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FOR RELEASE (Statement by Senator Ralph W. Yarborough on the floor of
the U. S. Senate)

SHOCKING ATTACKS BY GOVERNOR CONNALLY AND ATTORNEY GENERAL CARR
OF TEXAS ON ATTORNEY GENERAL NICHOLAS KATZENBACH AND THE
NATIONAL ADMINISTRATION IN CONNALLY-CARR EFFORTS TO LIMIT VOTER
REGISTRATION IN TEXAS

Mr. President:

On February 9, 1966, a three-judge Federal Court sitting at Austin, Texas, composed entirely of judges who had practiced law in Texas for many years before appointment to the bench, held unconstitutional a sixty-four year old poll tax requirement for voting in Texas. Shortly thereafter, Governor John Connally of Texas convened the Texas Legislature on February 14 to pass a registration law for a system of registration without payment of poll tax. The Legislature enacted a law requested by Governor Connally which provided a period for registration for voting in the 1966 Primary and General elections, without the payment of a poll tax; such period of registration to begin March 3 and to end March 17.

By its order entered on February 9, 1966, the Federal Court, composed of U. S. Circuit Judge John Brown of Texas (appointed by President Eisenhower), U. S. Circuit Judge Homer Thornberry (appointed by President Lyndon B. Johnson) and U. S. District Judge Adrian Spears (appointed by President John F. Kennedy) unanimously entered an order "enjoining and prohibiting the officers of the state of Texas from requiring the payment of poll taxes as a prerequisite to voting in general, special and primary elections, federal, state or local, in the state of Texas", and then ordered that "the court retains jurisdiction of this cause for such other and further orders as may be required".

The three-judge Federal Court expects to look at the results of the 15-day registration to judge its effectiveness. Since facts on its effectiveness will need to be presented to the Court, the Justice Department is using the FBI to gather pertinent facts. The Justice Department regularly uses the FBI to gather facts in all types of cases, civil and criminal. The FBI fact-finding was not threatened as a club, or publicly announced by the Justice Department as a political move -- all the publicity on it came from state candidates, since it was not concealed from the State.

The FBI is expected to gather facts on the publicity given to the open registration period, the number of deputies used to increase registration, the number of offices available to register in, and their office hours. This information is to be gathered in representative counties.

Attorney General Katzenbach phoned the Attorney General of Texas, Waggoner Carr and advised him of the merely fact-finding duties of the FBI and that they would be used to gather facts, but not in an attempt to supervise the registration. Within a matter of a few days, Attorney General Waggoner Carr of Texas and Governor John Connally, aided and followed by some other state and federal office holders in Texas, denounced the Attorney General of the United States in a shocking and discreditable manner. Mr. President, I ask unanimous consent to have printed at this time in the Record an article from the Dallas Morning News, March 3, 1966, entitled "Connally, Carr Rap Voter Check by FBI", and an article from the same issue of the Dallas Morning News entitled "Katzenbach Astonished", and another article from the same issue of the Dallas Morning News entitled, "Registration Rule Altered"

It will be noted from this article entitled, "Registration Rule Altered", that after being advised that FBI agents would be sent into Texas, Attorney General of Texas Carr changed his previous interpretation of the new voter registration act. Carr's first instructions ordered that in cities of more than 10,000 population in Texas, persons over 60 years of age could not register under the new law. Under the old laws, voters over 60 years of age, but living in cities of more than 10,000, were exempt from poll tax payments, but had to obtain an exemption certificate.

On the passage of the new law in February, Attorney General Carr ruled that in case of voters over 60 years of age in cities of over 10,000 population, a failure to obtain an exemption certificate before January 31, 1966, barred those more than 60 years of age from obtaining a free exemption certificate under the new law. Upon learning that FBI agents were watching the registration to be able to furnish the court with information for use in the event of additional attack on the reasonableness of the state's action, Attorney General Carr hastily changed his ruling as reported in the Dallas Morning News of March 3, 1966 and ruled that prospective voters over 60 years of age, living in cities of more than 10,000 might register between March 1 and March 17 under the new law and vote this year.

Vastly beneficial effect has been obtained by the sending of FBI agents into Texas. Prior to this change of ruling by the Attorney General Carr, the tax assessors and collectors in Houston, Harris County, in Fort Worth, Tarrant County, and a number of other counties were instructing that people of more than 60 years of age living in cities of more than 10,000 who did not obtain an exemption certificate under the old law, prior to January 31, 1966, could not obtain free voter registration under the new law and thus be qualified to vote.

Furthermore, the tax assessor and collector for Harris County (including the city of Houston) and many other cities, acting on instructions from state officers at Austin, Texas, had advised prospective voters that the informal type of application for a free registration, being printed in many newspapers in Texas, could not be used as a basis for registration but that the prospective voters must wait until the tax assessors and collectors had printed application forms-- these forms to be printed under the new law, the registration time from the 3rd to the 17th of March already being in effect.

After news of the arrival of FBI Agents in Texas, these rulings were hastily changed and tax assessors and collectors who acted in good faith on advice of state officials in Austin had advised the public that the informal type of applications for registration being printed in daily papers over the State could not be used to apply for voter registration in Texas, now advised the public that such proper registration forms could be used wherever printed.) Thus, two vast and beneficial changes have been obtained already by the sending of FBI agents to Texas and Attorney General Katzenbach is to be commended for his action in aiding the court by sending them there.

The state officers are apparently angry that the poll tax was stricken down (the Attorney General has fought long and diligently to try to keep the poll tax in Texas). For those Texans who have not paid their poll tax this year, the State has provided this short two-week registration period. For future years, however, the law will require annual registration prior to February 1 of each year. Texas thus becomes one of the only five states in the Union with an annual registration instead of a permanent voter registration that 90% of the states have. Thus an effort is still being made to restrict the size of the electorate in Texas.

Illustrative of the anger of the state officials of Texas over the action of the Federal Court in enforcing those constitutional rights which will expand the electorate are articles from the Daily Press of Texas. Mr. President, I ask unanimous consent that there be printed at this point in the Record an article from the Austin American of March 3, 1966 under the title "Connally, Barnes join Carr in Indignation at the FBI check of Registration", an article from the Fort Worth Star Telegram of March 3, 1966 under the title "Connally Blasts Plan of FBI Voter Watch", an article of San Antonio Express of March 3, 1966 under the title "Katzenbach Act Called Insulting: U.S. Planning to Monitor Registration.", and an article in the same issue of the San Antonio Express entitled "Counties Advised to Make Certain All May Register" and articles from the Houston Post, March 3, 1966 under the titles

"FBI Check on Voters Denounced" and a subsequent headline "Over Sixty may Register Carr Rules".

All of the people of Texas who believe in real democracy and the expansion of the electorate owe a vote of thanks to the Federal Court, the Federal Judges on it, and to Attorney General Katzenbach and to this Administration for their actions involving the electorate in Texas.

It is shocking that so-called Democratic office-holders in Texas, namely Governor John Connally, Attorney General Waggoner Carr, and others should denounce the national Democratic Administration for its efforts to secure voting rights for the people of Texas. The National Administration is to be commended instead of denounced for its diligent efforts to assure constitutional voting rights for the people of Texas.

It is estimated that 2.4 million Texans qualified to vote under the old law but that there are 3.4 million more adults who could qualify under the Federal Court opinion. These 3.4 million unregistered are given 14 days by the Connally-Carr political machine to qualify to vote in Texas.

Mr. President, in protecting and securing the voting rights of Texas, the three-Judge Federal Court is right; this Administration is right; Attorney General Katzenbach and the President who appointed him are right. The Texas lawyers in Katzenbach's office who advise him are right, and the Governor and the Attorney General of Texas are wrong and those public officers in Texas who have sided with them are wrong. Connally, Carr, et al, are fighting the basic right of people to vote.

Mr. President, I ask unanimous consent to print at this point in the Record my remarks at Houston, Texas, last Friday evening, March 4, under the title of "A Plan to Bring Texas Into the Twentieth Century Politically and Governmentally", which deals mainly with the right to vote in Texas and the restriction on that right to vote that the people of Texas have suffered for many years.

Mr. President, I also ask unanimous consent to print at this point in the Record the opinion of the U. S. District Court for the Western District of Texas, Austin Division, under the title of "U. S. of America Plaintiff versus State of Texas, et al Defendants" Civil Action #1570 before Brown and Thornberry Circuit Judges and Spears, District Judge, and the decree in that same cause dated February 9, 1966.

Mr. President, I ask unanimous consent that my radio report to the people of Texas on the week-end of the 5th and 6th of March, 1966, be printed in the Record at this point.