy test does prevent "many intelligent citizens" of Puerto Rican birth from voting.

Of course, we all know that the existing legislation has not "handled" anything thus far. Injunctions have been piled on injunctions in the South. Still local officials disfranchise Negroes, and the U.S. Government appears powerless to prevent it, existing legislation notwithstanding. Furthermore, if anything comes clear in the President's March 15 address, it is that each and every instance of racial discrimination is "massive," and that any area in which even a single person, white or Negro, is denied the right to vote is a "hard-core" area.

The whole history of the disfranchisement of Negroes in this country leads inescapably to one conclusion. The vote for Negroes in the South can only be secured by the Negroes and the whites in the North who already have it. And this cannot be done by pressure on the President and the Congress to enact more civil rights legislation, because the whole racist structure of the enormously complex U.S. Government provides those who govern with too many "outs"--the constitutionalism and legalism which have always been used to explain why the U.S. Government must condone lynching, mass murder, systematic terrorism, and every other horror the South has been able to devise to keep Negroes in subjection.

But the issues are clearly drawn in the CHALLENGE by the MISSISSIPPI FREEDOM DEMOCRATIC PARTY to the 1964 Mississippi Congressional elections.

The House of Representatives has clear, unequivocal, and unchallengeable constitutional authority to determine who shall and who shall not have seats in the House. No state can claim any right to decide this matter--no court, either state or federal can be appealed to with respect to this.

Therefore, the House of Representatives, by majority vote, can instruct the State of Mississippi, in detail, just how its Congressional elections must be conducted if the State of Mississippi wants its representatives seated in the House. The House can determine who shall and who shall not vote in such elections, under what conditions persons shall be registered to vote in those elections, and when and where the elections are to be conducted.

There is, or can be generated, sufficient northern support for the MFDP Challenge, that a majority of the members of the House, if they wish to retain their seats, will have no choice but to impose upon Mississippi such strictures with respect to Congressional elections, that the state will have to permit the "one man, one vote" principal to prevail if the state wants its representation in the House.

And once this principal is established and validated with respect to Mississippi, other southern states will be on notice that the same strictures apply to their Congressional elections. If they do not heed this warning, every Congressional seat in the deep south can be subjected to the same treatment in the Congressional elections of 1966.

Once the racist southern control of the important Congressional committees is eliminated, many of the political factors which prevent enforcement of federal law in the South will be eliminated also. Those factors which remain can and will be handled by Southern Congressmen, black and white, who must look to the approval of black constituencies to further their political careers.

Whether it is intended to do so or not, the introduction of voting rights legislation into the U.S. Congress at this time functions to divert attention from the MFDP Challenge, and, if it is passed, it will erode support both in Congress and in the nation, from the Challenge. Yet, in realistic political terms, the final enfranchisement of Negroes in the South depends much more on the effective pursuit of the Challenge, than it does on the enactment of any new civil rights legislation.

Further, the Attorney General's...
The bill would provide no relief to New York's Puerto Rican who had been...
Katsenbach did think that the New York Library test does prevent many...
Intelligence & Justice of Puerto Rican birth from voting.
Of course, we all know that the existing legislation has not handled...
anything thus far. Inquiries have been made on instructions in the...
South. Still local officials discriminate against Negroes, and the U.S. Government...
Further, if anything comes clear in the President's March 15 address...
it is that each and every instance of racial discrimination is "active,"...
and that any case in which even a single person, white or Negro, is denied...
the right to vote is a "hard-core" case.
The whole history of the disenfranchisement of Negroes in this country...
leads inescapably to one conclusion. The vote for Negroes in the South...
can only be secured by the Negroes and the whites in the North who...
already have it. And this cannot be done by pressure on the President...
and the Congress to enact more civil rights legislation, because the...
whole racist structure of the enormously complex U.S. Government provides...
those who govern with too many "outs" -- the constitutionalism and legalism...
which have always been used to explain why the U.S. Government must...
condone lynching, mass murder, systematic terrorism, and every other...
horror the South has been able to devise to keep Negroes in subjection.