



Department of Justice

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BY

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ATTORNEY GENERAL OF THE UNITED STATES

Before The

American Jewish Committee

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It is a great pleasure to be here tonight as a guest of the American Jewish Committee. As you know, the Committee was established in 1906 to work for the fundamental aspirations of the American People -- the truths that Jefferson enunciated in the Declaration of Independence. It has lived up to its ideals and I congratulate you.

Among its founders were such distinguished Americans as Louis Marshall, Jacob Schiff, Julius Rosenwald, Adolph Lewisohn, Cyrus Adler, Meyer Sulzberger and Felix Warburg -- all men who contributed greatly to the advancement of freedom and equality of opportunity that are so essential to the realization of the American dream.

And their work has been continued by such outstanding Americans as Senator Lehmann whose selfless public service and staunch dedication to his principles and beliefs are an inspiration to all of us.

This organization has made an outstanding contribution to this country and to the American People. It is the kind of contribution so typical of America and the type of voluntary service by individuals in the interests of their fellow human beings that is a hallmark of the American character.

I am also happy to be here to pay my respects to Judge Thurgood Marshall. It would be difficult to name another individual who has worked harder than Judge Marshall for the protection and realization of those civil liberties and civil rights that Jefferson so happily phrased.

As pleased as I am, in one sense, I was sorry to see Judge Marshall elevated to the bench. He was a fighter in the front ranks, both courageous and competent.

We need men of his caliber in this struggle -- which, in my opinion, is the paramount internal issue in this Country and which must be fought and won within the framework of our democratic system.

As a judge, he now becomes an arbiter of the requirements of our Constitution and of the responsibilities of our citizens. He brings the same integrity and good judgment in interpreting these matters as he has demonstrated throughout his career.

The eradication of racial and religious prejudice in the United States -- and in the rest of the world as well -- is a long-term process.

What I think distinguishes the United States is the great effort now being made to deal with this problem. The President and the Federal Government are working diligently toward that end. Further, the vast majority of the American people are aware of the problem and anxious to do something about it. And I do not exclude any section of the United States. The vast majority of the people -- north, east, south and west -- want to get something done and move ahead in this field.

How different from the Soviet Union where the attacks on religious and racial minorities are hidden from public view; where the government itself recently deposed a number of Jewish religious leaders in religious congregations; and where only a few months ago the Communist Party journal attacked the Jehovah Witnesses and Seventh Day Adventists as "poisonous religious narcotics."

We live in a free and open society and we do not hide our faults behind a wall or try to bury our mistakes or conceal incidents, however shameful. As a result, the whole world knows that we have racial and religious intolerance. The great effort being made by the American Government and the American people to eradicate it is not as well known or understood around the world.

Legal action in this battle is a prime concern of the Department of Justice. We move, sometimes not as fast as we would like, but we move with all the speed we can.

And in the past sixteen months we have dislodged stones in our path which I believe, in the future will become an avalanche destroying forever the prejudices and injustices that exist today.

We are focusing our efforts at this time in mobilizing support for legislation which will end abuses in the administration of state literacy requirements.

This legislation would ban the unfair use of literacy tests to prevent literate persons from voting. The right to vote is basic to our system of government and the history of the United States demonstrates that as minority groups have achieved the vote their lot has improved. Intolerance and prejudice have not disappeared, but when a minority has made itself felt at the ballot box, there has been greater opportunity for advancement and discrimination has gradually disappeared.

We are taking this legislative action even though we feel a great deal of progress has been made in the last year in lessening discrimination through administrative work.

In the field of transportation alone, more than one hundred bus terminals and more than two hundred railroad terminals have been desegregated.

There has been a major drive to eliminate discrimination in employment. The Vice President's Committee has been particularly effective in this effort.

Further, race and religion have been no bar to employment for responsible positions in the Government.

For example, negroes of ability and integrity have been appointed for the first time as United States Attorneys, District Judges and to many other important offices. They haven't been hired because they were negroes, but they were not denied the opportunity to hold these positions because of their color. That is what is important.

Much of the Administration's effort has been done quietly in talks and meetings with local officials in areas where there have been violations of civil rights. In the vast majority of cases, local officials have taken action to correct the situation.

For six months prior to the opening of school last fall, we met with school officials in areas where it was predicted that there would be difficulties and troubles when schools were desegregated for the first time.

Nothing was published about these meetings. Nothing was written about them. That should not be nor was it the objective. We were interested in having these schools opened last September without violence, and that's exactly what happened.

However, despite this progress, we have come to the conclusion that there is need for legislation -- and that the most pressing need and the one with the best chance of success is in eliminating discrimination in voting. That is why we are making a major effort at this time to eliminate the unfair use of literacy tests and that is why I would like to talk about it for a few minutes.

Why is such legislation important. In four cases in which the Department has participated in, just this week, unfair application of literacy tests was the means used in each case to deny a substantial number of American citizens the right to vote because of their color.

In one case a negro, who has a national science foundation research grant, was declared "illiterate" and, therefore, denied the right to vote.

In the files of the Department of Justice are hundreds of examples of similar situations. College professors, school teachers and ministers have been declared illiterate while white applicants in the same districts who have attended only the second or third grade have been declared literate and permitted to vote.

The method and means of discrimination take many forms. In one district, negro applicants who stated their names in four different places on one application form were rejected because they failed to insert it in a fifth place.

In another state, some negro applicants were asked to explain "due process of law" to a registrar who had no legal training. Needless to say, none succeeded. Whites on the other hand were not asked a similar question.

In still another state, a negro college graduate was denied registration because he mispronounced a Latin phrase in a state constitution.

So the legislation we advocate recognizes a fact of our national life -- that persons who have completed the sixth grade are qualified to vote and are fully capable of intelligent participation in the democratic processes by any reasonable standard fairly applied.

States' rights to set voting standards would not be affected in any way whatsoever. All that this legislation would do would be to prevent any person who had at least a sixth grade education from being declared illiterate -- because of their color -- but if a state wanted to require that its voters have completed the eighth grade, the tenth grade, or be college graduates, it would have every right to do so. Just as long as it established criteria which it applied straight across the board and did not use for the purpose of preventing a certain class of persons from voting, we would have no quarrel, it would be perfectly legal.

We can and are taking action to remedy the situation through the courts on a county-by-county basis and we have made significant progress. A year ago, the Federal Government was actively attacking voting discrimination in only about a dozen counties. Now we are at work in more than one hundred counties.

But, as I said in Roanoke, Virginia, earlier this week, the problem is so deep-seated and so manifestly unfair, that I believe it demands a solution which cannot be achieved by lengthy legislation on a piece-meal basis in the courts.

In one recent case, we had to examine in detail some 36,000 voting records; take testimony from 180 witnesses at the trial and have four lawyers devote full time for several months to prepare the case.

Hundreds of thousands of our fellow Americans are being denied the right to vote through these tests. This bill would be a major step in remedying the situation. It can be done quickly and easily by Congress, for the right to vote is the easiest right to grant.

This legislation would remedy the situation in the South, but it also would remedy a serious problem here in New York where many citizens of Puerto Rican origin are unable to vote.

These persons were educated under the American flag in schools in which Spanish is the classroom language. By virtue of an Act of Congress, the United States assumed a special obligation to the citizens of Puerto Rico. Part of that obligation has been fulfilled by granting them full American citizenship.

This bill would be a desirable and necessary additional step by removing discrimination based solely on the language in which they have been educated, in the schools for which we have a heavy responsibility.

They are literate citizens, and they can be intelligent voters. The numerous Spanish-language news media available here in New York and in the United States amply inform their readers and listeners about public issues.

In my opinion, we have a national obligation to eliminate the causes of their inability to vote.

This legislation is now being debated in the Senate, and there are great problems and difficulties in getting past procedural hurdles. There is no doubt that a majority of the Senators favor the bill.

Because of the extremely difficult procedural problems the easy thing to do would be not to press for its passage at this time.

But Senator Mansfield is making a strong effort. The critical votes are expected to come within the next two weeks. Regardless of the outcome, we will continue to press for this legislation until it is passed.

President Wilson once said: "I believe in democracy because it releases the energy of every human being."

In these times we need the vigor and the faith of every American as we seek to advance the cause of freedom in a period of perilous cold war. To thwart thousands of our fellow Americans from participating fully in the processes of our Government is to weaken that vigor and to dilute that faith, and we cannot afford it.

But, this is only one aspect of the fight which we must win.

We want and must always want a world of free men. Our record testifies to our desire to see men of different races achieve their own destinies in such fashion as they choose -- while respecting those principles of regard for life, individual liberty and happiness to which we are dedicated. But if we are to remain the leaders in the fight for freedom, we must achieve here at home a full measure of freedom and social progress for all Americans.

In this struggle, our greatest assets are that we have the truth on our side and that we believe that the state exists for the individual -- not the individual for the state.

These are the things which we can offer which our opponents can never match. They can compete with us in material progress -- in getting to the moon and constructing the Aswan Dam in Egypt and in building mills and power plants in India. But they must wall their people in, conceal their failures and hide their weaknesses and mistakes.

And, so, our ability to give greater meaning to our basic principles here at home is as important as the race for outer space, the race for equality, if not for superiority in nuclear weapons. And I urge you constantly to concern yourselves with it.

Our future outside our borders, will in large part be decided by what we do within the United States. The History of Jewry for over a thousand years has been a history of tribulation, but never during those years a history of spiritual bondage. Its ideas about the relationship of man to the state are those of the democratic world.

As it has requested, vainly at times, tolerance, so it in turn bears a message of tolerance, of charity toward all. This is the fight you have been waging for over fifty years and you can take pride in what you have achieved.

But since your ideals are not only those of Judaism, but of America, the importance of your efforts to us of a different faith must not go unnoticed.

All of us must be one with regard to our support of the basic principles of freedom. They are the reasons that make for loyalty to our United States; they are the reasons that should govern our actions abroad as well as at home.

Life, liberty and happiness, without qualification, without discrimination on the ground of race or religion, must continue to be the credo of American life and it should be plainly exportable.

Barriers have been created against it; witness, as I have witnessed, the Berlin Wall. But barriers to ideas, as all history has demonstrated, are eventually futile.

You have dedicated yourselves to the ideas of truth and justice, whatever the barriers. May God bless you as we all thank you in the furtherance of your undertakings in behalf of these great principles.