

UNITED STATES GOVERNMENT

Memorandum

TO : THE PRESIDENT

DATE: March 4, 1965

FROM : Lee C. White *lcw*

SUBJECT: Notes for Meeting with Dr. King on March 5th.

1. Voting Rights -- There is general agreement that the Constitutional amendment approach would require too much time and thus we have concentrated on a statute. Key elements under consideration by Justice Department:

- a. Finding of Discriminatory Actions -- Every effort will be made to stick as closely as possible to the 15th Amendment which prohibits the denial of voting on racial grounds. Under this, the literacy test and any other tests applied in a discriminatory manner would be barred.
- b. Federal Registrars -- Where there was failure to register, even with the elimination of discriminatory tests, Federal officers could register otherwise qualified voters.
- c. Scope -- These provisions would apply to Federal, State and local elections.
- d. General Framework -- Although Federal legislation is probably not appropriate, any message to Congress might also refer to the standard registration and voting difficulties, without regard to discrimination, found to exist in many States by Scammon's Commission -- for example, excessive residence requirements, unreasonable absentee voting or none at all, etc.

2. The King-Farmer-SNCC Memorandum -- The Justice Department has not yet received a copy of the memorandum, but expects to have one by tomorrow (Friday) together with an analysis of where it differs from Justice's present thinking. You may wish to refer to the existence of the memorandum and use that as a starting point to stress the need for some restraint on the part of civil rights groups.

3. Constructive Efforts to Assist the Legislation -- There is considerable national interest in voting legislation, but it can be drained off by mistakes. As pointed out in the meeting Dr. King had with the Vice President and the Attorney General, the failure of the Negroes of Selma to accept and implement the order of Judge Thomas makes it very easy for opponents of the legislation to point out that effective use of existing statutory authority is all that is needed. According to Roy Wilkins, the memo also refers to the 1000 to 2000 sit-ins due to call on the Congress this summer. It is difficult to think of anything that would have more harmful effect on passage of legislation.

4. Basic Strategy -- You may wish to indicate your efforts and those of the Vice President and the Attorney General to check with (a) the Negro leadership, (b) the Republican Congressional leadership of Dirksen, Ford and McCulloch and, (c) Russell Long. The same well planned and intensive effort that resulted in the 1964 bill will be necessary.

5. Governor Collins' Program -- When Dr. King was here last, Governor Collins indicated to him some of the activities that his organization has been engaged in. It may be useful to recall this to Dr. King's attention and indicate that in many ways Governor Collins can help avoid trouble before it becomes ugly and difficult. His people should keep in touch with Collins' people.

6. Appointments -- Among recent appointments are Lisle Carter, formerly of HEW, and Ted Berry, both among the top half dozen in the Poverty Program; Andrew Brimmer, who was promoted to Assistant Secretary of Commerce; Roger Wilkins, Roy's nephew, who is one of Governor Collins' key men; others are in the works. There has begun to be some little external pressure on the appointment of the Equal Employment Opportunity Commission, authorized by Title VII of the Civil Rights Act -- John Macy is working on this with a number of us and I believe he will soon have a slate of candidates for your consideration.

7. Press Statement -- I presume you will want to discuss what might be the tenor of Dr. King's remarks when he leaves your office.