

# NATIONAL REVIEW

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**BULLETIN**

**A** workable definition of a functional illiterate is the man who believes the proposed legislation of Lyndon Johnson is constitutional. Article I, Section 2, Clause 1 of the Constitution explicitly acknowledges the right of the states to set up their own voting qualifications, provided only that any citizen permitted to vote for the most numerous branch of a state legislature be also permitted to vote for the House of Representatives. Since 1789, various constitutional amendments have refined the original understanding. The 15th forbade discrimination on account of race. The 20th on account of sex. The 24th on account of failure to pay a poll tax. What Lyndon Johnson now proposes is that state tests demanding various degrees of literacy be set aside by federal registrars in those places (the South) where a) fewer than 50% of the adult population voted in the 1964 election, and b) more than X number of Negroes complain that literacy tests are being used discriminatorily against them. And yet it is wholly conceivable that a state should set standards, administer them impartially—and bar from the polls more than 50% of the state's adult population. And conceivable that X number of Negroes, finding themselves disqualified, should allege racial discrimination where none such actually occurred.

The setting of voting standards—of whatever difficulty—is a legitimate exercise of what used to go by the name of the sovereign power of the states. Under Mr. Johnson's proposed law (as it is currently understood) they would simply be set aside, in certain states, on the unexamined

complaints of a few dozen Negroes. Mr. Johnson did not explain how come we needed a constitutional amendment as recently as a year ago to do away with the poll tax but now suddenly don't need a constitutional amendment in order to do away with literacy tests.

The constitutionalists are at a disadvantage because as a matter of plain fact they sat around doing nothing while the 15th Amendment to the Constitution was being studiously ignored. In spite of their psychological disadvantage, friends of the Constitution should immediately propose alternative legislation whose outlines are as follows: The states must and will continue to set standards for qualifying their own voters. These must, of course, be administered without discrimination against race. In the event of substantial and verified complaints by abused voters to the Justice Department, federal registrars will replace, for the forthcoming election, the state registrars, and proceed to administer the state's own standards without reference to race, color, or creed. In other words, if Alabama requires an intimate knowledge of the Alabama Constitution in order to vote, and uses this device to bar Negro voters, let the feds come in and apply the standard endorsed by the Alabama Legislature even if it ends up disqualifying Alabama's governor.

It is the Federal Government's responsibility to enforce the provisions of the 15th Amendment to the Constitution. It is not the business of the Federal Government to repeal the First Article of the Constitution. And the first can be done without doing the second. Responsible legislators should draft and promote an alternative bill.

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## THE WEEK

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■ **"UNLESS WE WANT TO BOG DOWN IN VIETNAM** for ever and a day, or lose it, we have got to take some action that will actually force the Vietcong to give up the fight. . . The supplies of the Communist invaders have got to be shut off. This means threatening or actually interdicting the supply routes from Red China, Laos and Cambodia. . . It could mean messing up some roads, hitting some depots, and stopping some shipping. . . . So long as the Communists are going to wage war on their neighbors, and on us, their vital food supplies should not be protected as they are today. We should make this clear to the Communists. . . ." (The unsuccessful candidate for the Presidency, April 18, 1964.)

■ **ANYONE FOR SEC.TREAS?** Douglas Dillon wants out. The gold outflow is worse now than when he took over, and the silver coinage problem has been allowed to drift to the edge of chaos. He will quit, he hopes, before the collapse. President Johnson can't find anyone to step up and play SecTreas for the—Dillon Depression? He asked Mr. Donald Cook of American Electric Power, but Mr. Cook, having inspected his and the nation's payments

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