



# Department of Justice



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ADDRESS

By

HONORABLE ROBERT F. KENNEDY

ATTORNEY GENERAL OF THE UNITED STATES

at

Kentucky's Centennial

of

the

Emancipation Proclamation

Freedom Hall

Louisville, Kentucky

March 18, 1963

One hundred years ago, Abraham Lincoln, a son of Kentucky, proclaimed that all persons held as slaves in the area of rebellion, "henceforward shall be free."

We join today, in the Centennial of that proclamation to rededicate ourselves to the parallel doctrine that all Americans, of whatever race or creed, shall also be equal.

The Emancipation Proclamation was an act of great courage and great clarity. As Lincoln went to sign it, he said:

"If my name goes down in history, it will be for this act. My whole soul is in it. If my hand trembles when I sign this proclamation, all who examine the document hereafter will say: 'He hesitated.'"

But Lincoln's hand did not tremble. He did not hesitate. As always, he saw with greater vision than those around him what issues were at stake in the war. He called the Proclamation an act of justice and invoked upon it the "considered judgment of mankind and the gracious favor of Almighty God."

On another occasion, he tied his act to the essence of our national purpose, saying, "In giving freedom to the slave, we assure freedom to the free."

The signing of the Emancipation Proclamation started the Clock of progress ticking toward the day when all Americans could live, in practice, according to the national ideal that all men are born free, with equal opportunity to obtain justice and equal opportunity to pursue--and obtain--happiness.

But a quarter century later, the clock practically stopped. For the next fifty years, the doctrine of "separate but equal" lay like a dead hand on the springs of progress. The nation had not retained nor understood the clarity of Lincoln's purpose.

It was another son of Kentucky who saw most precisely when our nation stopped moving ahead towards equal opportunity for all Americans. Mr. Justice John Marshall Harlan, a former slave owner himself, and an opponent of the enactment of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution, was a native of Boyle County who served on the Supreme Court of the United States for 33 years. His was a dissenting voice on questions of racial equality and the commands of the Constitution, but it, also, was a voice of great clarity.

In 1883 the Court struck down what was to be the last action of Congress in the civil rights field from 1875 to 1957. Justice Harlan predicted in his dissent to that opinion that "we shall enter upon an era of constitutional law, when the rights of freedom and American citizenship cannot receive from the nation that efficient protection which heretofore was unhesitatingly accorded to slavery and the rights of the master."

Thirteen years later, the Supreme Court put its stamp of approval on the practice of segregation. But again the vision of the American ideal was in a Harlan dissent. He saw that segregation "puts the brand of servitude and degradation upon a large class of our fellow citizens, our equals before the law." He said that the practice in the long run "gives no other result than to render permanent peace impossible and to keep alive a conflict of races, the continuance of which must do harm to all concerned."

He said, "Our Constitution is color-blind, and neither knows nor tolerates classes among citizens."

In our generation, that view is no longer expressed in dissent. It represents the view of the majority of our nation. We can see now, with the vision and clarity of Lincoln and Harlan, the toll exacted by discrimination --whether overt segregation or covert bigotry.

And when we talk about the human rights guaranteed by the Constitution, we must talk about both segregation and bigotry, whether in the North or in the South. Lincoln said, "The North responds to the proclamation sufficiently in breath." There is a very great need for the North to respond to the deprivation of rights in action as well.

Our effort cannot be directed only against open discrimination in one area, while ignoring the real deprivation of opportunity caused by indirect discrimination in another.

As President Kennedy said just three weeks ago:

"The Negro baby born in America today--regardless of the section or state in which he is born--has about one-half as much chance of completing high school as a white baby born in the same place on the same day--one-third as much chance of completing college--one-third as much chance of becoming a professional man--twice as much chance of becoming unemployed--about one-seventh as much chance of earning \$10,000 per year--a life expectancy which is seven years less--and the prospects of earning only half as much."

Lincoln described the signing of the Emancipation Proclamation as the central act of his administration and "the great event of the Nineteenth Century." Today, we can maintain that America's present accelerating effort toward the fulfillment of Lincoln's central act is the great event of our century.

We have come to the time in our history to show the world and ourselves --what our ideals mean in practice: that Americans are generous, not merely affluent; that we are concerned with character, not with color; that, in Lincoln's words about his proclamation we seek progress "not in anger, but in expectation of a greater good."

We have a lot to do. With your help--with the help of Americans of vision and goodwill everywhere--I believe and I pray that we will do so. Kentucky, the mother of Lincoln and of Harlan, will be, under the leadership of Governor Combs, in the front ranks of the forward march.

Thus, I am especially happy to be here tonight to participate in this observation, not only of what Lincoln did a hundred years ago, but of what we must do today.

We must make sure that the Negro citizens of all states can fully and freely exercise their franchise. This may take strenuous litigation and great energy on the part of many people. But it is worthwhile as we have found out in the past two years. Under existing law the Department of Justice has filed 35 suits--25 of them in this Administration--to end discrimination against Negroes who seek to vote.

Some southern states use a literacy test to deny Negroes the right to register. As a result, barely literate whites, coached by the registrar, are allowed to register and vote. Meanwhile, Negroes--including scientists with national research grants or teachers with advanced degrees--are declared arbitrarily to be illiterate and thus denied the right to vote.

The difficulty is that each one of these cases require extremely detailed preparation and many months to litigate. In Ouachita Parish, Louisiana, for example, the Department filed suits in July, 1961. Although 24,000 of 40,000 eligible whites were registered to vote, only 725 of the 16,000 eligible Negroes were registered. In the 21 months since we brought the suit, a special election for Congress has passed. A general election has passed. Still not even the date for trial has been set.

But the results are worth the effort. Where the voting suits have been completed, Negroes have been registered in increasing numbers. In Bullock County, Alabama, 5 Negroes were registered last September. Now there are a thousand. In neighboring Macon County, 2,800 Negroes are registered today. Only a handful were allowed to register there in 1961.

To speed up this process, the President has asked Congress to authorize that voting suits be given priority on the dockets and be expedited.

We must achieve equal education opportunities for all our children regardless of race. Segregated schools cause educational as well as psychological difficulties and the resulting drain on our greatest resource--the spirit and knowledge of our children--must be eliminated.

We may observe, with as much sadness as irony that outside of Africa, south of the Sahara where education is still a difficult challenge, the only places on earth known not to provide free public education are Communist China, North Vietnam, Sarawak, Singapore, British Honduras--and Prince Edward County, Virginia.

But while the situation at Prince Edward County or the violence which occurred last fall in the University of Mississippi may capture the headlines, the far more important fact is that an increasing number of southern communities, local officials, and citizen groups are working effectively to desegregate their schools peacefully and without fanfare. Last year, for example, 60 southern school districts were desegregated without any difficulty whatsoever.

It should be our goal to make it possible for any child who wishes to do so to enter the same public schools on the same basis as they are made available to children of another race.

We must continue achieving equal job opportunities for all our people. We must do this because we have proved to ourselves and to the world that it is the quality of the man, and not the color of his skin, which determines who can serve on our courts; who can hold high public office; who can exercise great responsibilities in office; who can produce miracles of science or our educational institutions. This has now been shown by example after example, until examples are no longer necessary.

And finally, we must move ahead throughout the country in achieving, for all our citizens, access to public places and the freedom to live where they choose.

President Kennedy said in his message last month: "No act is more contrary to the spirit of our democracy and Constitution than the barring of (any Negro) citizen from restaurants, hotels, theaters, recreational areas and other public accommodations and facilities."

In the past three years alone, many states by law and many cities by voluntary act have ended a century of such discrimination. And last year, as a result of federal action, virtually every bus station, every railroad station, and every airport in the South was desegregated. It is now possible to travel from Seattle to Key West and not see signs "whites only" or "colored only."

Many states and cities as well as the federal government through executive order last fall also have moved to open communities to Negro residents. By the end of this decade we will have gone much, much further down this road.

We are, in short, turning a corner--in a period of great and intense change.

Once again the mark of this change is seen with clarity here in Kentucky. Only today, Governor Combs has issued a Code of Fair Practice, following the establishment of the Kentucky Commission on Human Rights and the Louisville Human Relations Commission. This is a wise and long step for the State of Kentucky. It is also a reflection of how far all the American people have gone in understanding the wisdom of the Emancipation itself, and the dissents of Justice Harlan.

In the last analysis, the changes of this decade are not going to be those of the federal government or of the states or the cities. They will come, rather, as is right in a free society, from the people themselves--from their hearts and their minds and consciences.

The Kentucky Code of Fair Practice shows how the states can assert their responsibilities and thus preserve their rights. And my own experience in the Department of Justice over the past two years has convinced me beyond

question that the vast majority of the people in all the states--in the North, South, East and West--want to obey the law, and that the American people as a whole demand progress in this field and will not accept the status quo.

The problems that remain are massive. The results of racial discrimination carry on for generation after generation. To face this openly, and to try to meet it squarely, is the challenge of this decade of change.

It is one thing to free the franchise for all our citizens. It is another to persuade everyone that they should register and vote, and still another to learn to exercise the franchise wisely.

It is one thing to open the schools to all children regardless of race. It is another to train the teachers, to build the classrooms, and to attempt to eliminate the effects of past educational deficiencies. It is still another to find ways to feed the incentive to learn and keep children in school.

It is one thing to open job opportunities. It is another to train people to fill them, or to persuade American enterprise to seek Negro as well as white applicants.

It is one thing to free new housing for all citizens regardless of race. It is another to enable more Negroes to have the means to take advantage of decent housing.

The federal government, the states, each city, and all organizations which have devoted their energies to the cause of racial justice, should recognize clearly that these are the challenges of the future: that meeting them requires a great outpouring of energies of a very different kind than the instruments of government and the private organizations have used in the past.

The Emancipation Proclamation had and has great meaning for America. It has brought the American Negro within calling distance at least of all the privileges and protections of our Constitution and Bill of Rights. It has given him the freedom to speak his mind.

But for this reason and for others it is clear that the meaning and reach of the Emancipation are by no means confined to the boundaries of the United States. If it was true, as Jefferson said, that the American revolution belonged to all mankind, the same may be said--in fact must be said--of the Emancipation.

Its message sweeps like a great tide which will enter and wash out every crevice of unjust privilege in the world. It has meaning for the underprivileged and struggling masses of our own hemisphere. For millions of them are still slaves to hunger, disease, illiteracy, and abject poverty.

Must any nation or group of nations which systematically bring the individual to his knees before the will of the State--which, more often than not, means the whims of a small group of self-centered men.

The bowed heads of the world are no longer those of American Negroes. They belong, rather, to the unfortunate millions living under communism and other forms of tyranny.

The act we celebrate today must not be considered a purely American experience. It is a torch that men will pass from hand to hand into every dark place in the world where slavery, of one kind or another, exists.

This work will go forward firmly, without malice and with charity not merely because of the Cold War but, as the President has said, "because it is right."